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**GERALD ENGSTROM JR.,**  
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CHAIRPERSON

**TRAVON T. JACKSON**  
VICE CHAIRPERSON

## **ACPB Meeting Minutes – December 15, 2022**

**NOTE:** The December 15, 2022 meeting of the ACPB was held in person at the Albany County DPW office in Voorheesville. The meeting was also available remotely via Microsoft Teams for the public to participate.

**Board Members Present:** Gerry Engstrom, Travon Jackson & Brian Crawford.

**Board Members Absent:** Beth Lacey

**Albany County Public Works Office:** Gopika Muddappa, Senior Planner; Lynn Delaney, Secretary; James Mearkle, Traffic Engineer; Anton Konev, Albany County Comptroller's Office, Ex-Officio.

**Guests:** none

**Minutes:** Lynn Delaney, Secretary

**Call to Order:** Gerry Engstrom called the meeting to order at 3:33pm.

The October 20, 2022 ACPB Meeting Minutes were unable to be voted upon at this meeting due to Beth Lacey's absence (Gerry Engstrom did not attend the October 2022 meeting).

The November 18, 2022 ACPB Meeting Minutes were unable to be voted upon at this meeting due to Beth Lacey's absence (Travon Jackson did not attend the November 2022 meeting).

Gerry Engstrom mentioned that there were some changes from the posted agenda. Case **#05-221204124** from the Town of Coeymans and Case **#10-221204121** from the Town of Guilderland were both removed from the agenda at the request of the Towns that submitted them. In addition, Case **#03-221204120** from the Town of Berne, is unable to be reviewed. Board Member Brian Crawford planned on recusing himself from this case due to a conflict of interest and therefore, the Board will not have quorum to vote on this case.

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

**Case #:** 03-221204120  
**Project Name:** **Crawford Subdivision**

**Applicant:** Kenneth J. Crawford  
**Project Location:** 370 Long Road  
**Municipality:** Town of Berne  
**Parcel Size:** 62.17 acres  
**Zoning:** Residential/Agricultural/Forestry (RAF)  
**Tax Map Number:** 91.-2-5.11  
**Referring Agency:** Town of Berne Planning Board

**Considerations:** Subdivision review to subdivide the 62.17 acres parcel into two lots. Lot 1 to be 32.53 acres and Lot 2 to be 29.64 acres.

**Action Type:** **Subdivision Review**

**Juris. Determinant:** Agricultural District, State Road  
**Potential Impacts:** 443 Helderberg Trail, FEMA Floodzone, NYSDEC Wetlands, NWI Wetlands

Brian Crawford recused himself from this case. As a result, the ACPB did not have the ability to meet quorum requirements to vote, therefore the Town of Berne will be contacted by Gopika Muddappa, Senior Planner, to make them aware that they can proceed without a formal ruling from the Albany County Planning Board.

**Case #:** 04-221204117  
**Project Name:** **Amendments to Town Zoning Law Chapter 128-67.2 Solar photovoltaic (PV) systems**

**Applicant:** Town of Bethlehem  
**Project Location:** Town of Bethlehem  
**Municipality:** Town of Bethlehem  
**Parcel Size:** N/A N/A  
**Zoning:** N/A

**Tax Map Number:** N/A  
**Referring Agency:** Town of Bethlehem Legislative Board

**Considerations:** Amendment of the zoning law Chapter 128-67.2, Solar Photovoltaic (PV) systems to update the size of the solar panel system installation that is allowed by building permit for building-mounted and building-integrated solar systems.

**Action Type:** **Amendment of Local Law**

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

**Staff Notes:** The Town of Bethlehem proposes the amendment to Chapter 128-67.2 Solar Photovoltaic (PV) systems regarding system size maximum for facilities permitted by right and by special use permit in order to follow the recommendations of the NY State model solar energy local law and thereby streamline the permitting process for Town residents and businesses who wish to take advantage of lowering energy costs by installing rooftop or building integrated solar energy systems.

**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 #:** **04-221204126**  
**Project Name:** **Renovation of Existing Multi-Use Building and Construction of New Garage**

**Applicant:** Guinevere Gorman  
**Project Location:** 895 Delaware Ave, Delmar  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 1.2 acres  
**Zoning:** Rural Hamlet  
**Tax Map Number:** 95.00-4-6  
**Referring Agency:** Town of Bethlehem Planning Board

**Considerations:** Site plan review for renovation of the existing structure for roofing business office, dance studio and 3,267 SF of residential apartment. Construction of a new 1,500 SF garage is proposed.

**Action Type:** Site Plan Review

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

**Staff Notes:** The applicant proposes to renovate the existing building for commercial residential mixed use. The lower floor will be renovated to be used as commercial space to accommodate Grace Roofing business office and Redemption Dance Institute. The upper floor will be renovated to restore 3,267 SF of residential space to accommodate 2-3 residential apartments. Construction of a new 1,500 SF garage is proposed for parking and storage. A total of 25 parking spaces are proposed on site including one ADA parking space. No land disturbances are anticipated during the renovation. This project (04-220904054) was previously reviewed by the Albany County Planning Board in September 2022 for rezoning of property to continue residential apartments on the upper floor and use the lower floor for commercial use where the uses were allowed in the Rural Hamlet District subject to site plan review by the Town Planning Board. The ACPB determination was, '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.'

**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 #:** 04-221204127  
**Project Name:** Signage - Five Below

**Applicant:** Action Sign Co.  
**Project Location:** 388 Feura Bush Road  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 12.91 acres  
**Zoning:** Commercial Hamlet  
**Tax Map Number:** 97.15-2-3./9001  
**Referring Agency:** Town of Bethlehem Zoning Board of Appeals

**Considerations:** Area variance for the construction of a wall sign that is 186.4 SF which is over the allowed 125 SF.

**Action Type:** Area Variance

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

**Staff Notes:** The applicant proposes to construct a 186.4 SF signage for the retail store Five Below whereas the allowed total square footage is 125 SF as per the Town code. The proposed sign exceeds by 61.4SF.

**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 #:** **05-221204129**  
**Project Name:** Area Variance - Wayne Flach

**Applicant:** Wayne Flach  
**Project Location:** 38 Fares Road  
**Municipality:** Town of Coeymans  
**Parcel Size:** 8.1 acres  
**Zoning:** Residential/ Agricultural (R/A)  
**Tax Map Number:** 167.-1-31  
**Referring Agency:** Town of Coeymans Zoning Board of Appeals

**Considerations:** Area variance for the front yard setback to be 35' instead of the required 40'.

**Action Type:** Area Variance

**Juris. Determinant:** County Road  
**Potential Impacts:** CR 102 Starr Road

**Staff Notes:** An area variance is required to meet the front yard setback. The applicant requests a 35' setback over the required 40' as per the building department.

**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 #:** 07-221204118  
**Project Name:** **Bonded Concrete - Garage Addition**

**Applicant:** Bonded Concrete, Inc.  
**Project Location:** 228 Watervliet Shaker Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 32.41 acres  
**Zoning:** Industrial  
**Tax Map Number:** 44.1-1-9.1  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review for construction of a 2,700 SF addition to the existing garage.

**Action Type:** **Site Plan Review**

**Juris. Determinant:** State Road  
**Potential Impacts:** 155 Watervliet-Shaker Road, FEMA Floodzone

**Staff Notes:** The applicant is proposing a 2,700 SF expansion of an existing maintenance garage which will contain a single finished floor elevation matching the high finished floor. No new sewer or water connections are proposed. Electrical services are to be extended to serve the expansion. Stormwater will sheet flow via a single pitched roof towards the aforementioned stormwater structure. The scope of work involves disturbance of less than 5,000 SF of existing concrete slab to accommodate building pad construction and blending into grade surrounding the expansion. Less than one acre to be physically disturbed. Currently, the parcel consists of +/- 4070 SF maintenance garage with two parallel drive through garage bays.

**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 #:** 07-221204128  
**Project Name:** **The Shop - Building Addition**

**Applicant:** Jessica Shattuck  
**Project Location:** 814 Troy Schenectady Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 0.769 acres  
**Zoning:** Commercial Office Residential (COR)  
**Tax Map Number:** 18.2-6-54  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review for the construction of a 1,697 SF building addition for expansion of the existing 1,780 SF hair and beauty salon.

**Action Type:** **Site Plan Review**

**Juris. Determinant:** State Road  
**Potential Impacts:** 7 Troy Schenectady Road

**Staff Notes:** The applicant proposes the construction of a 1,697 SF building addition for expansion of the existing 1,780 SF hair and beauty salon to include six more booths. Additional parking spaces are proposed to meet the present and future needs, in addition to landscaping and minor grading. Less than one acre of land to be disturbed as per the Short Environmental Assessment Form.

**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 #:** 13-221204115  
**Project Name:** **Lands of Winne Estate**

**Applicant:** Cynthia Elliot  
**Project Location:** 95 & 83 Winne Lane  
**Municipality:** Town of New Scotland  
**Parcel Size:** 154 & 6.08 acres  
**Zoning:** Residential Agricultural (RA)  
**Tax Map Number:** 118.-3-4.1, 118.-3-4.2  
**Referring Agency:** Town of New Scotland Planning Board

**Considerations:** Lot line adjustment to merge 26 acres from the parcel located at 95 Winne Lane with the existing 6.08 acres at 83 Winne Lane.

**Action Type:** Lot Line Adjustment

**Juris. Determinant:** Agricultural District, State Road  
**Potential Impacts:** 32 Indian Fields Road, Historic District, FEMA Floodzone, NWI Wetlands (Riverine)

**Staff Notes:** The applicant proposes to merge 26 acres of vacant farmland from the existing 154 acres to the existing adjacent lot of 6.08 acres at 83 Winne Lane. No new lots are proposed. This is proposed as an estate settlement and to add the property to beneficiary under the will of Brenda Winne (owner of 95 Winne Lane). No land disturbance is to occur during the lot line adjustment.

**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 #:** 13-221204122  
**Project Name:** Lands of Albright & Snowden

**Applicant:** Cynthia Elliot  
**Project Location:** 172 Martin Road & 41 Sumac Hollow  
**Municipality:** Town of New Scotland  
**Parcel Size:** 2.35, 4.30, 7.4 acres  
**Zoning:** Residential Agricultural (RA)  
**Tax Map Number:** 71.-1-31.12, 71.-1-31.11, 71.-1-32  
**Referring Agency:** Town of New Scotland Planning Board

**Considerations:** Subdivision of the 4.3 acres vacant parcel into two lots consisting of 3.46 acres and 0.84 acres. 3.46 acres to be merged with the parcel with Tax ID 71.-1-32 and 0.84 acres to be merged with the parcel with Tax ID 71.-1-31.12.

**Action Type:** Subdivision Review

**Juris. Determinant:** Agricultural District  
**Potential Impacts:** Agricultural District



**Staff Notes:** The parcel consisting 4.3 acres will be divided into two lots, 3.46 acres and 0.84 acres. 3.46 acres of the vacant land will be added to the adjoining owner to the north, Tax ID 71.-1-32, and 0.84 acres of vacant land will be added to the adjoining owner to the east, Tax ID 71.-1-31.12. No new lots are proposed and no land disturbances are indicated as per the Short Environmental Assessment Form.

**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.

Brian Crawford made a motion to approve the Staff Recommendation for the following  
Case #'s 04-221204117, 04-221204126, 04-221204127, 05-221204129, 07-221204118, 07-221204128, 13-221204115 & 13-221204122. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

**Case #:** 07-221204119  
**Project Name:** Car Wash Facility - Area Variance  
**Applicant:** Michael McGrath (Agent for New Potato Creek Holding)  
**Project Location:** 1384 Central Ave  
**Municipality:** Town of Colonie  
**Parcel Size:** 1.5 acres  
**Zoning:** Commercial Office Residential (COR)  
**Tax Map Number:** 42.17-6-35  
**Referring Agency:** Town of Colonie Zoning Board of Appeals

**Considerations:** Area variance for relief of the required 200 feet setback requirement for the proposed construction of 3,620 SF car wash facility.

**Action Type:** Area Variance

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

**Staff Notes:** The proposed redevelopment involves the demolition of the existing motel building and parking areas and the construction of a new +/-3,620 SF Tidal Wave Auto Spa carwash facility. The site is proposed to include

five customer/employee parking spaces including one ADA parking space and 26 vacuum spaces. Other site features include new utility services, stormwater mitigation features, concrete parking and drive lanes, concrete curbing and sidewalk, a dumpster enclosure matching the architecture of the building, LED site lighting fixtures, landscaping and signage. As per the Short Environmental Assessment Form (SEAF), a total of 1.2 acres to be physically disturbed. The proposed construction has a setback distance of 115.6 SF from the car wash, 45.2 feet from the pay kiosk, and 116.1 feet from the vacuum structures from the boundary line of the Single-Family Residential (SFR) district where a minimum of 200 feet is required as per the Town of Colonie Land Use Law.

**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. 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.

**Advisory Note:**

1. The Town should ensure that a demolition review is provided by the applicant to ensure no hazardous materials are present on site.
2. The Albany County Planning Board advises the Town that consideration should be given to additional drainage at the end of the car wash and at the exit onto Central Avenue to catch excess water runoff on the property side of the sidewalk.

Gerry Engstrom mentioned that he did not see anything that accounts for drainage of vehicles before they get to the turn onto Central Avenue. The concern is that there would be the potential of patches of water freezing causing slippery conditions for motorists on Central Avenue. The Board decided to add an Advisory Note (noted above as Advisory #2) asking the Town to investigate this possibility. With that Advisory Note added, Travon Jackson made a motion to accept the Staff Opinion for Case # 07-221204119. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** 10-221204116  
**Project Name:** **Barth Meadows Major Subdivision**

**Applicant:** BM Guilderland, LLC  
**Project Location:** 6458 Posson Rd, 183 Rt 146, 185 Rt 146, Rt 146 Rear  
**Municipality:** Town of Guilderland  
**Parcel Size:** 91.3 acres  
**Zoning:** Residential Overlay (RO40)  
**Tax Map Number:** 39.00-2-28, 39.00-3-34, 39.00-3-36, 39.00-3-35  
**Referring Agency:** Town of Guilderland Planning Board

**Considerations:** Subdivision review for the proposed residential cluster subdivision with 66 single-family homes with associated utilities and roadway.

**Action Type:** **Subdivision Review**

**Juris. Determinant:** State Road, Agricultural District  
**Potential Impacts:** State Route 146, FEMA Floodzones.

**Staff Notes:** The project proposes a residential cluster subdivision with 66 single family homes, which under provisions of the Residential Overlay (RO40) district will have a minimum lot size of 15,000 sf. Approximately 4,811 linear feet of proposed roadway with associated utilities will be constructed to serve the single-family lots with connections to Route 146, Posson Road and Concord Hill Road. The roadways are intended to be dedicated to the Town of Guilderland. 62 residential lots are proposed with direct access to Route 146 with a secondary access to Concord Hill Drive. 4 residential lots are proposed with a short extension of Posson Road. The existing municipal water main (Guilderland Water Department) located along Route 146 is presumed to have enough capacity to serve the proposed development. An expansion of the existing district or creation of a new water district will be required as the project site is not within the current district. The existing sewer main (Guilderland Department of Waste Water) located in the adjacent development on Concord Hill Drive is presumed to have adequate capacity to service the project. The project site is outside the existing sanitary sewer district, so an expansion of the existing district or the creation of a new district will be required. As per the Short Environmental Assessment Form, a total of 25.55 acres of land disturbance is anticipated.

**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. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway.
3. 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.
4. As per the Full Environmental Assessment Form, the proposed site is within NYS Heritage Area Mohawk Valley Heritage Corridor. Review by the NY State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources.
5. 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.
6. The local fire department should be notified to evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.
7. The Albany County Planning Board recommends that the Town should consider requesting the applicant/developer to delete Lot 22 due to the direct wetland impacts. The Town should consider the wetland impacts to the list of Lots mentioned below and their cumulative impact to the entire project, and the mitigations required to make the project suitable to be built or constructed including the entrance to Road A from State Route 146. The Lots with potential wetland impacts are Lot 4, 5, 6, 7, 8, 9, 10, 19, 22, 23, 29, 28, 43, 54, 55, 56, 57, 58, 59, and 60.

The Board reviewed the Site Plan for this project and expressed concern over the significant Wetland involvement. Of particular concern was Lot 22 though other lots also had potential wetland impacts. The Board determined they should add a modification asking the Town to address these concerns (noted above as Modification # 7). Gerry Engstrom mentioned that cases like these are when we really could use a Stormwater Technician to review and consult with the Board.

With that Modification added, Travon Jackson made a motion to accept the Staff Recommendation for Case #10-221204116. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** 10-221204125  
**Project Name:** **Minor Subdivision of Diamond Home Designs, LLC**

**Applicant:** Diamond Home Designs, LLC  
**Project Location:** Schoolhouse Rd  
**Municipality:** Town of Guilderland  
**Parcel Size:** 9.47 acres  
**Zoning:** Residential Overlay (RO40)  
**Tax Map Number:** 63.00-2-20  
**Referring Agency:** Town of Guilderland Planning Board

**Considerations:** Two lot minor subdivision of 9.5 acres of land which was previously approved in September 2008 but has now expired.

**Action Type:** **Subdivision Review**

**Juris. Determinant:** Interstate Highway, Municipal Boundary  
**Potential Impacts:** I87 New York State Thruway, Intermunicipal Boundaries of Town of Guilderland and Town of Bethlehem

**Staff Notes:** The applicant proposes a two lot minor subdivision of the 9.5 acres. There is a deed granted and recorded that allows access to this property across lands of Niagara Mohawk Power Corporation. One driveway will enter from Vaughn Drive and then split into two driveways in order to serve each lot. Each lot will be serviced with municipal utilities. This subdivision was approved in September 2008, but the final plat was never recorded with Albany County, therefore, the subdivision approval has since expired. Less than one acre to be physically disturbed. As per the Short Environmental Assessment Form, a total of 0.1 acres of wetland will be disturbed in order to install a 30" drainage pipe approximately 60' in length and an area to be filled in order to get access across the wetland to the proposed two new parcels. This application (071100182) was reviewed in August 2007 and the ACPB determination was, 'Modify local approval to include. 1. 1. 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. 2. 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 2003) for construction activities that disturb more than one acre of land. 3. Review by the New

York State Thruway Authority for assessment of impacts to Thruway lands. The Thruway Authority has made comments on the subdivision directly to the south in the Town of Bethlehem and may have similar comments to make on this proposal. 4. Notification to the adjacent municipality of the Town of Bethlehem.'

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

Brian Crawford commented that the map already points to a permanent easement so the Board doesn't need to add the typical wording regarding a shared agreement.

Brian Crawford made a motion to accept the Staff Recommendation for Case **#10-221204125**. The Motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

**Case #:** **13-221204123**  
**Project Name:** **Lands of Mullaney**

**Applicant:** Cynthia Elliot  
**Project Location:** 97 Unionville Feura Bush Road  
**Municipality:** Town of New Scotland  
**Parcel Size:** 55.6 acres  
**Zoning:** Residential Agriculture & Residential Hamlet (RA & RH)  
**Tax Map Number:** 107.-2-1.11  
**Referring Agency:** Town of New Scotland Planning Board

**Considerations:** Lot line adjustment of recently approved lot to add additional land for a revised new home construction.

**Action Type:** **Lot Line Adjustment**

**Juris. Determinant:** County Road  
**Potential Impacts:** CR 308 Unionville Feura Bush Road

**Staff Notes:** The applicant proposes a lot line adjustment for the previously approved subdivision of the parcel into 53.6 acres and 2 acres. After the lot line

adjustment the revised acreage is proposed to be 52.04 and 3.56. A total of 1.56 acres is added to the previously approved 2 acres. The location for the proposed Single-Family dwelling was moved and thus the lot line adjustment. This application (13-220804041) was previously reviewed by the Albany County Planning Board for subdivision review to subdivide two (2) acres of land from 55.6 acres of vacant land to allow family members to construct home. The ACPB determination was, 'Modify local approval to include

1. Review by the Albany County Department of Health for the proposed septic and other required permits.
2. A highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way is required.'

**Staff Opinion:**

Modify local approval to include

1. Review by the Albany County Department of Health for the proposed septic and other required permits.
2. A highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way is required.

Travon Jackson made a motion to accept the Staff Recommendation for Case **#13-221204123**. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** **12-221204114**  
**Project Name:** **37 Simmons Lane**

**Applicant:** Two Girls and a Guy II, LLC  
**Project Location:** 37 Simmons Lane, Menands  
**Municipality:** Village of Menands  
**Parcel Size:** 24.07 acres  
**Zoning:** Heavy Industrial  
**Tax Map Number:** 55.17-3-4.1  
**Referring Agency:** Village of Menands Planning Board

**Considerations:** Site plan review for the construction of two new warehouses approximately 28-feet in height with associated parking, utilities and landscaping. Building 1 to be 45,500 SF and Building 2 to be 35,100 SF.

**Action Type:** **Site Plan Review**

**Juris. Determinant:** Interstate Highway  
**Potential Impacts:** I787 interstate Highway, FEMA Floodzone, NYSDEC Wetlands, NWI Wetlands

**Staff Notes:** The proposed project is for two (2) new warehouse buildings with small office space. Phase 1 will be a 45,500± SF office/warehouse (Building #1) and Phase 2 will be a 35,100± SF office/warehouse (Building #2). The Building #1 will be occupied by FPI Mechanical. Building #2 is set up to be divided into several tenant spaces for warehousing demands. All tenant spaces will have provisions for truck docks and at grade overhead doors on the Southside of the buildings. Tenants are to utilize the warehouse materials for light industrial use, light manufacturing/assembly use, construction materials and distribution of parts or finished products. Tenants will be prohibited from storing or maintaining hazardous materials on site except for those for which all necessary permits from the applicable governmental agencies have been obtained. Each Lease shall require the tenant to represent, warrant and covenant that the tenant will not use hazardous materials on, from or affecting the premises or the building in any manner which violates any applicable law including, but not limited to, those governing the use, storage, treatment, transportation, manufacture, refinement, handling, production of hazardous materials. The one known tenant, FPI Mechanical, will warehouse the products needed to perform its work, including Industrial piping, associated pumps and motors, materials (metals and plastics) for HVAC installations and relevant hardware and equipment. It is expected that other tenants will store products of a similar nature, subject to the same restrictions. Water and sewer services are available on Simmons Lane and the Village of Menands and Albany County Wastewater Treatment Plant are to provide the services necessary for the project. An extension of the waterline will be made for both domestic use and fire protection, two new hydrants will be installed near the buildings per site plan. Stormwater flow will be controlled onsite in accordance with NYSDEC regulations. Previously a Notice of Intent (NOI) was filed for this site and acknowledged by NYSDEC and the SWPPP is still active. An addendum to that Stormwater Pollution Prevention Plan (SWPPP) and NOI will be prepared for the proposed site changes. It is stated in the project narrative that the grading plan for this proposed Project has been modified from the grading plan for the 2014 approved site plan. This is due in part to the objective of raising the site to minimize flood risk issues and to elevate the proposed structures to bring them above the floodplain. The project proposes 99 parking spaces and the flexibility to expand as per the tenants need. The proposed parking is in accordance with the Village



Code requirements of 0.6 spaces per employee and 3.1 spaces per 1,000 square feet of office space. As per the Full Environmental Assessment Form (FEAF), a total of 7.9 acres of land is to be physically disturbed.

**Staff Opinion:**

Modify local approval to include

1. 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.
2. The existing Stormwater Pollution Prevention Plan (SWPPP) that was previously filed should be amended to include and address the proposed changes.

Brian Crawford made a motion to accept the Staff Recommendation for Case #12-221204114. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

**Unfinished Business:** The ACPB is still in need of another Board member. Lynn Delaney, Planning Board Secretary made the Board aware that even though we have not voted on the Meeting Minutes from Oct. and Nov. 2022, they are available in Draft Form for the public if they would like to review them.

**New Business:** The next meeting of the ACPB will be on January 19, 2023. Lynn will get the updated list of meeting dates to the Board Members before the end of the year. This list will include the deadline date for municipalities to submit their referrals. Gopika will send this list to all municipalities before December 31, 2022.

**Adjourn:** Travon Jackson made a motion to adjourn at 4:14pm.