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**GERALD ENGSTROM JR.,**  
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CHAIRPERSON

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VICE CHAIRPERSON

## **ACPB Meeting Minutes – October 19, 2023**

**NOTE:** The October 19, 2023 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, Brian Crawford & Travon Jackson.

**Board Members Absent:** Beth Lacey, Jeff LaFontaine

**Albany County Public Works Office:** Gopika Muddappa, Senior Planner; Lynn Delaney, Secretary; Zachary Smetana, Albany County Dept. of Management and Budget, Ex Officio; Anton Konev, Albany County Comptroller's office, Ex Officio.

**Guests:** Dan Hershberg, Hershberg and Hershberg.

**Minutes:** Lynn Delaney

**Call to Order:** Gerry Engstrom called the meeting to order at 3:38 pm.

**Vote for Meeting Minutes:** Travon Jackson made a motion to accept the September 21, 2023 Meeting Minutes. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

## ACPB 10-19-23 Meeting Minutes

Brian Crawford 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.

**Case #:** **01-231004342**  
**Project Name:** **1148 Western Avenue Laundromat Expansion**  
**Applicant:** CTM Real Estate LLC  
**Project Location:** 1148 Western Avenue  
**Municipality:** City of Albany  
**Parcel Size:** 0.13 acres  
**Zoning:** Mixed-Use, Neighborhood Center (MU-NC)  
**Tax Map Number:** 64.22-1-12  
**Referring Agency:** City of Albany Planning Board

**Considerations:** Site plan review for the construction of a 1,611± SF addition to the current structure, to accommodate the expansion of the existing laundromat and an addition of one (1) dwelling unit.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** 20 Western Avenue

**Staff Notes:** Applicant proposes to construct a 1611 +/- SF footprint addition with two floors. The first floor will house an expanded laundromat including office space. The second floor will accommodate an additional apartment and increase the number of bedrooms. Less than one acre of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). The stormwater detention gallery will discharge through an orifice control and discharge to a sewer in Taft Street and a subsurface stormwater detention gallery will collect drainage from roofs and pavements. On this parcel there are 12 parking spaces including 1 handicap parking along with existing sewer, water, and lighting utilities. An easement is to be provided for the 6 parking proposed in the entrance via Taft Avenue road.

**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 #:** 01-231004343  
**Project Name:** **New Scotland Spirits Tasting Room**

**Applicant:** Jesse S. Sommer  
**Project Location:** 352 State Street  
**Municipality:** City of Albany  
**Parcel Size:** 0.19 acres  
**Zoning:** Mixed-Use, Neighborhood Center (MU-NC)  
**Tax Map Number:** 65.80-3-55  
**Referring Agency:** City of Albany Planning Board

**Considerations:** Conditional use permit to allow for 606 SF of the existing building, located on the ground floor, to be used as a Bar or Tavern.

**Action Type:** **Special Use Permit/Conditional Use Permit**

**Juris. Determinant:** State Road  
**Potential Impacts:** 9W Lark Street, Historic District

**Staff Notes:** The applicant proposes to establish the New Scotland Spirits Tasting Room at the corner of State Street and Lark Street in Albany's Center Square Neighborhood. The Tasting Room will function in accordance with Section 61 of NYS Alcoholic Beverage Control law and with the New York State Liquor Authority's provisions regarding "off-site branch offices". There will be no food preparations, however there will be snacks such as pretzels and popcorn at service. They may also offer charcuterie board items.

**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 #:** 01-231004344  
**Project Name:** **1 Aspen Circle - Single-Unit Construction**

**Applicant:** Ahmed Amer  
**Project Location:** 1 Aspen Circle  
**Municipality:** City of Albany  
**Parcel Size:** 0.65 acres  
**Zoning:** Residential, Single-Family, Low Density (R-1L)  
**Tax Map Number:** 64.62-2-4  
**Referring Agency:** City of Albany Planning Board

**Considerations:** Site plan review for construction of a 2,299±SF dwelling, Single-Unit Detached, after a proposed lot subdivision.

**Action Type:** **Site Plan review**

**Juris. Determinant:** State Road  
**Potential Impacts:** State Route 85

**Staff Notes:** Proposed site plan review for the construction of 2,299 SF single-unit detached dwelling. The plan for this project is to split the existing single lot into two separate lots, and additionally to acquire the required building permits and approval to build a single family home on one of the two newly proposed lots. This is a Type II action.

**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 #:** 17-231004345  
**Project Name:** **Brian Beaury - Lot Merger**

**Applicant:** Brian Beaury  
**Project Location:** 1613, 1617 & 1623 2nd Avenue  
**Municipality:** City of Watervliet  
**Parcel Size:** 0.54 acres  
**Zoning:** Multifamily (R3)  
**Tax Map Number:** 32.67-1-30, 32.67-1-31, 32.67-1-33  
**Referring Agency:** City of Watervliet Planning Board

**Considerations:** Merging of three lots to provide parking and use the existing building as martial arts studio.

**Action Type:** Lot Merger

**Juris. Determinant:** State Road  
**Potential Impacts:** 32 Second Avenue

**Staff Notes:** The applicant proposes to merge the three lots located at 1613, 1617 & 1623 2nd Avenue to expand parking for the proposed martial arts studio. No major construction is proposed at this time. Total number of parking spaces proposed is 15. This application was previously reviewed (17-230904319) by the Albany County Planning Board in September 2023 for use variance to convert the existing building into a membership based Jiu jitsu and martial arts academy. The City approved the use variance in September 2023. 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 #:** 04-231004346  
**Project Name:** Bellini at Vista

**Applicant:** Joseph G. Caranfa, JNC Management Co. LLC  
**Project Location:** 10 Vista Blvd, Slingerlands  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 2.31 acres  
**Zoning:** Mixed Economic Development  
**Tax Map Number:** 74.00-1-29.22  
**Referring Agency:** Town of Bethlehem Planning Board

**Considerations:** Site plan amendment to install a roof over the existing 892 SF patio and a new rail surrounding the patio. Construction of a 644 SF addition to the existing building is also proposed.

**Action Type:** Site Plan Amendment

**Juris. Determinant:** State Road  
**Potential Impacts:** State Route 85

**Staff Notes:** Applicant intends to put a roof over the existing patio (892 SF) and install a new fence surrounding the patio. Applicant also intends to construct a 644 SF addition to the building. Less than one acre of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF).

**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 #:** 05-231004347  
**Project Name:** Leonard Pilhofer Lot Line Adjustment

**Applicant:** Stephen J Schmitt  
**Project Location:** 44 North Lane  
**Municipality:** Town of Coeymans  
**Parcel Size:** 13.04 acres  
**Zoning:** Residential Agricultural (R/A)  
**Tax Map Number:** 132.-5-2.2  
**Referring Agency:** Town of Coeymans Planning Board

**Considerations:** Lot line adjustment of the property line between the lands of Schmitt and Pilhofer.

**Action Type:** Lot Line Adjustment

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

**Staff Notes:** This is an application for lot line adjustment between the lands of Schmitt and Pilhofer. After the proposed lot line adjustment, total land of Schmitt is to be 16.471 acres which is originally 13.039 acres and lands of Pilhofer is to be 11.084 acres which is currently 24.123 acres.

**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 #:** **07-231004348**  
**Project Name:** **4000 Florence Drive - Young Landscaping**

**Applicant:** Young Landscaping  
**Project Location:** 6 Florence Drive  
**Municipality:** Town of Colonie  
**Parcel Size:** 14.79 acres  
**Zoning:** Planned Development District (PDD)  
**Tax Map Number:** 31.1-5-5.1  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review for the installation of 14'x18' pavilion within the patio.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** 155 Watervliet Shaker Road

**Staff Notes:** Site plan review for the installation of 14'x18' pavilion to the outdoor patio space at Hearthstone Village which is currently a senior living facility clubhouse. Less than one acre of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF).

**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 #:** **07-231004349**  
**Project Name:** **Lands of Holub**

**Applicant:** Richard Holub  
**Project Location:** 13 Spring Street & 495 Loudon Road  
**Municipality:** Town of Colonie

**Parcel Size:** 5022.25 acres  
**Zoning:** Single Family Residential (SFR)  
**Tax Map Number:** 43.2-2-1, 43.2-2-27  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Subdivision review to create three residential lots from the current two residential lot.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** 9 Loudon Road, Historic District, NWI Wetlands

**Staff Notes:** The development is proposed to create three (3) residential lot as opposed to the current two (2) residential lots. This is proposed by adjusting one of the current property lines and subdividing one of the current lots creating three residential lots. Access to 495 Loudon Road will be via the current driveway. Access to the remaining two lots will be via Spring Street Road. A total of one acre of land disturbance is anticipated during the development.

**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 #:** **10-231004350**  
**Project Name:** **PharmaCann**

**Applicant:** Nicholas Monette  
**Project Location:** Executive Park Dr  
**Municipality:** Town of Guilderland  
**Parcel Size:** 13.60 acres  
**Zoning:** Local Business (LB)  
**Tax Map Number:** 52.04-2-1  
**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Special use permit amendment for medical marijuana dispensary to include adult-use sales.

**Action Type:** **Special Use Permit**



**Juris. Determinant:** Interstate Highway  
**Potential Impacts:** I87 New York State Thruway

**Staff Notes:** PharmaCann is requesting an amendment to its existing special use permit to allow the sale of medical and recreational cannabis sales within its existing approved, medical marijuana dispensary. All activities are to be conducted in accordance with New York State Cannabis law and regulations.

**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 #:** 10-231004351  
**Project Name:** REI

**Applicant:** Crossgates Mall General Company Newco, LLC  
**Project Location:** 1 Crossgates Mall Road  
**Municipality:** Town of Guilderland  
**Parcel Size:** 7.90 acres  
**Zoning:** Transit Oriented District (TOD)  
**Tax Map Number:** 52.01-1-4.3  
**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Special use permit for the addition of a loading dock and dumpster enclosure and implementation of parking area improvements.

**Action Type:** **Special Use Permit**

**Juris. Determinant:** State Road  
**Potential Impacts:** 20 Western Avenue

**Staff Notes:** The proposed project is to remodel the former Forever 21 retail space into an REI Co-Op retail store. As part of the project, the main ingress/egress doors will be relocated to the south side of the building to face the main parking area. The accessible parking spaces will be relocated to the main parking area. On the west side of the existing building a new 524 SF loading dock addition is proposed to allow for delivery of products in addition to a new dumpster enclosure. Other site improvements include new concrete sidewalks, accessible ramps, parking and signage with associated new pavement areas to achieve

ADA compliance. A new storm drain line will be added to capture the runoff from the loading dock. Less than one acre of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). No changes to existing water and sewer systems are 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 #:** 10-231004352

**Project Name:** Cafe Italia

**Applicant:** AJ Signs

**Project Location:** 2080 Western Avenue

**Municipality:** Town of Guilderland

**Parcel Size:** 13.69 acres

**Zoning:** General Business (GB)

**Tax Map Number:** 51.02-2-4

**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Area variance for installation of a sign exceeding 50 SF.

**Action Type:** Area Variance

**Juris. Determinant:** State Road

**Potential Impacts:** 20 Western Avenue

**Staff Notes:** The proposed signage is 50 SF over the allowed square footage for a commercial shopping center with the intent to increase visibility to motorists on Western Avenue.

**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 #:** **10-231004353**  
**Project Name:** **United Fitness Sports**

**Applicant:** United Fitness Sports & Pools Inc.  
**Project Location:** 1650 Western Avenue  
**Municipality:** Town of Guilderland  
**Parcel Size:** 0.73 acres  
**Zoning:** Local Business (LB)  
**Tax Map Number:** 52.14-4-3  
**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Special use permit for the conversion of an office to a shopping center.

**Action Type:** **Special Use Permit**

**Juris. Determinant:** State Road  
**Potential Impacts:** 20 Western Avenue

**Staff Notes:** The applicant proposes to convert the existing office space into a shopping center. Site modifications include parking lot expansion in the front, tree removal and asphalt in the back parking lot. Currently, there are two separate store front spaces. The applicant intends to rent out both the spaces for retail use.

**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 #:** **11-231004354**  
**Project Name:** **Lot Line Adjustment - Carrie Kryzak-Johnson**

**Applicant:** Carrie Kryzak-Johnson  
**Project Location:** 26 Lovejoy Road  
**Municipality:** Town of Knox  
**Parcel Size:** 3.00 acres  
**Zoning:** Residential  
**Tax Map Number:** 48.-4-4  
**Referring Agency:** Town of Knox Planning Board

**Considerations:** Lot line adjustment of three lots into 4.5 acres and 7.5 acres after dividing the middle parcel between the outer lots.

**Action Type:** Lot Line Adjustment

**Juris. Determinant:** Agricultural District

**Potential Impacts:** Agricultural District

**Staff Notes:** There are three adjacent lots on Lovejoy Road. Two are owned by the applicant's parents and the other by the applicant. The proposal is to divide the middle 3 acre lot (48.-4-3) and add it to the other two (48.-4-2 and 48.-4-4). This would make the parent's lot 4.5 acres and applicant's lot 7.5 acres.

**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 #:** **11-231004355**

**Project Name:** Lot Line Adjustment - Matthew Monroe

**Applicant:** Matthew Monroe

**Project Location:** 949 Township Road

**Municipality:** Town of Knox

**Parcel Size:** 0.58 acres

**Zoning:** Residential

**Tax Map Number:** 47.-2-17

**Referring Agency:** Town of Knox Planning Board

**Considerations:** Lot line adjustment to add an additional 1 acre from the adjacent parcel increasing the total acreage to 1.58 acres.

**Action Type:** Lot Line Adjustment

**Juris. Determinant:** State Road

**Potential Impacts:** 146 Township Road

**Staff Notes:** The applicant's 0.58 acre property is located at 949 Township Road (Route 146). The proposal is to add an additional acre from an adjacent property (47.-2-18.2), increasing the applicant's lot to 1.58 acre.

**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 #:** 15-231004356  
**Project Name:** **Overbaugh Annexation**

**Applicant:** Mark Overbaugh  
**Project Location:** 49 Marks Road, Greenville, 31 Overbaugh Ln  
**Municipality:** Town of Rensselaerville  
**Parcel Size:** 4.90 acres  
**Zoning:** Agriculture/Rural residential (A/RR)  
**Tax Map Number:** 183.-2-30.2  
**Referring Agency:** Town of Rensselaerville Planning Board

**Considerations:** Annexation of 11.6 acres from the property at 31 Overbaugh Lane consisting a total of 167.80 acres to the adjacent lot at 49 Marks Road currently consisting 4.9 acres.

**Action Type:** **Annexation**

**Juris. Determinant:** State Road, County Road, Agricultural District, Municipal Boundaries  
**Potential Impacts:** 403 Marks Road, County Route 403, Agricultural District, Intermunicipal Boundaries of Town of Rensselaerville, Town of Westerlo and Green County

**Staff Notes:** Annexation of 11.6 acres from the property at 31 Overbaugh Lane consisting a total of 167.80 acres to the adjacent lot at 49 Marks Road currently consisting 4.9 acres.

**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 Albany County Planning Board advises that a site plan should be required to review annexation that indicates details such as the current and proposed property line.

Travon Jackson made a motion to accept the Staff Opinion for Case #'s 01-231004342, 01-231004343, 01-231004344, 17-231004345, 04-231004346, 05-231004347, 07-231004348, 07-231004349, 10-231004350, 10-231004351, 10-231004352, 10-231004353, 11-231004354, 11-231004355 & 15-231004356. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** **11-231004357**  
**Project Name:** **One Year Solar Moratorium on Solar Projects**

**Applicant:** Town Board of Knox  
**Project Location:** Town of Knox  
**Municipality:** Town of Knox  
**Parcel Size:** N/A N/A  
**Zoning:** N/A  
**Tax Map Number:** N/A  
**Referring Agency:** Town of Knox Planning Board

**Considerations:** Adoption of local law to implement one year moratorium on solar projects in the Town of Knox. The moratorium was approved during the Town Board meeting in April 2023.

**Action Type:** **Adoption of Local Law**

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

**Staff Notes:** It was proposed that the Town Board would like to implement a one year moratorium on solar projects and that the projects and applications in progress would not be affected by the moratorium. The purpose of the moratorium is to update the criteria that the Town of Knox Planning Board uses to review solar projects that are proposed in the Town. The moratorium will have no environmental impacts on wetlands, streams, lands subject to flooding, threatened and endangered species, active farmland or historic structures. At its April 18, 2023 meeting, the Knox Town Board passed a resolution (071-2023) to approve a one year moratorium on solar projects in the Town of Knox. The motion carried unanimously.

**Staff Opinion:** Modify local approval to include  
1. Any proposed adoption/amendment of zoning ordinance or local law is subject to review by the Albany County Planning Board before it is approved at the local level pursuant to GML-239. The approved moratorium should have been sent for review before it was approved by the Town of Knox in April 2023.

Brian Crawford made a motion to accept the Staff Opinion for Case #11-231004357. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

**Case #:** 07-231004358  
**Project Name:** **Barbara Office/Warehouse**  
**Applicant:** Ryan Barbara  
**Project Location:** 2871 Curry Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 1.20 acres  
**Zoning:** Airport Business Area (ABA)  
**Tax Map Number:** 16.3-1-15  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review for the proposed 5,000 SF office/warehouse building.

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

**Juris. Determinant:** Municipal Boundary

**Potential Impacts:** Intermunicipal Boundaries of Town of Colonie and Town of Guilderland

**Staff Notes:** The development is proposed with a one-story 5,000 SF office/warehouse building with metal siding and stone veneer facing. It is intended for the operation of the applicant's concrete business. The space will consist of small office and storage area for materials, mechanical items and small pieces of equipment and tools stored inside the building. An outdoor fenced in-area is also proposed and four parking spaces. Access to the site would be from one curb cut off Curry Road to allow traffic in and out of the site. Less than one acre of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF).

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

Gerry Engstrom made a motion to accept the Staff Opinion for Case #07-231004358.  
The motion was seconded by Travon Jackson and was also approved by Brian Crawford.

**Case #:** 07-231004359  
**Project Name:** **Wetheby Court Subdivision**  
**Applicant:** Marini Land II Inc.  
**Project Location:** 645 Boght Road  
**Municipality:** Town of Colonie  
**Parcel Size:** 13.86 acres  
**Zoning:** Single Family Residential (SFR)  
**Tax Map Number:** 9.2-1-10.2  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Subdivision of the parcel to create 12 residential lots with a minimum area of 18,000SF each.

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

**Juris. Determinant:** State Road  
**Potential Impacts:** 9 Loudon Road

**Staff Notes:** This is a proposal to develop the parcel into 12 residential lots. Based on the zoning regulations, the site can be developed with Single Family Residential lots. The applicant has proposed a total of 12 lots which result in a density of 0.9 units/acre which is less than the allowed density of 2 units/acre. One new street is proposed to provide access to the new lots. the new street is approximately 800 linear feet. Utilities necessary to provide the new lots with municipal services will be installed within the new street carriage way. These utilities will be extended from the existing infrastructure located within the Wetheby Court ROW along the subject site frontage. The parcel is currently vacant. The project upon approval will commence with the installation of Erosion & Sediment Control systems and will be maintained throughout the construction period. A total of 5.32 acres of land disturbance is anticipated during the development.



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

**Advisory Note:**

1. The Albany County Planning Board advises the Town of Colonie to give additional considerations to Lot 4, Lot 5, and Lot 6 to its close proximity to the existing delineated wetland and the complete lack of buffer on Lot 5.

Brian Crawford asked the Board to review the site plans for this case together. He had concerns regarding the wetlands. Gerry Engstrom commented that lots 4, 5, 6 and 7 were all concerning, but especially lots 4, 5 & 6. After much discussion and review, the Board determined that an Advisory Note should be added asking the Town to take a closer look at those lots (noted above as Advisory Note #1).

With Advisory Note #1 added, Travon Jackson made a motion to accept the Staff Opinion for Case #07-231004359. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Case #:** 15-231004360  
**Project Name:** **Union Hall Project**

**Applicant:** Jesse James and Kostas Anagnopoulos  
**Project Location:** 1462 CR 351  
**Municipality:** Town of Rensselaerville  
**Parcel Size:** 0.77 acres  
**Zoning:** Hamlet  
**Tax Map Number:** 137.9-1-31  
**Referring Agency:** Town of Rensselaerville Planning Board

**Considerations:** Special use permit to restore and reopen existing building as a restaurant.

**Action Type:** Special Use Permit

**Juris. Determinant:** County Road, State Road

**Potential Impacts:** County Route 351, Historic District, 85 Delaware Tpke

**Staff Notes:** The applicant proposes to renovate the existing building that was formerly a café (The Palmer House Café) by expanding the existing kitchen, remodeling of the dining and tavern, updating the ADA complaint restrooms, vegetative screening, patio space and installing a metal roof. The proposed use is restaurant. There are approximately 15 parking spaces behind the building including two handicap parking. Overflow parking will be available in the adjacent lot at 1464 CR 351 as per the letter submitted to the Town Planning Board.

**Staff Opinion:** Modify local approval to include  
1. Review by the Albany County Department of Health for food service and other required permits should be required.

Brian Crawford made a motion to accept the Staff Opinion for Case #15-231004360.  
The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

**Case #:** 16-231004361

**Project Name:** Serenity Subdivision

**Applicant:** JJ Cillis Group LLC

**Project Location:** Helderberg Pkwy

**Municipality:** Village of Voorheesville

**Parcel Size:** 18.51 acres

**Zoning:** Residential

**Tax Map Number:** 72.10-1-14.11

**Referring Agency:** Village of Voorheesville Planning Board

**Considerations:** Conservation/cluster subdivision of the parcel into 11 lots.

**Action Type:** Subdivision Review

**Juris. Determinant:** State Road

**Potential Impacts:** 85A Helderberg Pkwy

**Staff Notes:** Applicant proposes to develop the currently undeveloped parcel into 11 residential subdivision lots. The proposed road is to be dedicated to the

village, to provide the necessary frontage and lot widths necessary to adhere to zone regulations. The proposed subdivision plan and open space area adheres to the residential cluster development design requirements. All lots are proposed to be serviced with municipal water. All lots except Lot 7 are proposed to be serviced with municipal sewer. A total of 10 acres of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). The site improvements for the proposed project will include controlling water quantity as well as quality. The objective of controlling water quantity is to ensure that the peak rate of runoff leaving the site does not increase as result of the proposed project. The proposed management strategy consists of using a detention facility to temporarily capture the volume of excess runoff generated by new impervious area for storms up to the 100-year event. All lots except Lot 7 is accessed via Crowridge Road. Lot 7 will be accesses from Helderberg Parkway. This application (16-161202687) was reviewed by the Albany County Planning Board in December 2016 for subdivision review. The ACPB determination was, 'Modify local approval to include:

1. The grading plan and SWPPP should be reviewed and approved by New York State Department of Transportation due to potential impacts to the SR 85A drainage system.
2. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.
3. It should be determined if a ACOE permit is needed for the minor dredging and/or discharges that may take place as a result of driveway construction over the watercourse area.
4. Review by the local fire department for adequate access and turn around for emergency services given the long driveways proposed and steep slopes.
5. Review by Albany County Department of Health for realty subdivision required permits.
6. 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.
7. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared is being implemented or submission of a Stormwater Pollution Prevention Plan that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-002, January 29, 2015) for construction activities that disturb more than one acre of land.'

8. There should be a shared access agreement including a maintenance agreement referenced in the deeds for both lots 2 & 3 for the portion of the shared driveway.

**Staff Opinion:**

Modify local approval to include

1. Review and permits by New York State Department of Transportation for the proposed Lot 7 involving new or modified access to a state highway
2. Review by local fire depart for the turnaround proposed between the lots 3 and 4 as shown on the site plan.
3. Review by the Albany County Department of Health for the proposed low pressure sewer and other required permits.
4. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for the proposed shared driveway.
5. It should be determined if a ACOE permit is needed for the minor dredging and/or discharges that may take place as a result of driveway construction over the watercourse area.
6. 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.

**Advisory Note:**

1. The Stormwater Pollution Prevention Plan (SWPPP) that was included in the application packet does not include a post development Watershed Map, the Erosion and Sediment Control Plan is not included in the Section IV or Appendix F of the SWPPP document, and the document does not identify the contractor and no certification is included. A complete SWPPP document should be required by the Village of Voorheesville before approving the proposed action.

The Board reviewed the site plan and discussed the fact that the ACPB last reviewed this subdivision proposal in 2016 so many of the previous recommendations, need to be repeated. They discussed what the overall concerns are and added several additional modifications that had been mentioned in 2016 to Gopika's original opinion. With those additions Travon Jackson made a motion to accept the Staff Opinion for Case #16-231004361. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

**Unfinished Business:** none

**New Business:**

1. Gopika Muddappa, Senior Planner, will be on vacation from 10/23/23 – 11/3/23. She will be working remotely on 11/6/23, 11/8/23 & 11/9/23 and will be available via email or cell phone during that time. She will return to the office on Monday,

11/16/23. During her absence, Lynn Delaney will be uploading the case files for all referrals into Dropbox.

2. The next meeting of the ACPB will be on November 16, 2023 and the deadline for municipalities to submit referral for review is Tuesday, November 6, 2023.
3. Please note, the December meeting is scheduled for Thursday, December 21, 2023 which is very close to the Holiday Weekend (Christmas holiday is on Monday). Please check your travel schedules now so we can reschedule if we are concerned that we won't have quorum. Keep in mind that the Time of the meeting and/or date are able to be rescheduled with enough notice
4. The 2024 ACPB meeting date schedule will be made available at the November meeting.

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