

ACPB 11/18/21 Meeting Minutes

NOTE: Due to issues related to Covid-19, the November 18, 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; Robert Gunther, Stormwater Program Technician; Sameer Modasra, Ex-Officio; and Ransom Moore, Ex-Officio.

Minutes: Lynn Delaney

Call to Order: Gerry Engstrom called the meeting to order at 3:46PM.

Brian Crawford made a motion to approve the October 21, 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>01-211103829</u>
Project Name:	289 Hudson Avenue
Applicant:	QUAD H, LLC
Project Location:	289 Hudson Avenue
Municipality:	City of Albany
Parcel Size:	0.10 acres
Zoning:	R-T (Townhouse)
Tax Map Number:	76.32-1-59
Referring Agency:	City of Albany Planning Board
Considerations:	Special use permit for conversion of +/-3,700 square feet of office space into two dwelling units.
Action Type:	Special Use Permit
Juris. Determinant:	State or County Property
Potential Impacts:	Historical District

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Staff Notes: The applicant proposes to convert 3,700 SF of office space into two apartments. The space is currently utilized as an office which is proposed to be terminated. 17 car parking spaces are available at 290 Hudson Ave to support the subject property. The proposed use is consistent with the character and current housing stock in the neighborhood.

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

Case #: 04-211103840
Project Name: Joe's Kwik Marts, LLC/Exxon

Applicant: Total Image Solutions
Project Location: 146 Delaware Ave, Delmar
Municipality: Town of Bethlehem
Parcel Size: 0.39 acres
Zoning: Commercial Hamlet
Tax Map Number: 6.10-2-3
Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Area variance to change signage to internally illuminate with an LED pricer to display gas price.

Action Type: Area Variance

Juris. Determinant: State Road
Potential Impacts: 443 Delaware Ave

Staff Notes: This is an application for area variance to replace the existing signs with LED price sign to display gas price. Under Article VI, Supplement Regulation, Section 128-59, Signs in the Commercial Hamlet can be lit by external means only. No impacts on neighbor or travelers on the road is anticipated.

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

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Case #: 07-211103830
Project Name: **2054 Central Motorcycle Dealership**

Applicant: Steve Vukas (JSC property Holdings)
Project Location: 2054 Central Ave
Municipality: Town of Colonie
Parcel Size: 1.20 acres
Zoning: Mixed Use Commercial Office Residential (COR)
Tax Map Number: 17.13-1-17
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for the proposed motorcycle dealership in Commercial Office Residential (COR) Zone which is 71.4' away from Single Family Residential (SFR) zone where 200' is required.

Action Type: **Area Variance**

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

Staff Notes: The applicant proposes to renovate the existing +/-17,400 SF building to incorporate the use of a Ducati Motorcycle dealership. In addition to the motorcycle sales, the applicant is proposing an area of the building to be used for motorcycle repairs and service as well as motorcycle storage. The redevelopment includes re-striping the front parking area, grading and asphalt improvement. Associated signage, storm water management, pedestrian access, and ADA parking/access are also proposed. The existing ingress/egress to the site is to remain. The building and property is currently used for vehicles and parts storage. The existing building has two full access drives. The perimeter of the building has vegetative ground cover on the sides and to the rear of the site. The site is bound by commercial uses to the east, west and south of the site. The site is served by municipal water and sewer. Along the site frontage there is an existing sidewalk and curbing. Anticipated total acreage of physical disturbance is 0.40 acres. The proposed minor motor vehicle repair shop 71.4' away from the Single Family Residential (SFR) zone where 200' is required as per 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.

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Case #: 07-211103833
Project Name: **Construction Company at 1205 Central Ave**

Applicant: Ninamarie Crisafulli
Project Location: 1205 Central Avenue
Municipality: Town of Colonie
Parcel Size: 0.40 acres
Zoning: Neighborhood Commercial Office Residential District (NCOR)
Tax Map Number: 53.6-7-35.1
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Use variance for the proposed large construction company in Neighborhood Commercial Office Residential District (NCOR) district.

Action Type: **Use Variance**

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

Staff Notes: The applicant proposes alteration to the currently vacant and derelict subject property for use as a local roofing company, with the existing building being renovated to be used as the commercial offices and internal shop, with the side yard to be used a parking space. The proposed large construction company located in the Neighborhood Commercial Office Residential District (NCOR) is not permitted as stated in the Town of Colonie Land Use Law. The construction company will consist of small office for staff, small show room/meeting room for display, samples of materials and equipment storage, and company vehicles and trailers. As a part of the project, a private fence will be installed around the side parking area and yard which mitigates the sight-line from the street and adjacent properties to the parking area.

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

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Case #: 07-211103841
Project Name: **J.T Maxies - Outdoor Seating/Patio Roof**

Applicant: Regino Schanz
Project Location: 240 Wolf Road
Municipality: Town of Colonie
Parcel Size: 1.40 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 30.4-1-10
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for 994SF extension of existing patio with a permanent roof over a portion of patio. Accessory structure and façade upgrades are also proposed.

Action Type: **Site Plan Review**

Juris. Determinant: Interstate Highway
Potential Impacts: I87 Adirondack Northway, Historic District

Staff Notes: The owners of JT Maxies Bar & Grill are seeking to increase the size of their outdoor dining capacity and to make the outdoor space more comfortable by building a wood and steal roof over a portion of patio to protect customers from the elements. Additionally, the owners will be updating the exterior facade with new paint and materials and creating three glass garage door openings that connect the indoor space to the patio. This application was reviewed by the Albany County Planning Board in October 2021 for an area variance to meet the setback requirements. 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.

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Case #: 07-211103857
Project Name: **Valente Building**

Applicant: Nick Costa
Project Location: 175 Troy Schenectady Road
Municipality: Town of Colonie
Parcel Size: 1.40 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 32.1-2-5.13
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for conversion of some of the commercial space to be used as residential space.

Action Type: **Area Variance**

Juris. Determinant: State Road
Potential Impacts: 2 Troy Schenectady Road, FEMA Floodzones

Staff Notes: The proposal to convert commercial space to four (4) additional residential apartments, in the Commercial Office Residential (COR) zoning district, will be a total of ten (10) residential units where a maximum of (6) is allowed. It will have 32,400 SF of residential density where only 25,200 SF is allowed and the applicant also proposes 2,400 SF of commercial density where 6,480 SF is required. These proposed actions are not complaint with the requirements of mixed use zones pursuant to Town Land Use Law. The commercial spaces have not had any tenants since the building was completed in 2019. Hence, the applicant proposes utilize the space as residential with an 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.

Case #: 10-211103839
Project Name: **Fitness Club**

Applicant: Legacy Fitness Training LLC
Project Location: 3637 Carman Road
Municipality: Town of Guilderland
Parcel Size: 0.85 acres
Zoning: General Business (GB)

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Tax Map Number: 27.11-1-24.2
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit for conversion of existing warehouse space in a multi-tenant building to a fitness club.

Action Type: **Special Use Permit**

Juris. Determinant: State Road
Potential Impacts: 146 Carman Road

Staff Notes: The applicant requests for a special use permit to rent out 3000 SF of space available for the fitness club. Currently the building is occupied by one employee. The site was formerly occupied by Con-Rel-Auto Electric which had over 30 employees with two retail tenants in the front of the building.

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

Case #: **13-211103843**
Project Name: **Lands of Galgana**

Applicant: Lynn Sipperly
Project Location: 753 Clarksville South Road
Municipality: Town of New Scotland
Parcel Size: 49.60 acres
Zoning: Residential Forestry (RF)
Tax Map Number: 117.-1-13.1
Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision review for the consolidation of 8.14 acre parcel owned by the applicant with other abutting lands of the applicant.

Action Type: **Subdivision Review**

Juris. Determinant: County Road, Municipal Boundary
Potential Impacts: CR 312 Clarksville South Road, Intermunicipal boundaries of Town of New Scotland and Town of Coeymans, NWI Wetlands

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Staff Notes: The applicant proposes to consolidate 8.14 acres of land with other adjoining lands of the applicant. Present property area equals 0.86+/- (Tax Map 49.76+/- acres). The new consolidated property area which includes three land parcels equal 59.0+/- acres. No land disturbances are anticipated during the proposed action. This case (13-200803544) was reviewed by the Albany County Planning Board in August 2020 and the staff recommendation was, "Defer to local consideration. 1. This Board has found that the proposed action will have no significant countywide or intermunicipal impact. Defer to local consideration." with an advisory note, "Advisory: 1. Access to new lot should be off the town road due to sight distance constraints."

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

Case #: **13-211103844**
Project Name: **Lands of Mohawk Hudson Land Conservancy**

Applicant: Mark King
Project Location: 306 Maple Rd
Municipality: Town of New Scotland
Parcel Size: 179.00 acres
Zoning: Medium Density Residential (MDR), Development Area (HDD), Hamlet Expansion(HDE), Hamlet Center (HDC)
Tax Map Number: 73.-4-12
Referring Agency: Town of New Scotland Planning Board

Considerations: Two lot subdivision of lands acquired by Mohawk Hudson Land Conservancy to subdivide 20 acres from the remaining 159 acres to be preserved into the conservancy.

Action Type: **Subdivision Review**

Juris. Determinant: State Road
Potential Impacts: 85 New Scotland Road, 85A Maple Road

Staff Notes: The applicant proposes to subdivide the former Bender Melon Farm property, also known as 306 Maple Road, into two lots. The minor subdivision will result the creation of a 20 acres lot with frontage on Route 85 across from the Stewart Shop that will be sold. The remaining 156 acres will be retained by the current owner - Mohawk Hudson Land

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Conservancy. The use of the 20 acre parcel will be determined by the next owner, there are currently no plans for use of the property. The retained portion of the land will be used as a nature preserve, offering recreational trails and educational opportunities for the public. The two new lots will be 20+/- acres and 156+/- acres. No land disturbances are expected during the subdivision.

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

Case #: 13-211103846
Project Name: **Lands of Robert & Meyer**

Applicant: Philip Roberts
Project Location: 152 & 164 Normanskill Road
Municipality: Town of New Scotland
Parcel Size: 14.3 & 5.51 acres
Zoning: Residential Conservation (R2)
Tax Map Number: 62.-4-7.21, 62.-4-8
Referring Agency: Town of New Scotland Planning Board

Considerations: Lot line adjustment of 11.79 acres of land on adjacent parcels. Both parcels include improvements and no zoning violation will be created.

Action Type: **Subdivision Review/Lot Line Adjustment**

Juris. Determinant: County Road
Potential Impacts: CR 203 Normanskill Road, FEMA Floodzones, Agricultural District

Staff Notes: The applicant proposes a lot line adjustment as Roberts purchase 11.82 acres to merge with adjacent property of 5.45 acres. The adjacent property owner, Carl Meyer, will retain 2.51 acres with residence and out buildings. No new lots are proposed to be created. After the lot line adjustment, Lot#1 is to be 2.51 acres (Lands of Meyer) and Lot#2 is to be 17.27 acres (Lands of Roberts). The well (water supply) for the Meyer residence is located in front of the house and septic system is located in the rear yard approximately 200' from the subdivision line.

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

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Advisory Note: 1. An AG data sheet should be provided since the property is located within 500' of an Agricultural District as per Section 305-a of the New York State Agricultural and Markets Law.

Case #: **13-211103849**
Project Name: **Site Plan #133 - Nagi Retail Smoke Shop**

Applicant: Mastafa Nagi
Project Location: 1969 New Scotland Road (Stonewell Plaza)
Municipality: Town of New Scotland
Parcel Size: 1.01 acres
Zoning: Hamlet Center (HDC)
Tax Map Number: 73.-4-14
Referring Agency: Town of New Scotland Planning Board

Considerations: Site plan review for retail tobacco shop with accessory sales to be located on vacant end unit within Stonewell Plaza.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 85 New Scotland Road, 85A Maple Road

Staff Notes: The applicant proposes to open retail smoke shop within the Stonewell Plaza that includes sale of CBD bongs, cigarettes, cigars, hookah, vape papers, magazines, and snacks. The shop will consist of two to three workers. The unit is currently vacant and the total lot area is 850 SF.

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

Case #: **14-211103851**
Project Name: **Sign - Village of Ravenna Fire Department**

Applicant: Village of Ravenna Fire Department
Project Location: 116 Main Street
Municipality: Village of Ravenna
Parcel Size: 0.45 acres

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Zoning: Single and Two Family Residence (R-2)
Tax Map Number: 168.10-4-6
Referring Agency: Village of Ravenna Planning Board

Considerations: Area variance and special use permit for one sided digital sign to replace current sign.

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

Juris. Determinant: State Road
Potential Impacts: 143 Main Street, FEMA Floodzones

Staff Notes: The fire department of Village of Ravenna proposes to replace the existing sign with new one sided digital sign. The sign will be installed onto existing framework. The sign is to be used for recruitment, special event and emergency messaging by the fire department.

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

Brian Crawford made a motion to accept the Staff Opinion for Case **#01-211103289, 04-211103840, 07-211103830, 07-211103833, 07-211103841, 07-211103857, 10-211103839, 13-211103843, 13-211103844, 13-211103846, 13-211103849, & 14-211103851.** The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: **01-211103835**
Project Name: **17-25 Erie Boulevard**

Applicant: 21 Erie Assoc., LLC
Project Location: 17,19, 21,25 Erie Boulevard
Municipality: City of Albany
Parcel Size: 16.30 acres
Zoning: MU-FW (Mixed-Use, Form-Based Warehouse)
Tax Map Number: 65.16-5-5, 65.16-5-4.1, 65.16-5-4.2, 65.16-5-3
Referring Agency: City of Albany Planning Board

Considerations: Site plan review for conversion of an existing +/-243,000 square foot warehouse to 261 apartments and expansion of an existing surface parking lot of +/-218 spaces.

Action Type: Site Plan Review

Juris. Determinant: Interstate Highway, State or County Park, State or County Property
Potential Impacts: I787 Interstate Highway, Erie Canal Trail, Hudson River, FEMA Floodzones

Staff Notes: Historic redevelopment of the existing warehouse at 19 Erie Blvd. The 225,000 square-foot warehouse will be redeveloped into more than 275 market-rate apartments and more than 45,000 square feet of commercial space. The renovated building will include indoor amenities such as a gym, game room, and business center. Improvements to the site of the proposed project include increased landscaping and outdoor amenities. Under the adaptive reuse plan, the applicant proposes to renovate the existing warehouse and furniture store into a mixture of apartments and commercial use. There are 261 apartment units proposed which will be a mixture of studio, 1 bedroom, 1 bedroom with den, 2 bedrooms and 2 bedrooms with den. A total of 307 bedrooms will be contained in the apartment units. In addition, a 1,200± SF coffee shop, and a 9,195 SF gym and rock-climbing facilities. A furniture store of 25,000± SF will be remodeled and retained. Under Section 375-406(4)(e) of USDO, the application had been granted a waiver. Current USDO requirement is 20% of area between lot line and the primary building facade must be landscaped. Proposed requirement is to measure the standard from the edge of public ROW due to the location of the lot line. The waiver will allow the existing site layout, which features parking and front loading dock, to be retained. Screening and landscaping that is consistent with the City of Albany USDO standards will be added between the public ROW and front lot line. By granting of the waiver, the existing site layout will be retained on federally designated historic structure. Additionally, a lot line adjustment was considered, but conflicted with the neighboring lot lines and City owned ROW. Lastly, the requirement would result in a loss of existing parking and would cause the proposed project to not meet the minimum number of off-street parking required. The waiver is requested due to existing lot lines and City owned ROW boundaries that pre-date the USDO requirements.

Staff Opinion: Modify local approval to include

1. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.
2. 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

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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.

3. Notification to the local fire department for review and comment on emergency access and the emergency plan.

4. The property is located in the flood zone. Approval of the site plan should be subject to requirements for building in the floodplain. The city should ensure that the floodplain management zone requirements are met for new construction.

5. A demolition review is required to ensure no hazardous materials are present on the proposed site.

6. The applicant should be aware of the requirements of the Form-Based code and provide details on all proposed projects to comply with existing City of Albany Form-Based code.

Advisory Note:

1. As per Short Environmental Assessment Form, Spill #2105652 is open. Since the project site is located in close proximity to the Hudson River, the applicant/ the City should ensure the protection of underground water resources (aquifer) located on this parcel.

2. The number of apartments does not match with that mentioned in the master plan application or on Short Environmental Assessment Form.

The Board discussed numerous concerns regarding this project including, but not limited to, ingress and egress, window and elevations concerns, a lack of details about the proposed sidewalks, parking, and the loss of commercial and industrial space in the City of Albany. Gerry Engstrom and Gopika Muddappa spoke with the Dept. of State about this case, and this project falls under the City of Albany's Form Based Code Requirements which are very specific pertaining to architectural aesthetics of the exterior of the building. Travon Jackson had concerns with the number of times there would be cutting through the masonry in the historic façade of the building. Gerry Engstrom said that there are a lot of references in the application to historic significance, but it doesn't appear to be listed on the National Register or recognized as a State Historic Site. Brian Crawford said it seems like there needs to be more information given about this project. The Board decided that the best course of action was to add a modification that addresses the requirements of the Form-Based Code (noted above as #6).

With the modification added, Brian Crawford made a motion to accept the Staff Opinion for Case #01-211103835. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

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Case #: **01-211103838**
Project Name: **City of Albany USDO Evaluation - Ordinance 5.32.21**

Applicant: City of Albany Common Council
Project Location: Entirety of the City of Albany
Municipality: City of Albany
Parcel Size: N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: City of Albany Legislative Board

Considerations: Adoption/Amendment of zoning ordinance to propose repealing and replacement of the Unified Sustainable Development Ordinance (“USDO”) adopted by the City of Albany Common Council on May 15, 2017.

Action Type: **Adoption/Amendment of Zoning Ordinance or Local Law**

Juris. Determinant: N/A
Potential Impacts: N/A

Staff Notes: Repeal and replacement (the “Proposed Action”) of the Unified Sustainable Development Ordinance (“USDO”) adopted by the City of Albany Common Council on May 15, 2017. The Proposed Action is being sought after a four-year evaluation to create new use classifications and allowances, revisions to existing procedures, updated requirements for site improvements, and revised definitions to address previously under-defined or undefined terminology. The Proposed Action has been reviewed by City staff and elected officials since 2017, identifying typographical, organizational, and content errors that have arisen through the implementation of the USDO. Since 2017, the Chief Planning Official has compiled data on each application type and has developed a list of recommended modifications to address unintended consequences and concerns that have arisen through application. Based on collected data and feedback from City staff and officials and members of the public, the Chief Planning Official has determined that the USDO as adopted requires modifications in order to correct typographical errors and clarify elements of the code in order ensure interpretation and administration as originally intended. Following its initial effective date of June 1, 2017, the City of Albany Unified Sustainable Development Ordinance (USDO) is required to undergo an evaluation period under § 375-505(24)(d)(i) of the USDO. The Proposed Modifications include the

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following, but are not limited to: 1. Separation of Existing Use Classifications with Differing Land Use Impacts, 2. Establishing Height Regulations in Stories and in Feet, 3. Expansion of Landscape Thresholds, 4. Building Height Step-Downs when Adjacent to Lower-Density Residential Zoning Districts, and 5. Significant Reorganization and Copyediting. The purpose of the Proposed Action is to provide a more responsive document to address issues discovered in the USDO since 2017 and provide a more user-friendly experience for members of the public, elected officials, and City staff. The changes proposed are primarily of an organizational and copyediting nature, which are unlikely to result in significant environmental impacts.

Staff Opinion: Modify local approval to include
1. Notification of the zoning ordinance should be sent to all adjacent municipalities, pursuant to GML §239-nn.

The Board did not have any questions regarding this case. Travon Jackson made a motion to accept the Staff Opinion for Case #01-211103838. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 04-211103831
Project Name: **Albany Port District Commission - Marmen - Welcon Tower Mftg Plant**

Applicant: Marmen-Welcon Tower Manufacturing Plant
Project Location: River Road, Port Road, 700 Smith Blvd
Municipality: Town of Bethlehem
Parcel Size: 82.62 acres
Zoning: Heavy Industrial
Tax Map Number: 98.01-2-1,98.00-2-10.23
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review to build up to 1.3 million square feet of industrial space. 604K SF offshore wind tower manufacturing facility spread over five (5) buildings to include 500 linear foot wharf along the Hudson River.

Action Type: **Site Plan Review**

Juris. Determinant: State Road, Municipal Boundary, Federal Water

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Potential Impacts: 144 River Road, Intermunicipal boundaries of Rensselaer County, Intermunicipal boundaries of City of Albany, FEMA Floodzones, Hudson River

Gerry Engstrom told the Board Members that there had been a discussion between Gopika Muddappa, Albany County Senior Planner and Robert Leslie, Director of Planning for the Town of Bethlehem regarding fact that some of the information needed to review this case was submitted to the Albany County Planning Board late. Now that the Board has the complete file, Mr. Leslie and Ms. Muddappa agreed that this case will now be reviewed at the next Albany County Planning Board meeting on December 16, 2021.

Case #: 04-211103842
Project Name: **Land Use Moratorium Extension to complete the Comprehensive Plan Update**

Applicant: Town of Bethlehem
Project Location: Town of Bethlehem
Municipality: Town of Bethlehem
Parcel Size: 0.00 N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: Town of Bethlehem Legislative Board

Considerations: Amendment of Local Law for extension of Residential Land Use Moratorium for a 6-month period to complete the Comprehensive Plan Update

Action Type: **Land Use Moratorium**

Juris. Determinant: N/A
Potential Impacts: N/A

Staff Notes: The residential land use moratorium took effect December 9, 2020 for a 12-month period to pause certain residential land use applications while the Comprehensive Plan update was underway. The moratorium will expire on December 9, 2021 but work still needs to be accomplished to complete the Plan Update. A final plan will not be presented to the Town Board for adoption by the beginning of December as planned, prior to the moratorium expiration. Therefore, as recommended by the Town Planning Department, the enactment of a 6-month extension of the

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town-wide residential moratorium is proposed. The moratorium extension would apply to the same level of residential land use applications as currently exists (no modifications are proposed). The only change is the extension of 6 months and this would extend the moratorium to terminate on June 8, 2022. This six-month extension of the moratorium will enable the town to continue to work with its consultant to focus on crafting and implementing a strategy to ensure that it actually achieves its planning objectives, draft the necessary plan and proposed land use regulations or revisions and allow for public input on these materials. This local law is proposed to take effect immediately upon filing with the Secretary of State as provided by law. This case (04-201103585) was reviewed by the Albany County Planning Board in November 2020 and the staff recommendation was, "Modify local approval to include: 1. Notification of the application should be sent to all adjacent municipalities, including all required notices pursuant to GML §239-nn. 2. The ACPB supports the Town and its residents in planning for future growth that will have an impact on nearby State and County entities and natural resources, as well as adjacent municipalities."

Staff Opinion:

Modify local approval to include

1. Notification of the extension of moratorium should be sent to all adjacent municipalities, pursuant to GML §239-nn.

Brian Crawford made a motion to accept the Staff Opinion for Case # 04-211103842. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 04-211103856
Project Name: Terra Smart - Site Plan Amendment
Applicant: Finke Enterprises, LLC
Project Location: 1273 River Road, (SR 144)
Municipality: Town of Bethlehem
Parcel Size: 29.90 acres
Zoning: Mixed Economic Development (MED)
Tax Map Number: 134.00-1-40
Referring Agency: Town of Bethlehem Planning Board

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Considerations: Site plan review and site plan amendment to install a gravel laydown yard located in the field adjacent to the existing building and display area on the existing parcel.

Action Type: **Site Plan Review, Site Plan Amendment**

Juris. Determinant: Interstate Highway, State Road
Potential Impacts: I87, New York State Thruway, River Road 144, Agricultural District, NWI Wetlands

Staff Notes: The proposed project involves the expansion of an existing solar component distribution facility to include the construction of a ±3.5 Acre gravel pad located to the east of the existing facility for the storage and fabrication of solar materials. The gravel laydown pad is proposed to expand the current use of the parcel. This will include staging of solar racking and ground screws that Terra Smart LLC would use as displays and fabricated for sale to potential customers. A total of 4.8 acres is expected to be disturbed during the proposed action. As per the SEAF, the proposed runoff will be directed to proposed vegetated swales and bio retention area for water quality and quantity controls. More details are included in the SWPPP that was incorporated with the application packet. Attenuated runoff will discharge into the Binnen Kill prior to leaving site. The existing facility located on approximately ±11 Acres contains an 8,100 square foot metal office/warehouse building, a paved parking lot, gravel/paved storage pads, a sandbox demonstration area, and a paved access road. Total square footage of all new construction includes 170,000 SF gravel laydown pad, 12,000 SF stormwater pond and a perimeter dry swale.

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 Albany County Planning Board recommends that care must be taken to not disturb 5 acres as a phasing plan will be required by NYSDEC.

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Advisory Note: 1. An AG data sheet should be provided since the property is located within 500' of an Agricultural District as per Section 305-a of the New York State Agricultural and Markets Law.

Travon Jackson made a motion to accept the Staff Opinion for Case #04-211103856. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 07-211103832
Project Name: **Aquatics - New Building**

Applicant: Anthony's Plaza LLC
Project Location: 155 Wade Road
Municipality: Town of Colonie
Parcel Size: 2.76 acres
Zoning: Albany Business Area (ABA)
Tax Map Number: 18.-4-11
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for construction of a new one-story, 3,780 SF building to be used as a swimming instruction facility. No changes to ingress/egress. Parking equipped for this proposed use as well as the existing warehouses.

Action Type: **Site Plan Review**

Juris. Determinant: Albany International Airport
Potential Impacts: Albany International Airport

Staff Notes: The applicant proposes to construct a new 3,780 SF one-story building with one swimming pool approximately 15'x25', restroom and changing areas. The existing site consists of 71 parking spaces and upon the development of the proposed building there will be a total of 47 parking spaces which will satisfy the parking required by the Town for the proposed use of the site. The proposed area of site development does not have existing NYS or US ACOE jurisdictional wetlands. The proposed Mixed-Use Building within Airport Business Area (ABA) zone is allowable and is compatible with existing land uses and facilities along Wade Road. The site is currently occupied by several buildings that are used for general offices and storage/warehouse uses. The existing infrastructure is owned and operated by the Town of Colonie and provides the site with

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municipal services. Slight increase in traffic is anticipated with approximately 14 trips during peak hours in the PM.

Staff Opinion:

Modify local approval to include

1. Review by the FAA (Form 7460-1 available from www.faa.gov) and notification to Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact Notification for temporary construction related and structural incursions within the prescribed Runway Approach Surfaces.
2. Review by the Albany County Department of Health for chemicals used to treat the water and other required permits.
3. The town should ensure that adequate number of parking spaces is provided for the proposed use.

Brian Crawford made a motion to accept the Staff Opinion for Case **#07-211103832**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: **07-211103845**
Project Name: **Lands of Riverhill Center**

Applicant: FCA Group LLC
Project Location: 1201 Troy Schenectady Road
Municipality: Town of Colonie
Parcel Size: 17.87 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 8.3-1-23
Referring Agency: Town of Colonie Planning Board

Considerations: Subdivision of the parcel into two for financing purposes. No changes are to be made in the subdivision.

Action Type: **Subdivision Review**

Juris. Determinant: State Road, Municipal Boundary
Potential Impacts: 7 Troy Schenectady Road, Intermunicipal Boundaries of Town of Colonie and Schenectady County, Agricultural District

Staff Notes: The applicant proposes a 2-lot subdivision of a developed commercial property. The subdivision will place the existing building on a separate tax parcel. Building 1207 will be situated on a new taxable parcel along with buildings 1201, 1203 and 1205. A related project at proposed Lot#2 will be referred at a later date. No land disturbances are expected during

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the subdivision. Proposed Lot #1 is to be 1.76 acres and Lot #2 is to be 16.11 acres. the parcel consists of existing utilities service to all the buildings.

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

Travon Jackson made a motion to accept the Staff Opinion for Case #07-211103845. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 07-211103847
Project Name: **Minimart and Restaurant**

Applicant: Sandeep Singh
Project Location: 616 Columbia St Ext
Municipality: Town of Colonie
Parcel Size: 2.39 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 19.2-1-27
Referring Agency: Town of Colonie

Considerations: Site plan review for construction of a one-story 4,536 SF mini-mart with four islands (8 fueling positions), 46 -car parking lot with access drives.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 9R Columbia Street, NWI Wetlands

Staff Notes: The applicant proposes to construct a 4,536 SF building which will be utilized as a mini-mart with four islands (8 fueling positions) for the dispensing of gasoline. The proposed building will be one-story and the parking lot and access drives will also be developed to support the proposed building. The proposed building is in accordance with the zoning regulations of the Town of Colonie. The site will have a total of 46 parking spaces including two handicap spaces. The parcel consists of NYW wetlands but the proposed area of site development does not have existing NYS or US ACOE jurisdictional wetlands. The parcel is currently vacant but it is occupied by a one-story building and some impervious areas located at the corner of the intersection

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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.

Brian Crawford made a motion to accept the Staff Opinion for Case #**07-211103847**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: **07-211103850**
Project Name: **Penfield Drive Subdivision**

Applicant: The Mary Huban Trust
Project Location: 271A Troy Schenectady Road
Municipality: Town of Colonie
Parcel Size: 2.00 acres
Zoning: Single Family Residential (SFR)
Tax Map Number: 19.20-3-55.3
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review and subdivision review for the development of five(5) residential Lots. The applicant has received an area variance from the Town allowing lot dimensions to be smaller than conventional requirements.

Action Type: **Site Plan Review, Subdivision Review**

Juris. Determinant: State Road
Potential Impacts: 2 Troy Schenectady Road

Staff Notes: The applicant is proposing the development of the 2.00-acre parcel with a total of five (5) residential lots which results in a density of 2.5 Units/ac. the proposed typical lot will have a minimum lot width of 73 feet and the minimum lot area will be 13,226 square feet and the average lot area will be 17,420 square feet. As per the project narrative, the proposed lot sizes are smaller than the conventional lot requirements but are in concert with the lots developed along Penfield Drive which was developed based on the Conservation Subdivision basis. The proposed Penfield Drive Subdivision applied for area variances from the conventional lot requirements and on the 4th of August, 2021 the Town

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of Colonie Zoning Board of Appeals granted the necessary area variances to develop the proposed lots. The infrastructure necessary to provide the site with Sanitary, Water, Electric, Gas and Telephone services exist and are all located along Penfield Drive right-of-way. Stormwater management will encompass connecting to the existing detention basin that service the rest of the existing lots along Penfield Drive and constructed during the On the Farm Subdivision. The site development is identified to have US ACOE jurisdictional wetlands. No new roads are being created since the parcel is located and has frontage along Penfield Drive, a recently constructed Town road. A total of 1.3 acres of land disturbance is anticipated.

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. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits.

Travon Jackson made a motion to accept the Staff Opinion for Case #**07-211103850**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: **07-211103855**
Project Name: **Sparrowbush Major Subdivision**
Applicant: Nick Costa (Agent for 686 Rt7 LLC)
Project Location: 74A Sparrowbush Road
Municipality: Town of Colonie
Parcel Size: 65.60 acres
Zoning: Office Residential (OR)
Tax Map Number: 9.3-2-51
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Use variance for the proposed major subdivision of 93 single family homes in an Office Residential District.

Action Type: Use Variance

Juris. Determinant: Interstate Highway

Potential Impacts: I87 Adirondack Northway, Agricultural District, FEMA Floodzones

Staff Notes: The applicant is requesting a use variance for the proposed major subdivision of 93 single family residential lots that is not a permitted use in the Office Residential (OR) Zoning District without a base commercial density as required under the Code of the Town of Colonie. The site lies within the Town's Delphus Kill Study Area and proposes its primary access via the Boght Meadow Conservation Subdivision. The site lies partially in Areas 1 and 5. The Town is concerned with the lack of egress to and from the area which relies solely on Terminus Drive which might change the functional use of this road from local road designed with the intent that it serves the immediate residential area to a collector road funneling traffic from the new subdivision to Landmark Street or Origin Drive and onto Pollock Road. The site is currently vacant and has historically been used for agricultural purposes.

Staff Opinion: Disapprove without prejudice

1. The Town Zoning Board should consider the precedent setting nature of allowing significant use variance in the Office Residential zone that may impact traffic in the neighborhood.
2. The applicant should be aware that the proposed subdivision may have adverse effects on the existing community character.

Advisory Note: 1. An AG data sheet should be provided since the property is located within an Agricultural District as per Section 305-a of the New York State Agricultural and Markets Law.

The Board had numerous concerns regarding this project including, but not limited to, the impact to the character of the town, the significant increase of traffic through the older, already existing subdivision and a concerns about the local fire departments having access to the new residential neighborhood. Gopika Muddappa mentioned that the Town Planning Board has also expressed concerns to the Town Zoning Board regarding traffic and emergency exits.

Brian Crawford made a motion to change the original Staff Opinion of Modify Local Approval, to Disapprove without prejudice for reasons discussed for Case #07-211103855. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

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Case #: 10-211103848
Project Name: **Miron Lumber Redevelopment**

Applicant: Miron Holdings LLC
Project Location: 60 & 62 Railroad Ave
Municipality: Town of Guilderland
Parcel Size: 5.60 acres
Zoning: Industrial (IN)
Tax Map Number: 53.05-1-14, 53.05-1-13
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit for redevelopment of an industrial site for warehouse office use.

Action Type: **Special Use Permit**

Juris. Determinant: Municipal Boundaries
Potential Impacts: Intermunicipal Boundaries of Town of Guilderland, Town of Colonie and City of Albany

Staff Notes: This is a redevelopment project of a former industrial property which is currently vacant for an office/warehouse use. The project consists of two tax map parcels (60 Railroad Avenue and 62 Railroad Avenue) to be merged to one parcel through a lot line adjustment and tax map amendment process totaling +/-5.6 acres. The existing buildings related to the project area are currently under contract to be demolished. The application for site plan and special use permit is related to proposed building 68,00SF with associated parking and truck loading docks. Municipal sewer and water, electric, cable and telephone are available along the Railroad Ave. Total acreage of land to be disturbed is 5.6 acres. The site was formerly used as a lumber processing yard and the existing building on site will be removed under a separate action. The redevelopment will consist of one commercial warehouse building with internal office spaces for up to two tenants and loading docks in the rear. Parking will be focused along the front and sides of the building. The plans include provisions for a future sidewalk to the construction along Railroad Avenue although there are no existing sidewalks in the vicinity of the project. The site will be secured by a chain link fence with gates. Access to the rear of the lot will be provided on the east and west of the building. As per the Environmental Assessment Form, the site consists of Lumber pressure treatment bi-product and portion of the property constrains DEC Superfund Site Number 401046.

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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. Notification of the application should be sent to the City of Albany, including all required notices pursuant to GML §239-nn.
3. Notification of the application should be sent to the Town of Colonie, including all required notices pursuant to GML §239-nn.

Travon Jackson made a motion to accept the Staff Opinion for Case #**10-211103848**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #:

08-211103852

Project Name:

Opt-out of Licensure for On-site Cannabis Consumption within the Village of Colonie

Applicant:

Village of Colonie

Project Location:

Village of Colonie

Municipality:

Village of Colonie

Parcel Size:

N/A

Zoning:

N/A

Tax Map Number:

N/A

Referring Agency:

Village of Colonie Legislative Board

Considerations:

Adoption of Local Law #2 of 2021 by the Village of Colonie to opt out of onsite consumption allowance in the Village jurisdiction with regards to cannabis.

Action Type:

Adoption of Local Law

Juris. Determinant:

N/A

Potential Impacts:

N/A

Staff Notes:

The New York Marijuana Regulation and Taxation Act, and particularly New York Cannabis Law Section 131, allow municipalities to opt out of allowing the licensing of cannabis retail dispensary sales and cannabis retail on-site consumption sales within its borders. This local law is

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adopted pursuant to the Cannabis Law Section 131. The Village Board of Trustees proposes to adopt a local law opting out of cannabis on-site consumption businesses within the Village borders. This local law shall be effective immediately upon filing with the Secretary of State.

Staff Opinion:

Modify local approval to include

1. Notification of the adoption of local law should be sent to all adjacent municipalities, pursuant to GML §239-nn.

Travon Jackson and Ransom Moore asked for clarification as to what the town is specifically asking to opt out of, cannabis sales or on-site cannabis consumption? The Village Board of Trustees proposes to adopt a local law opting out of cannabis on-site consumption businesses within the Village borders.

With no further questions or comments, Brian Crawford made a motion to accept the Staff Opinion for Case #**08-211103852**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 12-211103837
Project Name: **Capital District Cooperative Building Replacement**

Applicant: Capital District Cooperative Inc.
Project Location: 15 Elmwood Rd Ext
Municipality: Village of Menands
Parcel Size: 22.70 acres
Zoning: Broadway Business District (BBD)
Tax Map Number: 55.6-2-2.1
Referring Agency: Village of Menands Planning Board

Considerations: Site plan review for removal of the existing 356'x50' open pavilion and install a new 282'x80' enclosed metal building with multiple overhead doors for the purpose of wholesale agricultural products.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 32 Broadway, 378 Menands Road, FEMA Floodzones, NWI Wetlands

Staff Notes: The applicant proposes to remove the existing 30'x356' open pavilion with 10' overhangs on each side and replace it with a 80'x282' metal frame building. The new building will be used for the same purpose as the existing building, wholesale agricultural produce. The new structure

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will have overhead doors to secure the place from intrusions. The project site is located on a 100-year floodplain. Less than one acre of total land disturbance is anticipated(0.55 acres).

Staff Opinion:

Modify local approval to include

1. The property is located in the flood zone. Approval of the site plan should be subject to requirements for building in the floodplain. The village should ensure that the floodplain management zone requirements are met for new construction.

Advisory Note:

1. The Albany County Planning Board recommends the applicant meet all necessary requirements for stormwater management should the land disturbances exceed one acre, including submission of a Notice of Intent filed with the New York State Department of Environmental Conservation (NYS DEC) affirming that a Stormwater Pollution Prevention Plan (SWPPP) that has been prepared and is being implemented, or submission of a SWPPP that is consistent with the requirements included in the NYS DEC SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015).

Travon Jackson made a motion to accept the Staff Opinion for Case #[12-211103837](#). The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #:

12-211103858

Project Name:

Vertical Bridge - Cell Tower

Applicant:

Vertical Bridge Development LLC

Project Location:

15 Elmwood Rd Ext

Municipality:

Village of Menands

Parcel Size:

22.7 acres

Zoning:

Broadway Business District (BBD)

Tax Map Number:

55.6-2-2.1

Referring Agency:

Village of Menands Planning Board

Considerations:

Special use permit and use variance for construction of 150 feet high telecommunication monopole tower inside a fenced enclosure.

Action Type:

Special Use Permit, Use Variance

Juris. Determinant:

State Road

Potential Impacts:

32 Broadway, 378 Menands Road, FEMA Floodzones, NWI Wetlands

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- Staff Notes:** This is a proposal for construction of 150 ft. high telecommunication monopole tower inside a fenced enclosure. Co-applicant Verizon Wireless will install the antenna and radio equipment. Access to tower will be through existing property. Underground electrical service will connect through existing property. No water and sanitary utilities are proposed. The site is an un-manned operation. Less than an acreage of disturbance is anticipated.
- Staff Opinion:** Modify local approval to include
1. A decommissioning plan or established conditions requiring abandoned metal frames to be removed by the owner is also generally included as part of an approval.
- Advisory Note:**
1. The Albany County Planning Board recommends that notification of this application should be provided to the effective service area of the proposed facility in order to facilitate coordination and potential co-location of future telecommunications facilities.
 2. In determining whether to grant an use 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.
 3. Being in an urban-suburban setting that the Village of Menands should potentially consider a flag pole or other stealth structure.

Gerry Engstrom stated that language should be added as an Advisory Note addressing the precedent setting nature of the project as well as a note about adding a flag pole or other stealth structure (noted as Advisory notes #2 & #3).

With those additions, Brian Crawford made a motion to accept the Staff Opinion for Case **#12-211103858**. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

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Case #: 14-211103853
Project Name: **Local Law Amending Chapter 65 of the Village of Ravenna Code**

Applicant: Village of Ravenna
Project Location: Village of Ravenna
Municipality: Village of Ravenna
Parcel Size: N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: Village of Ravenna Legislative Board

Considerations: Amendment of Local Law Chapter 65 of the Village of Ravenna Code that effects all parcels within the Village of Ravenna boundaries.

Action Type: **Amendment of Local Law**

Juris. Determinant: N/A
Potential Impacts: N/A

Staff Notes: This is a local law proposing Commercial Fence Law that would apply Village-wide. If adopted, the proposed local law would impose a height limit on fences in nonresidential districts. The purpose of this law is to amend Chapter 65 of the Village of Ravenna Code to impose a height limit for fences in nonresidential zoning districts. Chapter 65, Section 65-4 shall be amended as follows: " (A) No fence shall be more than six feet in height at the rear of homes or buildings situated in a residentially zoned district, which fence shall not extend forward of the rear line of any existing or proposed building. No other fence or portions of a fence shall be higher than 48 inches in any front yard, subject to the terms of Chapter 119, Zoning, or inches in any side yard. (B) No fence shall be more than six feet in height in the rear of any building situated in a non-residential zoning district. No fence shall be higher than 48 inches in any front yard or six feet in any side yard. Notwithstanding the foregoing, a fence in a non-residential district may be permitted following site plan review and approval by the Village of Ravenna Zoning Board of Appeals/Planning Board. This local law shall take effect immediately upon filing in the office of Secretary of State in accord with the provisions of Section 27 of the Municipal Home Rule Law.

Staff Opinion: Modify local approval to include
1. Notification of the adoption of local law should be sent to all adjacent municipalities, pursuant to GML §239-nn.

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Travon Jackson made a motion to accept the Staff Opinion for Case #14-211103853. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 14-211103854
Project Name: **Local Law to regulate Solar Siting in the Village of Ravena**

Applicant: Village of Ravena
Project Location: Village of Ravena
Municipality: Village of Ravena
Parcel Size: N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: Village of Ravena Legislative Board

Considerations: A local Law regulating Solar Siting in the Village of Ravena that effects all parcels within Village of Ravena boundaries.

Action Type: **Adoption of Local Law**

Juris. Determinant: N/A
Potential Impacts: N/A

Staff Notes: The proposed zoning solar law would apply Village-wide by implementing regulations for small-scale solar energy development throughout the Village and large scale, Solar Farm or Power Plant development in the Village's Industrial (I-1) District. If adopted, the proposed local law would adopt a new Chapter in the Village of Ravena Code to regulate solar energy siting. The law would apply to all solar energy system and equipment installations modified or adopted after the date of the local law and require that all systems and equipment comply with the requirements of the State Building Code. The law permits Rooftop and Building-Mounted Solar collectors in all zoning districts with a building permit. Ground-mounted and free-standing solar collectors are also permitted as accessory structures in all zoning district subject to certain enumerated conditions and safety requirements. Special performance standards are also proposed to ensure the use will be compatible with and not negatively impact neighboring uses. A requirement for decommissioning plan and financial security is also required to ensure the facility is decommissioned at the

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end of the project's useful life and the property is restored to its prior condition. This local law shall take effect immediately upon filing in the office of Secretary of State in accord with the provisions of Section 27 of the Municipal Home Rule Law.

Staff Opinion:

Modify local approval to include

1. Notification of the adoption of local law should be sent to all adjacent municipalities, pursuant to GML §239-nn.

Brian Crawford made a motion to accept the Staff Opinion for Case #14-211103854. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 07-211103859
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: Area variance for construction of 18 new homes of which seven (7) of them will be in Airport business Area zone and for adjacent property at No. 42 Sherwood Drive for existing accessory structure.

Action Type: **Area Variance, Use 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

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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." The case was then reviewed in October 2021 (07-211003826) and the ACPB decision was, "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 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." This case is before ACPB again because the Type of Action and Referring Agency was filled out incorrectly Planning and Zoning Action Referral form. Now, the ACPB will be reviewing it for Area Variance and Use Variance which may change the previous recommendations as the Board reviewed it for a Site Plan Review.

Staff Opinion:

Disapprove without prejudice

1. 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.

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2. 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.
3. The area variance for the neighboring adjacent property without owner consent is highly irregular and legal suspect.
4. The owner of the affected property is in opposition to the variance and the project leaving this request to nearly no option than to disapprove.

Gopika Muddappa, Senior Planner spoke about the reason we were seeing this case again this month. She stated the Town of Colonie submitted this previously as a Site Plan Review when it should have been submitted as an Area Variance and Use Variance Review. The Boards decision last month was for a Site Plan Review. Therefore, the Town of Colonie resubmitted the application for Area Variance and Use Variance review.

Gerry Engstrom stated that he and Gopika spoke with someone at the Department of State regarding this case for some clarification. Gerry stated the representative from DOS said that “an Area Variance for a neighboring adjacent property without owner consent is highly irregular and legally suspect”. In this case the owner of the affected property is in opposition to the variance and project leaving this request no other option than to disapprove.

Greg Faucher who represents the developer spoke to the Board about the project and stated that all of the information is the same as it was previously except for the fact that the town named it incorrectly previously. He said that the Use Variance has nothing to do with the neighboring property. Gerry Engstrom confirmed that the Board is aware of that, but the Area Variance is the problem. Mr. Faucher went on to say that the town had requested that the area variance be sought because it would be a benefit to the land owner. He also said that the location of the road is being dictated by the Town Planning Board.

Lynn Sipperly, design engineer for the development, also asked to speak. He stated that he is aware that people in the area are against this project as a whole.

Gerry Engstrom stated that it is not the purview of the applicant to apply for a variance for property that they do not own or control and in addition that this particular property owner is in vocal opposition to that occurring. The Board has to look at this as it was presented to the ACPB by the Town of Colonie. Mr. Engstrom said that because of this, he is inclined to agree with the Staff Opinion. Mr. Sipperly than asked if that means he does not have objection to the use variance?

Gerry Engstrom said that “the issue is that we have to vote for both and we cannot unpackage it. We have to act on it together as it was presented by the Town”.

Gopika Muddappa then commented that if it was sent to us with two different referral applications, we could vote on it separately but because it was all sent on one, we have to vote on it as one.

Travon Jackson made a motion to accept the Staff Opinion for Case # **07-211103859**. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

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Unfinished Business:

There was a case submitted by the Town of Berne called the Crawford Stark minor subdivision.

Gerry Engstrom stated for the record: “Due to the Board being short two members, and member Crawford as the applicant and his more than likely upcoming recusal, we do not have quorum for this case and it automatically reverts back to the Town of Berne without decision”.

New Business: There isn't any word of new Board members yet. The next meeting of the Albany County Planning Board will be on December 16, 2021 at 3:30pm. It will be another remote meeting.

Adjourn: Brian Crawford made a motion to adjourn at 4:58pm.

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