

ACPB October 21, 2021 Meeting Minutes

NOTE: Due to issues related to Covid-19, the October 21, 2021 meeting of the ACPB was held remotely via Microsoft Teams. The public was able to call into the meeting to listen, but was not able to make comments during the meeting. There was a designated period of time prior to the meeting for written comments to be submitted.

Board Members Present: Brian Crawford, Gerry Engstrom and Travon Jackson

Albany County Public Works Office: Gopika Muddappa, Senior Planner; Lynn Delaney, Secretary; William Anslow, Civil Engineer; Jim Mearkle, Traffic Engineer; Sameer Modasra, Ex-Officio; and Ransom Moore, Ex-Officio.

Minutes: Lynn Delaney

Call to Order: Gerry Engstrom called the meeting to order at 3:45PM.

Brian Crawford made a motion to approve the August 19, 2021 and September 16, 2021 meeting minutes. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Travon Jackson made a motion to move the cases with a Staff Opinion of “Defer to Local Consideration” to the front of the agenda and vote on them as a group. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #:	<u>04-211003815</u>
Project Name:	Addition to Existing Trucking Business - Millious Trucking
Applicant:	Charles Millious/Nancy Millious
Project Location:	1194 Route 9W, Selkirk
Municipality:	Town of Bethlehem
Parcel Size:	5.49 acres
Zoning:	Rural Hamlet (RH)
Tax Map Number:	121.04-1-3.21
Referring Agency:	Town of Bethlehem Zoning Board of Appeals
Considerations:	Area variance to expand preexisting non-conforming trucking business with a breezeway between buildings and the new structure will be a 4888 SF with an allowance for front and side yard setbacks. The construction will also require a use variance since trucking business is no allowed in the Rural Hamlet zoning district.
Action Type:	Area Variance, Use variance
Juris. Determinant:	Federal Highway

ACPB October 21, 2021 Meeting Minutes

Potential Impacts: US Route 9W

Staff Notes: The applicant proposes to build a 60'x80' Pole Barn for storage and repairing of equipment. The new structure will provide more storage capacity and is cost effective that suits the applicants needs for the additional building. The applicant is concerned about maneuvering issues if the new structure is placed in a different location could possibly have maneuvering issues with the length of tractor trailers' turning radius. The trucking business has been existing for 17 years and the applicant plans to significantly improve the surroundings with new improvements. The applicant proposes to continue using the property for business in the Rural Hamlet district and hence requests use variance.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: **05-211003816**
Project Name: **Appleby Area Variance**

Applicant: Susan Appleby
Project Location: 272 Starr Road
Municipality: Town of Coeymans
Parcel Size: 0.86 acres
Zoning: Residential Agricultural (R/A)
Tax Map Number: 155.-1-56
Referring Agency: Town of Coeymans Zoning Board of Appeals

Considerations: Area variance to build an addition of 22' on the side of the house where minimum 30' is required.

Action Type: **Area variance**

Juris. Determinant: County Road
Potential Impacts: 102 Starr Road, NWI Wetlands

Staff Notes: The applicant proposes a building addition of 12'x28' and the proposed action does not meet the Section 165-8 Schedules of District Zoning Regulations. As per the building code the addition needs to be 30ft off property line where only 8' is proposed. A 22' side lot allowance is required.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: **05-211003818**
Project Name: **Entrott 2-Lot Subdivision**

Applicant: James Entrott
Project Location: 1638-1642 US 9W
Municipality: Town of Coeymans
Parcel Size: 2.50 acres
Zoning: Planned Commercial (C-1P)
Tax Map Number: 144.-1-17
Referring Agency: Town of Coeymans Planning Board

Considerations: Subdivision review for subdividing a 2.5 acre parcel into two equal lots of 1.25 acres each. Each parcel has an existing home with individual wells, septic systems and driveways.

Action Type: **Subdivision Review**

Juris. Determinant: Federal Highway
Potential Impacts: US Route 9W

Staff Notes: The applicant proposes to subdivide 2.5 acre land into two equal parts. Both Lot#1 and Lot#2 will be 1.25 acres each. The property has existing private water sources and sewer treatment facilities. No land disturbances are indicated on the SEAF. This Case (Case #:05-210803775) was before the Albany County Planning Board in August 2021 to review for an area variance to meet the lot width requirements. The ACPB decision was, "Modify local approval to include
1. The Albany County Planning Board recommends that the Town should request the applicant to pass the overall state statutory test to demonstrate any "unnecessary hardship "before granting the area variance."

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

ACPB October 21, 2021 Meeting Minutes

Case #: 18-211003824
Project Name: **Stanton Legacy Farms LLC 3-Lot Subdivision**

Applicant: Stanton Farms
Project Location: Biers Road
Municipality: Town of Coeymans
Parcel Size: 135.40 acres
Zoning: Residential Agricultural (R/A)
Tax Map Number: 131.-3-5.24
Referring Agency: Town of Coeymans Planning Board

Considerations: Three-lot subdivision of 135.4 acres of land. Lot#1 to be 49.7 acres, Lot#2 to be 85.3 acres and Lot# 1A to be 1 acres and merged with Lot#1.

Action Type: **Subdivision Review**

Juris. Determinant: County Road, Agricultural District
Potential Impacts: CR 108 Copeland Hill Road, Agricultural District, Historical District, Municipal Boundaries of Town of New Scotland

Staff Notes: Three-lot subdivision to adjust the previously subdivided lots. The parcels were recently subdivided and the prospective buyer wishes to add an additional acres of land to Lot#1 because of the land contours. 135.4 acres to be divided into three lots; Lot#1 to be 49.7 acres, Lot #2 to be 85.3 acres and Lot#1A to be 1+/- acres and merged with Lot#1. No land disturbances are indicated. This case was reviewed by the Albany County Planning Board in August 2021 for subdivision review. The ACPB decision was, "Defer to local consideration 1. This board has found that the proposed action will have no significant countywide or intermunicipal impact." with an Advisory Note, "1. The site plan does not show boundaries of both the proposed lots."

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Advisory Note: 1. The site plan does not show boundaries of both the proposed lots.

Case #: **05-211003828**
Project Name: **Northern Traffic Consultants Area Variance**

Applicant: Northern Traffic Consultants
Project Location: 23 Pratt Lane
Municipality: Town of Coeymans
Parcel Size: 18.00 acres
Zoning: Residential Agricultural (R/A)
Tax Map Number: 141.-1-20.1
Referring Agency: Town of Coeymans Zoning Board of Appeals

Considerations: Area Variance for a 20' front line setback to place a garage on the parcel where 40' setback is required.

Action Type: **Area Variance**

Juris. Determinant: Municipal Boundary
Potential Impacts: Intermunicipal Boundaries of Town of Coeymans and Town of Westerlo

Staff Notes: The applicant proposes to construct a garage with 20' front line setback where 40' is required. An area variance is required since the proposed garage does not meet the requirements under Section 165-8 Schedule of District Zoning Regulations.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: **07-211003811**
Project Name: **Maxies Bar & Grill Outdoor Capacity**

Applicant: Marget Maggetta
Project Location: 240 Wolf Road
Municipality: Town of Colonie
Parcel Size: 1.40 acres
Zoning: Mixed Use Commercial Office Residential District
Tax Map Number: 30.4-1-10
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance to expand outdoor space for bar & grill.

Action Type: Area Variance

Juris. Determinant: Interstate Highway, County Road
Potential Impacts: I87 Adirondack Northway, CR 151 Albany Shaker Road, Historic District, NWI Wetlands

Staff Notes: The owners of JT Maxies Bar & Grill are seeking an area variance to increase the size of their outdoor dining capacity and to make the outdoor space more comfortable by building a wood & steel roof over a portion of patio to protect customers from the elements. Additionally, the owners propose to update the exterior facade with new paint and materials and create three glass garage door opening that connect the indoor space to the patio. This proposal for a patio canopy and music platform in the front yard of an existing bar and grill has a 5' canopy and 11' platform setback where 20' is required. Both the proposed changes are not permitted in the front yard as stated in the Town of Colonie Land Use Law.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 07-211003812
Project Name: Lia Nissan - Parking Expansion

Applicant: Lia Nissan of Colonie
Project Location: 2223 Central Ave
Municipality: Town of Colonie
Parcel Size: 0.79 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 16.7-8-25
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review to consolidate 0.22 acres of adjacent property, 5 Fox Avenue, into Lia Nissan for the purpose of expanding their existing parking lot.

Action Type: Site Plan Review/ Special Use Permit

Juris. Determinant: State Highway
Potential Impacts: 5 Central Ave

Staff Notes: The applicant is requesting a special use permit to propose expansion of the existing car parking/staging lot/area for the Lia Nissan of Colonie facility. A lot merger of the subject site is also proposed with the overall Lia parcel. The subject portion of the overall property that is proposed to be redeveloped with the expanded parking lot, which is currently vacant, was previously developed with a single family home and associated asphalt area. The single-family home was demolished in 2021. The proposed parking lot development will be in harmony with the surrounding commercial sites and no adverse effects are anticipated due to the low impact of the development. Utility connections are not needed for the proposed parking lot expansion.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 07-211003825
Project Name: **Contractors Sales - Addition/Site work**

Applicant: C2M Properties, LLC
Project Location: 121 Karner Road
Municipality: Town of Colonie
Parcel Size: 2.76 acres
Zoning: Industrial (IND)
Tax Map Number: 29.3-2-1
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the construction of a one-story 3850 SF office addition to the existing warehouse/garage, municipal water connection and onsite industrial sewage disposal system. Impervious site statistics to remain unchanged.

Action Type: **Site Plan Review**

Juris. Determinant: County Road
Potential Impacts: CR 155 New Karner Road, NWI Wetlands

Staff Notes: The subject property is zoned Industrial, is approximately 3.07 acres and is currently occupied and used by the applicant for the sale and rental, storage and service of heavy construction and mining equipment. The property houses equipment parts, a service garage, and a Customer Service/ Sales Office. The proposed project is the construction of a

ACPB October 21, 2021 Meeting Minutes

3,850+/- SF office with associated parking, expanding on an existing 10,000 SF garage. The building will connect to municipal water systems and include an on-site individual sewage disposal system. The project proposes a net zero increase/decrease in impervious area. The existing site includes 21 parking spaces and the proposed parking lot includes 32 spaces. The proposed office space addition to the existing garage building was granted a variance for side yard setback by the ZBA on May 19, 2021. This case (07-210603724) was reviewed by the Albany County Planning Board in June 2021 for an area variance to meet the setback requirements for the same proposed action. The ACPB decision was, "Defer to local consideration - 1. This board has found that the proposed action will have no significant countywide or intermunicipal impact."

Staff Opinion:

Defer to local consideration

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #:

13-211003821

Project Name:

Lands of Grassucci

Applicant:

Cynthia Elliot

Project Location:

424 Font Grove Road

Municipality:

Town of New Scotland

Parcel Size:

5.4, 0.69, 21.0 acres

Zoning:

Medium Density Residential (MDR)

Tax Map Number:

73.-1-27.5, 73.-1-26, 73.-1-27.4

Referring Agency:

Town of New Scotland Planning Board

Considerations:

Subdivision review/lot line adjustment to allow 0.01 acres to existing parcel #73.-1-26 to receive additional land to meet setback requirements. No new lots are being created.

Action Type:

Subdivision Review

Juris. Determinant:

County Road, Agricultural District

Potential Impacts:

306 Font Grove Road, Agricultural District

Staff Notes:

The applicant proposes to add 0.01+/- acres to an existing house lot with tax# 73.-1-26 (412 Font Grove Road) to meet setback requirements for a well and a shed. This is an addition of land to an existing house lot to give clearance around an existing shed for the purpose of sale of the dwelling. This is an adjustment of boundaries for the purpose of settling

an estate. 6.94+/- acres of the land from the property which is currently vacant at Font Grove Road (73.-1-27.4) will be added to the property at 424 Font Grove Road (73.-1-27.5). No new lots are proposed to be created. No land disturbances are anticipated during the proposed action. The new lot at Font Grove road is to be 13.91 acres, lot at 412 Font Grove Road is to be 0.67 acres and the lot at 424 Font Grove Road to be 12.38 acres.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: **13-211003822**
Project Name: **Lands of West and Guzek**

Applicant: Cynthia Elliot
Project Location: 2037 & 2041 Delaware Tpke
Municipality: Town of New Scotland
Parcel Size: 1.4 & 0.49 acres
Zoning: Commercial Hamlet (CH)
Tax Map Number: 105.4-2-37, 105.4-2-36
Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision review/lot line adjustment of 0.43 acres between neighbors with improvements on both parcels.

Action Type: **Subdivision Review**

Juris. Determinant: State Road, County Road
Potential Impacts: 443 Delaware Tpke, 301 Tarrytown Road, FEMA Floodzone

Staff Notes: The applicant proposes to alter the existing boundary line between two properties to add approximately 0.41 acres to the smaller lot at 2041 Delaware Tpke to increase the backyard. No new lots are being created and no setback requirements will be violated. No land disturbances are anticipated during the proposed action. The new lot at 2037 Delaware Tpke is to be 1.06 acres and the lot at 2037 Delaware Tpke is to be 0.83 acres.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

ACPB October 21, 2021 Meeting Minutes

Brian Crawford made a motion to accept the Staff Opinion for Case #'s: 04-211003815, 05-211003816, 05-211003818, 18-211003824, 05-211003828, 07-211003811, 07-211003812, 07-211003825, 13-211003821 & 13-211003822. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 01-211003814
Project Name: **1415 Washington Avenue**

Applicant: 1415 Washington Property LLC
Project Location: 1415 Washington Ave
Municipality: City of Albany
Parcel Size: 3.20 acres
Zoning: MU-CU (Mixed-Use, Community Urban), HR-O (Historic Resources Overlay)
Tax Map Number: 53.00-1-25
Referring Agency: City of Albany Planning Board & Zoning Board of Appeals

Considerations: Site plan review for demolition of a +/-66,237 square foot hotel and the construction of a +/-414,580 square foot student dormitory with 231 dwelling units and a parking garage with +/-207 automobile parking spaces. Area Variance to allow a 107-foot front setback where 10 feet is the maximum permitted.

Action Type: **Site Plan Review, Area Variance, Special Use Permit, Demolition Review**

Juris. Determinant: Interstate Highway, City Road, Municipal Boundaries
Potential Impacts: I90, Washington Avenue, FEMA Floodzones, SUNY Albany, Municipal Boundaries of Town of Guilderland (a little over 500')

Staff Notes: Applicant proposes to demolish the existing 95 room hotel (Cresthill Suites) and construct new dormitory. The new building will have 240+/- dwelling units being a mixture of 1, 2 & 4 bedroom units. The total number of beds would be 560 +/- beds. The building will be 5 stories or 4 stories over parking. There will be two levels of parking over a portion of the building footprint and the total parking for 207+/- cars is proposed. The gross SF of the building will be 414,580 +/- SF. In addition to indoor amenity spaces, there will be an 8,000+/- SF Community Courtyard/Amphitheater and an 8,300 SF Plaza. Bike storage and bike racks will be provided. These units are targeted for rental to students or staff of SUNY Albany but may also attract students of other colleges or

universities in the area. The required parking is 0.5 parking space per unit. With 240 units the required parking is 120 spaces but the applicant is requesting an area variance to permit 207 parking spaces to serve the maximum occupancy of 551+/- people. An area variance is also requested to allow 107-foot front setback where 10 feet is the maximum permitted. Regarding storm water, the Applicant's engineer is familiar with the underlying soils and believes that porous asphalt pavement and subsurface infiltration galleries would allow all stormwater to be absorbed into the groundwater. An existing sanitary sewer and water main traverse the site. A demolition debris diversion plan is included in the proposal. 2.95 acres of physical disturbance is anticipated during the proposed action. As mentioned in the letter by SHPO, to avoid inadvertent impacts to the archaeological site, OPRHP recommends that this easement be indicated on project plans, temporarily fenced, and marked with signage prior to the commencement of construction activities.

Staff Opinion:

Modify local approval to include.

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. A demolition review is required to ensure no hazardous materials are present in the site.
3. Review by the Albany County Department of Health for water supply, waste water discharge, and other required permits.
4. The local fire department should be consulted for requirements for assembly space as well as the adequacy of the ingress and egress for emergency services.
5. Notification of the application should be sent to the Town of Guilderland, including all required notices pursuant to GML §239-nn.
6. The applicant should be aware that the student crossing can be dangerous and the crosswalk should be upgraded to ensure safety.

Dan Hershberg of Hershberg and Hershberg discussed the case and the specifics of future plans to address safety. There was significant discussion about the safety to pedestrians crossing Washington Avenue. Brian Crawford made a motion to accept the Staff Opinion for Case #**01-211003814**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 17-211003817
Project Name: **City Restoration - Gas Station & Convenience Store**

Applicant: City Restoration
Project Location: 200 23rd Street
Municipality: City of Watervliet
Parcel Size: 0.23 acres
Zoning: Mixed Use 2 (MU-2)
Tax Map Number: 32.51-2-33
Referring Agency: City of Watervliet Zoning Board of Appeals

Considerations: Area variance and special use permit to renovate old gas station/service station into a gas station/convenience store.

Action Type: **Area Variance, Special Use Permit**

Juris. Determinant: State Touring Route
Potential Impacts: 32 2nd Avenue, FEMA Floodzone

Staff Notes: The applicant proposes to renovate and expand existing convenience store building and replace gas tanks and pumps. An area variance is required to allow the tanks to be 50' from the residential property. Total acreage of physical disturbance is expected to be 0.23 acres. The proposed action will also need a special use permit as per Chapter 272-75 of the City land use code to renovate the existing and abandoned gas station since the property is located in the Mixed Use-2 zoning district.

Staff Opinion: Modify local approval to include.
1. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations.
2. Review by the Albany County Department of Health for food service and other required permits.

The Board did not have any questions or comments. Travon Jackson made a motion to accept the Staff Opinion for Case #17-211003817. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 04-211003819
Project Name: **Community Power Group Solar LLC**

Applicant: Community Power Group, LLC
Project Location: 678 Route 9W, Glenmont
Municipality: Town of Bethlehem
Parcel Size: 56.56 acres
Zoning: Mixed Economic Development District (MED)
Tax Map Number: 109.00-3-3
Referring Agency: Town of Bethlehem Legislative Board

Considerations: Development master plan of accessory use of 5MW Common solar facility in the agricultural site. Agricultural use will occupy 28.66 acres and the solar facility will occupy 27.9 acres with 0.96 acres of land disturbance.

Action Type: **Development Master Plan**

Juris. Determinant: Federal Highway, Interstate Highway, Agricultural District
Potential Impacts: US Route 9W, I87 New York State Thruway, Agricultural District, NWI Wetlands

Staff Notes: The proposed principal use of this site will be a 5MW community solar facility. This use requires a Mixed Economic Development District Approval. The agricultural use will continue on the site. The physical alteration including all fenced areas, access roadway and transformer area occupies 27.90 acres of the site (49.30%). Access roadway will include a cul-de-sac at its terminus. Total USACOE wetland disturbance will be 0.096 acre for which a Pre-Construction Notice is to be filed. The solar panels will be placed using low pressure tired vehicles and other approved methods to avoid disturbance of the balance of ACOE wetlands. Vegetative swales will treat stormwater from the driveway and a SWPPP will be required. The parcel has 25.815 acres of Waters of the United States (WOTUS). The site is used for cattle grazing. The Applicant is leasing 27.9 acres of the site for a 5MW solar community facility (including all fenced areas, access roadway and transformer areas) with the balance of the site will remain in agricultural use. Therefore, the primary use as agricultural land will occupy 28.66 acres of the site (50.70%) and the accessory use as a community solar facility will occupy 27.90 acres of the site (49.30%). Construction of the access road and utility line will entail measures to prevent unauthorized incursions into WOTUS. No impact is anticipated on Sanitary Sewer or Water systems of the Town. The ingress/egress roadway and

transformed/switchgear pads will have slight changes from pervious to impervious and this will be mitigated by the use of dry swales along the north line of the ingress/egress roadway. The property contains a Class C stream and the potential for federally regulated freshwater wetlands to be present. The letter from the Division of Environmental Permits, Region 4 (included with the application) states that no permit under Article 24 (Freshwater Wetlands) is required from NYSDEC for the proposed project.

Staff Opinion:

Modify local approval to include.

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.
3. A decommissioning plan or established conditions requiring abandoned solar systems to be removed by the owner is also generally included as part of an approval for this size project.

Advisory Note:

1. The Albany County Planning Board recommends the consideration of possibilities of vegetation and soil berm for screening of the solar panels.

There was discussion among the Board members and Dan Hershberg of Hershberg and Hershberg regarding this case. A decision was made to add an Advisory Note about screening options of the Solar Panels (noted above).

Travon Jackson made a motion to accept the Staff Opinion for Case #**04-211003819**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: **07-211003813**

Project Name: **Dom's Pizza**

Applicant: Tony D'Adamo (Agent)

Project Location: 1096 Loudon Road

Municipality: Town of Colonie

ACPB October 21, 2021 Meeting Minutes

Parcel Size: 0.70 acres
Zoning: Neighborhood Commercial office Residential District (NCOR)
Tax Map Number: 9.2-1-19
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance to the proposed pizza parlor to allow a site down restaurant and more parking.

Action Type: **Area Variance**

Juris. Determinant: Federal Highway, State Highway
Potential Impacts: 9 Loudon Road, 9R Boght Road

Staff Notes: The proposal for a fast-food use and associated waste refuse located in the Neighborhood Commercial Office Residential (NCOR) zoning district is located 185' from the zone boundary line of the Single Family Residential (SFR) zoning district where 200' is required as per the Town of Colonie Land Use Law. Hence, an area variance is required.

Staff Opinion: Modify local approval to include.
1. Review by the Albany County Department of Health for food service and other required permits.
2. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway.
3. The applicant should ensure to provide ADA complaint entrances.

The Board did not have any further questions or comments. Brian Crawford made a motion to accept the Staff Opinion for Case #07-211003813. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: **07-211003826**
Project Name: **Sherwood LLC Project**

Applicant: 44 Sherwood, LLC c/o NAI Platform Management Group
Project Location: 44/60 Sherwood Drive
Municipality: Town of Colonie
Parcel Size: 23.10 & 6.50 acres
Zoning: Airport Business Area (ABA)
Tax Map Number: 30.2-2-2, 30.2-2-1
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for construction of 18 new homes of which seven (7) of them will be in Airport business Area zone and an area variance for adjacent property at No. 42 Sherwood Drive for existing accessory structure.

Action Type: **Site Plan Review, Area Variance**

Juris. Determinant: Interstate Highway, State Road
Potential Impacts: I87 Adirondack Northway, NYSDEC Wetlands, NWI Wetlands, 155 Watervliet Shaker Road

Staff Notes: The proposed 18 lot conservation subdivision with seven (7) lots partially in an Airport Business Area (ABA) Zoning District which is not an allowable use as per the Town Land Use Law. Additionally, the existing detached garage at 42 Sherwood Drive will become a nonconforming structure, an accessory structure in a front yard on a corner lot, and will not be compliant with the prohibition of accessory structures in a front yard as stated in the Land Use Law. This case (07-210903788) was reviewed by the Albany County Planning Board in September 2021. The ACPB decision was, "Disapprove: 1. The Albany County Planning Board found the project associated documents to be inconsistent and unacceptable for review purposes. 2. The Town should consider the public comments that is in opposition to the proposal and the adverse effects of commercial development to the residential neighborhood.3. In determining whether to grant an area variance, the zoning board of appeals should take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant."

Staff Opinion: Modify local approval to include.

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. The Town should consider the public comments that is in opposition to the proposal and the adverse effects of the new development to the residential neighborhood.
3. In determining whether to grant an area variance, the zoning board of appeals should take into consideration the benefit to the applicant if the

ACPB October 21, 2021 Meeting Minutes

variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

4. The Albany County Planning Board recommends that the applicant examine the alignment of the Brookdan Court road to push further North where the curve is proposed in an attempt to connect the driveway into the Cul-de-sac rather than slightly before it.

5. The Albany County Planning Board requests the applicant to provide screening for the garage at 42 Sherwood Drive with soil berm and vegetation, preferably non-deciduous, to provide screening year round and buffer the existing property.

The Board had significant discussion regarding this case and reviewed the Site Plan during the discussion. Greg Faucher, representing the developer of this project, asked to speak to the Board. He stressed that this is a residential project adjacent to a residential project. Lot sizes will be consistent with the existing lots that are already there. He stated that in return, the town will get 20 acres of land to be conserved forever.

The homeowner of the property at 42 Sherwood Drive, Cheri Plasse, also spoke to the Board to express her concerns about this development and specifically, the way her property will be affected. Ms. Plasse stated that her concern is that “There is going to be a road right next to my property that’s up against my garage. We live on a nice dead end street and it’s going to ruin this whole neighborhood and it’s going to ruin my property”.

Lynn Sipperly, of L. Sipperly & Associates LLC, asked to also speak to the Board regarding this project. He stated that the use variance is for a portion of 7 lots to lie within the airport business area zone. Due to proposed changes the issue is that the garage at 42 Sherwood Drive would now not meet zoning code. He stated that they are requesting 2 variances. 1 is the use variance for ability to have a portion of these lots in the airport business zone, and the second is the area variance for the garage. Ransom Moore inquired as to why the developer is applying for the variance for the homeowner’s garage. Lynn stated that it was a suggestions of the Colonie Building Dept. zoning officer.

The Board asked about ways that the developer could adjust the plans to connect the driveway into the Cul-de-sac which would provide more clearance to the garage. Greg Faucher said they could take that back to the town for discussion.

The Board decided to add modifications about the relocation of the road and to add screening for the garage (noted above as #4 & #5).

Travon Jackson made a motion to accept the Staff Opinion with the additional modifications for Case #07-211003826. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 15-211003820
Project Name: **General Store**

Applicant: Sarah Solomon
Project Location: 5033 Delaware Turnpike
Municipality: Town of Rensselaerville
Parcel Size: 0.06 acres
Zoning: Hamlet (H)
Tax Map Number: 137.9-3-6
Referring Agency: Town of Rensselaerville Planning Board

Considerations: Special use permit to use the existing building as a small shop carrying a limited selection pantry items, gift and takeout coffee

Action Type: **Special Use Permit**

Juris. Determinant: State Highway
Potential Impacts: 85 Delaware Tpke

Staff Notes: The applicant proposes to open a small shop with a total footage of 380SF. It will be used as a commercial space open to public and used as a general store with a limited selection of specialty groceries, gifts and takeaway coffee.

Staff Opinion: Modify local approval to include.
1. Review by the Albany County Department of Health for food service and other required permits.
2. The applicant should ensure to provide ADA complaint entrances.

It was noted that parking will have to be on the street, but the Board believed that this type of business will not bring in a lot of auto traffic due to its small size.

Brian Crawford made a motion to accept the Staff Opinion for Case #15-211003820. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

After the vote had taken place, the applicant called into the meeting unaware that it had been already discussed and voted upon. She stated that she wanted to make the Board aware that she will be going through the Dept. of Agriculture and Markets and not through the Dept. of Health. The Board advised her that they believe that she will still have to apply to the County Dept. of Health for a permit and an inspection.

ACPB October 21, 2021 Meeting Minutes

Case #: **18-211003823**
Project Name: **Pavicilin Solar**

Applicant: Debra Pavicilin
Project Location: 77 Cty Rte 405
Municipality: Town of Westerlo
Parcel Size: 74.90 acres
Zoning: Rural Development/Agricultural (RD/A)
Tax Map Number: 176.-1-46.1
Referring Agency: Town of Westerlo Planning Board

Considerations: Site plan review and special use permit for installation of ground based PV solar array.

Action Type: **Site Plan Review, Special Use Permit**

Juris. Determinant: State Road, County Road, Agricultural District
Potential Impacts: State Route 32, CR 405, Agricultural District, Municipal Boundaries of Green County

Staff Notes: A site plan review and special use permit to install a ground mounted PV solar system to offset residential electrical consumption. About 0.0154 acres of land disturbances is indicated. This is an installation of 16.32 KW ground mount solar and the applicant is requesting a special use permit to install this solar system that will be either over 30 foot long, 400SF in size or over 15 foot in height as per zoning section 18.40 BViii.

Staff Opinion: Modify local approval to include.
1. Notification of the application should be sent to the Green County, including all required notices pursuant to GML §239-nn.

The Board did not have any questions or comments. Travon Jackson made a motion to accept the Staff Opinion for Case # **18-211003823**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: **14-211003827**
Project Name: **Marino's Collectables**

Applicant: Randy Marino
Project Location: 4 Central Ave
Municipality: Village of Ravenna

ACPB October 21, 2021 Meeting Minutes

Parcel Size: 0.26 acres
Zoning: R2 Zone (Zoned B-1)
Tax Map Number: 168.40-1-12
Referring Agency: Village of Ravenna Planning Board

Considerations: Site plan review to remodel the building into using it as a comic/arcade store.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 143 Main Street

Staff Notes: The applicant proposes to renovate the existing vacant half of the building at 4 Central Ave a comic/arcade store. No land disturbances are indicated on the SEAF. The proposed location is an existing building with a history of commercial use, including use as Retail Store/Personal Service Shop, that has been vacant for more than one year. Pursuant to Village Code 96-16, the ZBA specifically waives the requirement to submit any additional information, including but not limited to the requirement that the site plan be prepared by a licensed architect or engineer.

Staff Opinion: Modify local approval to include.
1. All future applications for site plan review should include site plans prepared by a licensed professional.
2. Review by the Albany County Department of Health for bathroom facilities is required.

The Board reviewed the drawing provided by the applicant. The Village of Ravenna waived the requirement that a Site Plan be provided. There was a discussion about the lack of Restrooms shown on the drawing and whether they would be required if customers were staying to use the arcade games. A decision was made to add a modification that DOH should be consulted regarding this issue (noted above as #2).

Travon Jackson made a motion to accept the Staff Opinion for Case #14-211003827. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

ACPB October 21, 2021 Meeting Minutes

Old Business: Gov. Hochul’s ruling that Public Meetings may be held remotely continues through January 15, 2022. Therefore, the next meeting of the Albany County Planning Board will be held via Microsoft Teams on November 18, 2021 at 3:30pm.

New Business: Due to the resignations of ACPB members Enzo Sofia and Dominic Rigosu, Albany County Planning Board Chairperson; the Board had a discussion about whether they should have a vote for an “interim” chairperson until new board members are appointed by the Albany County Legislature. The 3 remaining Board members felt that they should have someone as an interim chair. Brian Crawford suggested that they should appoint someone now as an interim chair, and when they have a full board they will discuss it and vote again if required. Ransom Moore, mentioned the recommendations of the Albany County Legal Dept. that a chairperson not be appointed until the Board has additional voting members and that the Vice Chair should run the meetings, however, the Albany County Planning Board does not have a Vice Chair. Gerry Engstrom stated that going forward, they plan to put a Vice Chair in place. Bill Anslow, Civil Engineer, stated that he interpreted the email from legal as meaning it would be ok to vote for an “interim” chairperson until the new board members are sworn in. Brian Crawford made a motion to appoint Gerry Engstrom as an Interim Chairperson. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Adjourn: Travon Jackson made a motion to adjourn at 5:00pm.

A transcription and/or video recording of this meeting will be made available upon receipt of a FOIL request.