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ACPB Meeting Minutes – June 16, 2022

NOTE: Due to issues related to Covid-19, the June 16, 2022 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: Gerry Engstrom, Gary Ginsburg, and Brian Crawford.

Board Members Absent: Beth Lacey and Travon Jackson

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

Guests: Dan Hershberg, Hershberg and Hershberg.

Minutes: Lynn Delaney, Secretary

Call to Order: Gerry Engstrom called the meeting to order at 3:35pm.

Gary Ginsburg made a motion to approve the May 19, 2022 ACPB Meeting Minutes. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Brian Crawford 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 Gary Ginsburg and was also approved by Gerry Engstrom.

Case #: 02-220604004
Project Name: **Hoarders Honeypot, LLC**

Applicant: James Keleher
Project Location: 996 Altamont Blvd
Municipality: Village of Altamont
Parcel Size: 0.84 acres
Zoning: CBD (Central Business District)
Tax Map Number: 48.06-3-2
Referring Agency: Village of Altamont Zoning Board of Appeals

Considerations: Special use permit to open a storefront with in-store sales, online sales and computer repair in the former Altamont Auto Parts Store location.

Action Type: **Special Use Permit**

Juris. Determinant: State Road
Potential Impacts: 156 Altamont Blvd

Staff Notes: The applicant seeks the issuance of a Special Use Permit to operate a storefront with in-person sales, online sales and computer repair. The storefront would sell a variety of items including collectibles, antiques, media, video games, electronics and household items. The location would also offer computer repair services. The store will be the same dimensions as the previous tenant. No new construction is proposed.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 04-220604005
Project Name: Lands of Straw

Applicant: CS Property Improvement, LLC (c/o Cheryl Straw)
Project Location: 28 Snowden Avenue and 30 Ellsworth Avenue, Delmar
Municipality: Town of Bethlehem
Parcel Size: 0.31 acres
Zoning: Core Residential
Tax Map Number: 86.10-1-28
Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Area variance to subdivide 0.308 acres into two (2) lots. Parcel currently contains two(2) principle structures each with separate municipal water and sewer utilities.

Action Type: Area Variance

Juris. Determinant: County Facility
Potential Impacts: Albany County Rail Trail

Staff Notes: The applicant is proposing a two (2) lot subdivision on an existing lot that contains two (2) principal single-family structures; no new structure(s) or expansion(s) are proposed. Each structure is served by separate municipal water and sewer service along with other private utilities such as electric, natural gas and telecom. Area variances are required to create the proposed lots; the requested relief to the schedule of area, front and rear yard and bulk requirements are to existing site conditions. A deed restriction exists for 28 Snowden Avenue that appears to be violated; said restriction originating from a previous title holder within the chain of title and not imposed by the governing municipality as part of a previous subdivision approval. The developed parcel is pre-existing and non-conforming and may not be expanded or enlarged as stated under §128-55 of the Zoning Law of the Town of Bethlehem. The second parcel to be 30 Ellsworth will contain an accessory structure which will also require variance

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 04-220604009
Project Name: **Wemple Road Apartments - Route 9W, Glenmont**

Applicant: WRA290, LLC
Project Location: Wemple Road and Route 9W (Northerly side of Wemple Rd, West of Rte 9W)
Municipality: Town of Bethlehem
Parcel Size: 37.80 acres
Zoning: Rural Hamlet
Tax Map Number: 109.00-1-39.1
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review and subdivision review for previously approved case that was reviewed in 2017 and 2018 (04-17040246 & 04-181103144) for ten 6-unit and nine 4-unit buildings associated with utilities, roadways, and stormwater management. The parcel is to be divided into two lots; multifamily residential lot to be 30.7 acres and the second lot to be 7.71 acres for future development.

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

Juris. Determinant: Federal Highway
Potential Impacts: Route 9W, Agricultural District

Staff Notes: The proposed action will involve re-approval and construction of ten 6-unit apartment buildings and nine 4-unit apartment buildings (total of 96 living units) along with associated utilities, roadways, and stormwater management areas. This project was approved by the Town board in March 2019 and the construction began in January 2020. During the pandemic the construction was paused due to material procurement and lack of personnel. To date the offsite water and sewer are nearly complete along with 50% of the onsite infrastructure. The plan is to complete the project in 2025. A permit for wetland disturbance of 0.096 acres was received from USACE on November 13, 2017. A preconstruction notification was submitted to NYSDEC for an Article 24 permit to disturb 1.93 acres of 100-foot adjacent buffer of an onsite state-regulated wetland. The applicant requests for re-approval of the project. The site plans submitted are the same as the ones approved in 2018. This application was reviewed by the Albany County Planning Board in April 2017 (04-17040246) and November 2018 (04-181103144) for the same considerations and the ACPB determination was, "Defer to local consideration. 1. This board has found that the proposed action will have no significant countywide or intermunicipal impact" and an advisory note, "Any future plans to construct a driveway with access to

Rt. 9W will require review and permits by New York State Department of Transportation".

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 07-220604000
Project Name: Adoption of Local Law - Town of Colonie

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

Considerations: Adoption of local law pertaining to nuisance alarms that include alarm permits, administration review, penalties and fines, liability, enforcement and additional rules and regulations.

Action Type: Adoption of Local Law

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

Staff Notes: The purpose of this Local Law is to promote the health, safety, and general welfare of the residents of the Town of Colonie by reducing the number of avoidable Nuisance Alarms. Nuisance Alarms result in unnecessary and ineffective use of police, ambulance, fire and rescue emergency personnel and equipment. The law shall define a nuisance alarm and other relevant terms, establish an alarm review board and outline procedures on how such alarms will be addressed. This is a TYPE I action and therefore no significant effects on the environment is determined.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 10-220604009 (a)
Project Name: Woods Subdivision

Applicant: Thomas Woods
Project Location: 843 Altamont Voorheesville Road
Municipality: Town of Guilderland
Parcel Size: 316.70 acres
Zoning: Rural Agricultural 3 and 5 district (RA3 and RA5)
Tax Map Number: 48.00-2-16.1
Referring Agency: Town of Guilderland Planning Board

Considerations: Subdivision review to divide the parcel into four(4) individual parcels. Lot 1 is to be 209.96 acres, Lot 2 is to be 32.16 acres, Lot 3 is to be 66.47 acres and Lot 4 is to be 15.55 acres.

Action Type: Subdivision Review

Juris. Determinant: State Road, Municipal Boundary, Agricultural District
Potential Impacts: 156 Altamont-Voorheesville Rd, Intermunicipal Boundaries of Town of Guilderland and Town of Knox

Staff Notes: The subdivision will take a large portion of property along Altamont-Voorheesville Road (NYS Route 156) and subdivide into 4 individual parcels. Though one tax map parcel, presently the property has a single-family dwelling along Route 156 and is also divided by Route 146 and Brandle Road creating 3 separate parcels. Our proposal is to subdivide a parcel of 15+/- acres to include the single-family home and all amenities and create 3 additional parcels, that are already divided by state and town roads. This subdivision will create 4 tax map parcels within the town. Lot 1 is to be 209.96 acres, Lot 2 is to be 32.16 acres, Lot 3 is to be 66.47 acres and Lot 4 is to be 15.55 acres. No land disturbance is anticipated during the subdivision.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Advisory Note:
1. The Town should note that the state road is named as 146 Altamont-Voorheesville Road on the ACPB Referral Form whereas it is 156 Altamont-Voorheesville Road.
2. The ACPB advises that the applicant should contact NYSDOT for point of access for future developments.

Case #: 12-220604003
Project Name: Garages at No. One Broadway in Menands

Applicant: Harmony Prima Lofts, LLC
Project Location: 1 Broadway, Menands
Municipality: Village of Menands
Parcel Size: 9.60 acres
Zoning: BBD - Broadway Business District
Tax Map Number: 66.5-3-13.1
Referring Agency: Village of Menands Zoning Board of Appeals

Considerations: Area variance to allow construction of 26 garages which will provide weather protected parking for tenants.

Action Type: Area Variance

Juris. Determinant: State Road, Municipal Boundary
Potential Impacts: 32 Broadway, Intermunicipal Boundaries of City of Albany and Village of Menands

Staff Notes: The applicant requests an area variance to allow construction of 26 garages which will provide weather protected parking for tenants. These will replace mainly asphalt pavement. The garage closest to the Municipal Boundary will be 0.5 feet north of the City of Albany Line. In order to maintain adequate driving lanes, 11 of the proposed garages will have a rear line off set of 1.7 feet and the 15 garages will have a rear line off set of 5.0 feet where 15 feet is required. Use variance for the proposed action has already been granted by the Village. Less than one acre of land disturbance is anticipated to occur.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 17-220604006

Project Name: Luk Oil

Applicant: Surunder Cheema

Project Location: 1802 2nd Avenue

Municipality: City of Watervliet

Parcel Size: 0.18 acres

Zoning: Business

Tax Map Number: 32.59-4-18.2

Referring Agency: City of Watervliet Zoning Board of Appeals

Considerations: Area variance to meet the setback requirements from the property line.

Action Type: Area Variance

Juris. Determinant: State Road, FEMA Floodzone

Potential Impacts: 32 Second Ave, FEMA Floodzones

Staff Notes: This is a 0.21 acre site currently used as a gas station with small convenience store. The existing building is a 1-story, 273 SF concrete structure. There are (4) gas pump islands with (8) gas pumps and canopy above, which also covers the store. The current parking situation is not well defined. There are (2) ingress/egress curb curbs from Route 32/Second Ave. This project proposes to remove the existing building, canopy and gas pumps. Ingress/Egress to the site is to remain as is. A reduction to (2) gas pump islands with (4) gas pumps is proposed, with a smaller canopy above. The new convenience store is proposed to be 1,500 SF, a 1-story, wood-framed, 30' x 50' structure. Parking will be defined with striping on either side of the building. (4) spaces will be provided, including (1) handicapped accessible space with adjacent aisle. Approximately 800 SF of landscaping is proposed at the parking areas and behind the building. Less than one acre of land disturbance is anticipated during the proposed action. An area variance is required to meet the setback requirement where 8' setback is proposed instead of 20' as required by the City code. This case (17-220303923) in March 2022

for site plan review for the same proposal and the Albany County Planning Board determination was, "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 and that the underground storage tank (UST) systems meet both state (6 NYCRR Part 613) and federal (40 CFR 280) regulations.
2. Review by the Albany County Department of Health for food service and other required permits."

Staff Opinion:

Defer to local consideration

1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

The Board did not have any question or comments on these cases. Gary Ginsburg made a motion to accept the Staff Opinion for Case # 02-000604004, 04-220604005, 04-220604009, 07-220604000, 10-220604009, 12-200604003 & 17-220604006. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Case #: 01-220604001
Project Name: Legal Aid Society of Northeastern NY Parking Extension

Applicant: Legal Aid Society Of Northeast NY
Project Location: 69, 71, 73, 77, 79, 81, 83, 83.5, 85 Sherman Street
Municipality: City of Albany
Parcel Size: 19447.50 SF
Zoning: Mixed Use Community Urban (MU-CU)
Tax Map Number: 65.72-3-34, 65.72-3-35, 65.72-3-36, 65.72-3-37, 65.72-3-38, 65.72-3-39, 65.72-3-40, 65.72-3-41, 65.72-3-42

Referring Agency: City of Albany Planning Board

Considerations: Site plan review and special use permit for consolidation of nine(9) parcels located along the northeast side of Sherman Street and construction of one continuous parking lot with two curb-cuts on Sherman Street for access. The proposed parking lot will serve the existing office building at 95 Central Avenue.

Action Type: Site Plan Review, Special Use Permit

Juris. Determinant: State Road
Potential Impacts: 5 Central Ave, Historic District

Staff Notes: The applicant proposes the consolidation of 9 parcels located along the northeast side of Sherman Street and the construction of one continuous parking lot with two curb-cuts on Sherman Street for access to service the Legal Aid Society Offices located at 95 Central Avenue. The proposed parking lot will serve the existing office building at 95 Central Avenue. The existing structure at 77 Sherman Street is to be demolished. Conditional use review/special use permit is required to use the parcels primarily as parking lots in MU-CU zone. A total of 0.45 acres of land disturbance is anticipated during the proposed action.

Staff Opinion: Modify local approval to include
1. A demolition review is required to ensure no hazardous materials are present on the site.

The Board did not have any questions or comments. Brian Crawford made a motion to accept the Staff Opinion for Case #01-220604001. The motion was seconded by Gary Ginsburg and was also approved by Gerry Engstrom.

Case #: 01-220604002
Project Name: Habitat for Humanity Capital District
Applicant: Habitat for Humanity Capital District
Project Location: 182,184,186,188,190,192 Orange Street & 9 , 11 S. Swan Street, 143 Sheridan Ave
Municipality: City of Albany
Parcel Size: 14303.00 SF
Zoning: Townhouse & Mixed Use Neighborhood edge (R-T & MU-NE)
Tax Map Number: 65.81-6-44, 65.81-6-43, 65.81-6-42, 65.81-6-41,65.81-6-40, 65.81-6-39, 65.81-6-83, 65.81-6-82
Referring Agency: City of Albany Planning Board
Considerations: Site plan review to construct six new single family townhouses for owner occupancy. Three(3) four-bedroom and 1.5 bath homes and three(3) three-bedroom and 1.5 bath homes are proposed.
Action Type: Site Plan Review

Juris. Determinant: Federal Highway
Potential Impacts: Route 9 Clinton Avenue, Historic District

Staff Notes: The project proposed by Habitat for Humanity Capital District includes the new construction of six (6) single-family homes located in the Sheridan Hollow neighborhood of Albany, NY. This is the second phase of the project. Public water and public sewer will be connected and utilized by all units. The site consists of seven (7) vacant urban infill parcels, which were previously improved by residential structures. The structures have since been demolished and six (6) new construction single-family homes are proposed using HOME funds. The site consists of seven (7) vacant urban infill parcels with previously developed structures that have been demolished. Surrounding the site is predominantly residential buildings, vacant lots and some commercial buildings. In the absence of the project, the site would remain vacant urban infill parcels.

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.

The Board did not have any questions or comments. Brian Crawford made a motion to accept the Staff Opinion for Case #01-220604002. The motion was seconded by Gary Ginsburg and was also approved by Gerry Engstrom.

Case #: 01-220604010
Project Name: 148 Colonial
Applicant: Diamond Home Designs, LLC
Project Location: 148 Colonial Ave
Municipality: City of Albany
Parcel Size: 0.90 acres
Zoning: Townhouse & Mixed Use Neighborhood edge (R-T & MU-NE)
Tax Map Number: 64.64-1-6
Referring Agency: City of Albany Planning Board

Considerations: Site plan review to construct a single family home on a vacant lot. The proposed home is to be 1,783 SF with three (3) bedrooms, 2.5 bathrooms and a two (2) car garage.

Action Type: Site Plan Review

Juris. Determinant: County Property
Potential Impacts: Buckingham Lake Park

Staff Notes: The applicant proposes to construct a single family home on a vacant land where a single-family home used to reside before it was burnt down. The proposed house will consist of three bedrooms, 2.5 bathrooms and two car garages. A total of 0.1 acres of land disturbance is anticipated to occur. The proposed building will require new water and sewer service connections.

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.

There was some confusion over the proposed garage space. Gopika stated that there are 2 garages, however it was later determined that it is an attached garage that can fit 2 vehicles (corrected wording above in “considerations”).

The Board did not have any questions or comments. Gary Ginsburg made a motion to accept the Staff Opinion for Case #01-220604010. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Case #: 01-220604011
Project Name: **97 & 101 Tampa Ave - Single-Family Home**

Applicant: Milton Villacencio
Project Location: 97 & 101 Tampa Avenue
Municipality: City of Albany
Parcel Size: 0.28 acres
Zoning: Townhouse & Mixed Use Neighborhood edge (R-T & MU-NE)
Tax Map Number: 64.47-2-25, 64.47-2-27
Referring Agency: City of Albany Planning Board

Considerations: Site plan review to construct a single family home on each vacant lot.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts:

Staff Notes: The applicant proposes to build two single family homes in the parcel that is currently vacant. A total of 0.275 acres of land disturbance is to

occur during the construction. The building will require new water and wastewater utility connections.

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.

The Board did not have any questions or comments. Brian Crawford made a motion to accept the Staff Opinion for Case #01-220604011. The motion was seconded by Gary Ginsburg and was also approved by Gerry Engstrom.

Case #: 04-220603997
Project Name: ATM Drive & Renovations - Thru-Harry Liapes
Applicant: Harry Liapes
Project Location: 163 Delaware Ave, Delmar
Municipality: Town of Bethlehem
Parcel Size: 2.15 acres
Zoning: CH (Commercial Hamlet)
Tax Map Number: 86.06-1-14
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review to renovate existing building to create commercial/retail space on the first floor including a drive thru ATM, 36 parking spaces including two ADA spaces and a drive thru and bypass lane for the ATM. A dumpster, loading zone and green space are also to be added.

Action Type: Site Plan Review

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

Staff Notes: The project proposes to renovate the first floor of the existing building to accommodate operations associated with a bank tenant and an additional unknown commercial tenant. Building modifications will be within the existing footprint. External improvements will be aesthetic or to provide pedestrian access to relocated entrances. Additionally, the project proposes additional site modifications including, 1. Approximately 20,043 SF of existing pavement will be redeveloped, 2.

Approximately 8,425 SF of existing pavement will be removed and replaced with permeable surfaces. This will reduce the existing impermeable surface coverage from 85% (36,373 SF) down to 65% (27,948 SF), 3. Thirty-six (36) parking spots, including two (2) ADA spaces with compliant signage, are proposed in the redeveloped pavement area, 4. Two (2) twenty-four foot wide, driveway aisles are proposed for access to/from Normanskill Boulevard. Access to Delaware remains in its current location and will be modified to allow residential access only, 5. One (1) electric vehicle (EV) charging station with dual ports is proposed to serve two (2) parking spaces designated for EVs, 6. Site disturbance is approximately 40,000 SF; therefore, a Stormwater Pollution Prevention Plan (SWPPP) is not required. Stormwater drainage will be consistent with existing conditions conveyance to both the western vegetated portion of the parcel and to the northeast public stormwater management system. Currently no drainage structures exist within the project parcel. One yard drain is proposed and will connect to the closed storm sewer system along Normanskill Boulevard, 7. One (1) dumpster enclosure is proposed in the northwestern portion of the project site, 8. Landscape screening is proposed along the northern and eastern parcel boundaries and between the proposed ATM access drive and residential driveway. Other landscape plantings will supplement curb appeal, 9. New LED site lighting fixtures and building-mounted lighting are proposed, 10. The project does not require any modifications to existing municipal utility services, and 11. The project will replace the existing 6" vitrified clay pipe sanitary lateral. The parcel has an existing 6,600 SF building with two floors, pavement and sidewalks. The Applicant owns the parcel and a contiguous parcel located directly north; total contiguous acreage owned by the Applicant is 2.15 acres. Existing vehicular access to the site connects to both Delaware Avenue and Normanskill Boulevard. The existing building is serviced by municipal water and sewer utilities. The surrounding areas is commercially developed along the Delaware Avenue corridor.

Staff Opinion:

Modify local approval to include

1. 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.

The Board did not have any questions or comments. Gary Ginsburg made a motion to accept the Staff Opinion for Case #04-220603997. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Case #: 04-220603999
Project Name: **Community Power Group LLC & Rte 9W Solar LLC (Frueh Bros. Property Owners)**

Applicant: Community Power Group LLC & Rte 9W Solar LLC
Project Location: 678 Route 9W, Glenmont
Municipality: Town of Bethlehem
Parcel Size: 56.56 acres
Zoning: Mixed Economic Development/Rural Hamlet
Tax Map Number: 109.00-3-3
Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Area variance to install 5MW solar panels and racking equipment to meet the height requirements and use variance for the large PV system in Rural Hamlet district.

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

Juris. Determinant: Agricultural District, State Road, NYS Thruway
Potential Impacts: Agricultural District, Route 9W, 87 NYS Thruway, NWI Wetlands

Staff Notes: The applicant proposes to install 5MW community solar facility within the leased acreage. Under article XIII, Use and Area Schedules, Section 128-99, A Schedule of Uses a large scale photovoltaic system is not a permitted use in the Rural Hamlet zoning district. The access road to the solar facility passes through Rural Hamlet zoning district. Hence, a use variance is required. Under Article VI, Supplementary Regulations, Section 128-67.2 Solar Photovoltaic (PV) Systems E, large-scale ground-mounted solar PV systems may not exceed 12' in height whereas the applicant anticipates height maximum of 15' for the array. As per the Short Environmental Assessment Form narrative, the parcel has a wetland area of 25.815 acres out of the total 56.56 acres. A total of 0.8 acres of impervious surface is to be created and 0.074 acres of wetland discharge.

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-0-20-001, January 29, 2020) 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 establish conditions requiring abandoned solar systems to be removed by the owner is also generally included as part of an approval for this size project.

4. 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.

The Board did not have any questions or comments. Gary Ginsburg made a motion to accept the Staff Opinion for Case #04-220603999. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Case #:	<u>05-220603998</u>
Project Name:	Pond (Town of Coeymans)
Applicant:	Frederick Allen
Project Location:	3 Beck Road
Municipality:	Town of Coeymans
Parcel Size:	83.70 acres
Zoning:	Rural Agricultural (R/A)
Tax Map Number:	177.-1-65
Referring Agency:	Town of Coeymans Planning Board
Considerations:	Special use permit to build 0.25 acres pond in the rear of the house.
Action Type:	Special Use Permit
Juris. Determinant:	County Road
Potential Impacts:	CR 112 Staco Road
Staff Notes:	The property owner proposes to build 0.25 acres of pond in the rear of the property behind the house.

Staff Opinion:

Disapprove without prejudice

1. The Albany County Planning Board requests that the applicant provide an official drawing that include topological information, location of the proposed pond, cross section through the proposed pond, pond outlet details, lining for the pond, and development of the pond, i.e., whether it will be spring fed, run off, etc. The Board found the drawings to be unacceptable for review purposes.
2. Review and permits New York State Department of Environmental Conservation for pond construction or establishing structures to obtain source of water.

The Board had numerous concerns regarding this referral and discussed it at length. Gopika commented that she had reached out to the Town of Coeymans for more information, but they were unable to provide any additional details. Gopika had also asked the Town Planner if the Town of Coeymans Planning Board had any concerns regarding this projects lack of details, but was told that this is all that they have for this project. The Board felt the submission lacked important information needed (see #1 above) and therefore should be switched from the Staff Opinion of “Modify”, to a “Disapprove without Prejudice”. Gerry Engstrom cited specific concerns about the lack of details on the NYS SEQR short form and the hand drawn diagram of the pond. The diagram indicates that the Pond is proposed to be 10ft-12ft deep and will have a 300ft circumference. Bill Anslow, Albany County Civil Engineer, mentioned that the information we received did not indicate what the pond will be built on or what materials it will be built with.

Gary Ginsburg asked why the Town of Coeymans would move this forward to us with the lack of information needed to make a decision. Gerry Engstrom responded that this has been the case with the Town of Coeymans on a few occasions. When this happens the ACPB tries to give the Town the opportunity to send additional information or pull the referral until they have additional details. But if neither of those occur, which is the case with this referral, the ACPB is left with the option of approve or disapprove.

Brian Crawford made a motion to Disapprove without prejudice Case #05-220603998. The motion was seconded by Gary Ginsburg and was also approved by Gerry Engstrom.

Gerry mentioned that the ACPB would be happy to review this in the future if the Town of Coeymans is able to submit some of the additional details that have been mentioned.

Case #: 05-220604007
Project Name: Magic Forest Farm

Applicant: Jason Ball
Project Location: 138 Bucks Ranch Road
Municipality: Town of Coeymans
Parcel Size: 133.40 acres
Zoning: Rural Agricultural (R/A)
Tax Map Number: 141.-2-7
Referring Agency: Town of Coeymans Planning Board

Considerations: Special use permit to allow temporary campground for August 5th, 2022 to August 8th, 2022 with no more than 300 campers.

Action Type: Special Use Permit

Juris. Determinant: County Road, Agricultural District
Potential Impacts: CR 108 Copeland Hill Road, Agricultural District

Staff Notes: The applicant is requesting a special use permit to allow for campground at Magic Forest Farm venue from August 5th, 2022 to August 8th, 2022 with no more than 300 attendees. Water, sewage and electricity is to be made available with rentals and generators. This application was previously reviewed by the Albany County Planning Board in April 2022 for special use permit for music camping festival consisting of 300 - 1500 people depending on event and ticket sales. The ACPB determination was, "Modify local approval to include

1. Notification to the local fire department for review and comment on emergency access and the emergency plan.
2. Review by the Albany County Department of Health for food service vendors.
3. Notification to the Albany County Sheriff's Department for review and comment on emergency access and the emergency plan." and an advisory note, "1. The Albany County Planning Board advises that the Town should request the applicant for a written traffic study that includes traffic control plan. The ACPB also advises that the emergency evacuation plan should include an aviation medevac landing zone."

Staff Opinion: Modify local approval to include

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

Case #: 07-220604012

Project Name: **Bonded Concrete Telecom Facility**

Applicant: Cellco Partnership/b/a Verizon Wireless

Project Location: 228 Watervliet Shaker Road

Municipality: Town of Colonie

Parcel Size: 32.41 acres

Zoning: Industrial (IND)

Tax Map Number: 44.1-1-9.1

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for construction of a new wireless telecommunication tower on a 10,000SF portion of the 32.6 acres property.

Action Type: **Site Plan Review**

Juris. Determinant: State Road

Potential Impacts: 155 Watervliet Road

Staff Notes: The applicant proposes the construction, operation and maintenance of an unmanned Public Utility Facility/Wireless Telecommunications Facility at 228 Watervliet Shaker Road. The construction of a free-standing open lattice style tower 140' tall and a 4' lighting rod to support wireless antennas of Verizon Wireless and future co-location by additional wireless carriers, equipment cabinets, access/utilities and other appurtenances secured within a (75'x75') fenced compound and (100'x100') lease area. The parcel is located in an Industrial zoning district and it is an allowable use with a special use permit. The Town of Colonie determined the proposed action to be a unlisted SEQR Action with no significant effect on the environment. Currently the property is vacant with no prior uses.

Staff Opinion: Modify local approval to include
 1. A decommissioning plan or establish conditions requiring abandoned telecommunication facilities 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 that notification of this application should be provided to any municipality in the effective service area of the proposed facility in order to facilitate intermunicipal coordination and potential co-location of future telecommunications facilities.

The Board did not have any questions or comments on this referral. Gary Ginsburg made a motion to accept the Staff Opinion for Case #07-220604012. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Case #: 10-220604008

Project Name: Riitano

Applicant: Deborah & Joseph Riitano

Project Location: 6228-6230 Riitano Ln

Municipality: Town of Guilderland

Parcel Size: 8.21 acres

Zoning: Single Family Residential District (R40)

Tax Map Number: 52.03-2-5.2

Referring Agency: Town of Guilderland Planning Board

Considerations: Area variance and special use permit for amendment of garages at Independent Living Facility.

Action Type: Area Variance, Special Use Permit

Juris. Determinant: County Road

Potential Impacts: CR 203 Johnston Road

Staff Notes: The applicant is requesting a special use permit and area variance for site development for construction of a 14-bay garage with a maintenance space on a previously approved site for 72 unit senior independent living apartments. A total of 0.26 acres of land disturbance is to occur.

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-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.

Brian Crawford asked if Stormwater was looked at on this case. Specifically, if the garages would add to a poor drainage situation. The Board checked the plans that were submitted. The Board determined that the modification of a SWPPP (noted as #1 above) will cover any concerns about drainage.

Brian Crawford made a motion to accept the Staff Opinion for Case #10-220604008. The motion was seconded by Gary Ginsburg and was also approved by Gerry Engstrom.

That concluded the Referral portion of the agenda.

Unfinished Business: The Board was scheduled to discuss the appointment of the permanent chairperson, however 2 board members are absent today therefore it will have to wait until the next meeting.

Brian Crawford mentioned that he hopes we will meet in person next month.

New Business: Ransom Moore will no longer be at our meetings as the representative of the Comptroller's office. Mike Wheeler will be replacing Ransom as the ex-officio beginning next month.

The next meeting of the Albany County Planning Board will be July 21, 2022 at 3:30pm. We are uncertain at this time whether the meeting will be in-person or remote.

Lynn Delaney said that Cornell Cooperative Extension does not have a room for us to use next month.

Gerry Engstrom mentions to the Board members that they should let Lynn or Gopika know if they are unable to attend that meeting so we can ensure we have quorum.

Adjourn: Brian Crawford made a motion to adjourn at 4:11pm.

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