

ACPB April 16, 2020 Meeting Minutes

NOTE: Due to issues related to Covid-19, the April 16, 2020 Albany County Planning Board meeting was held via Skype. 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.

Present: Dominic Rigosu, ACPB Chairperson; Brian Crawford, Enzo Sofia, Gerry Engstrom, Susan Rizzo, Albany County Comptroller; Dave Reilly, Ex Officio; Tim Garufi, Ex Officio, Ransom Moore.

Albany County Public Works Office:

Laura Trivison, Senior Planner; Lynn Delaney, Secretary; Bill Anslow (Ex Officio), Civil Engineer; Lisa Ramundo, Commissioner; James Mearkle, Traffic Engineer; Robert Gunther, Stormwater Program Technician.

Minutes: Lynn Delaney

Call to Order: Dominic Rigosu called the meeting to order at 3:43PM

A motion was made by Gerry Engstrom to move Referral **#10-200403462** (Town of Guilderland – Costco) to the front of the agenda. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

Case #:	<u>10-200403462</u>
Project Name:	Costco
Applicant:	Crossgates Releaseco, LLC
Project Location:	Western Ave. & Crossgates Mall Road
Municipality:	Town of Guilderland
Parcel Size:	16.50 acres
Zoning:	Transit Oriented District
Tax Map Number:	52.1-1-6, 52.10-1-26, 52.10-1-27, 52.10-1-28, 52.10-1-29, 52.10-1-30, 52.10-1-31, 52.10-1-32, 52.10-1-33, 52.10-1-34, 52.10-1-35, 52.14-1-1, 52.14-1-2, 52.14-1-10, 52.14-1-20, 52.14-1-21, 52.14-1-22, 52.14-1-23, 52.14-1-24, 52.14-1-25, 52.14-1-26, 52.14-1
Referring Agency:	Town of Guilderland Zoning Board of Appeals

Considerations: An area variance to allow light poles to exceed maximum allowance for height and the special use permit to develop the parcel into a Costco.

Action Type: Area Variance, Special Use Permit

Juris. Determinant: State Road, County Rd

Potential Impacts: US 20 (Western Ave.), Johnston Road, Rapp Road Historical Neighborhood

The Board had questions and concerns about the clearing of trees from the land. Town of Guilderland issued a stop work order. Dominic asked Laura Travison, Senior Planner, to give the Board information as to what has transpired since the stop work order was issued. Laura stated that the Town of Guilderland has not responded in writing to answer the question of the validity of the EIS now that trees have been cut down. The DEIS is still in its public comment period until May 4, 2020. DEC has responded that the cutting of trees would not be an issue as it pertains to the bat habitat. They did not issue a statement as to whether the EIS is impacted by the cutting of trees.

Laura stated that some of the other interested organizations have responded to the DEIS including the Save the Pinebush and SHPO but until the May 4th public comment deadline, we won't have a thorough idea of all of the concerns.

The Board asked for input from Jim Mearkle, Traffic Engineer about his review of the DEIS. Jim stated that he had submitted some comments to Pyramid which they responded to. When asked if the traffic study addresses the issue of accidents, Jim stated that they did discuss the impact the in the Rapp Road/Ring Road section but not in other areas that the Board had previously had concerns about. After some discussion, there are additional potential traffic impacts for all intersections that the Board has questions about that they would like addressed.

Dominic expressed concern about the fact that the area is considered a TOD (Transit Oriented District) which is typically pedestrian friendly & bus oriented and less auto traffic. Dominic referenced the May 14, 2018 ACPB meeting minutes which was when the Town of Guilderland proposed making this area a TOD. At that time, what was presented included retail space with apartments, medical offices etc. to support the overall health of Crossgates. However, today what is being presented, the special use permit that the Board is being asked to consider, includes a warehouse type space and 700 parking spaces.

Rob Gunther, Stormwater Program Technician has prepared a list of questions/concerns for Pyramid but the Senior Planner needs to submit them to Pyramid for a response.

Brian Crawford feels that it is difficult to make a decision on the SUP without the DPW staff having had enough time to review everything and get answers to the questions that they have.

Gerry Engstrom feels that we need more information about the traffic concerns and he believes we need a clear written answer from the Town of Guilderland as to whether the tree cutting that was done affects the validity of the DEIS.

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Rob Gunther stated that there are .93 Acres of Wetlands under Federal jurisdiction. He is unsure if there was disturbance on that property or not. He read the list of questions/concerns that he has prepared to the Board. The Board then had some additional discussion about drainage issues.

Laura Trivison stated that it appear the Board has many, many questions that they need to have answered before they can make a decision. She suggests that she compiles a list of the questions and submits them to Pyramid and to the Town of Guilderland.

A motion was made by Brian Crawford to postpone the vote on Referral #10-200403462 to a future date. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Dave Reilly from the Albany County Office of Management of Budget commented that he understands the Board needs answers to many of these issues, but he wants to ensure this does not get dragged on too long. Dominic Rigosu acknowledged his concern.

A motion was made by Brian Crawford to move the 10 deferred cases to the front of the agenda. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

<u>Case #:</u>	<u>01-200403448</u>
Project Name:	330 Madison Ave.
Applicant:	Katherine Steinbach
Project Location:	330 Madison Ave.
Municipality:	City of Albany
Parcel Size:	0.06 acres
Zoning:	Mixed-Use, Neighborhood Edge (MU-NE)
Tax Map Number:	76.32-4-25
Referring Agency:	City of Albany Planning Board
Considerations:	A conditional use permit to enable the occupation of a 1,450 SF of the subject property as a personal business service (hair salon).
Action Type:	Conditional Use Permit
Juris. Determinant:	State Road, State Property
Potential Impacts:	US 20 (Madison Ave.)

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Staff Notes: The property owner is seeking a conditional use permit (CUP) to operate a hair salon during the day, Tuesday-Saturday. The salon owner is the only employee currently. Street parking for 1-2 clients per hour. No loading is required. The salon is 1450 SF. Albany County Senior Planner, Laura Trivison, discloses that she knows the owner as an acquaintance.

Staff Opinion: Defer to local consideration.

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

Advisory Note:

Case #: **01-200403449**

Project Name: **Zoning Ordinance to amend the Unified Sustainable Development Ordinance (USDO)**

Applicant: City of Albany

Project Location: n/a

Municipality: City of Albany

Parcel Size: n/a

Zoning: n/a

Tax Map Number: n/a

Referring Agency: City of Albany Common Council

Considerations: Adoption of USDO Amendment for blood plasma donation centers.

Action Type: **Amendment of Zoning Law**

Juris. Determinant: Amendment of Zoning Law

Potential Impacts: Blood Plasma Center locations and requirements

Staff Notes: The Common Council proposes amendment the Ordinance 3.31.20 (MC) by adding the definition of "Blood Plasma Center" to the Definitions Sections and also change the definition of "Light Manufacturing". This Amendment also adds the "Blood Plasma

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Center" to our permissive use tables and allows Blood Plasma Centers to operate in MU-CH, MU-CI, I-1, and I-2 districts. This ordinance originally came before the City Planning Board in 2017. The Planning Board Recommended 500' buffer between any blood plasma center and a house hold living use, a group living use, a religious institution, or a school park. The City of Albany Planning Board also recommended a buffer of 2,000 from any two blood plasma centers. Councilmember Michael O'Brian proposed that the buffer from residential, religious, school, or park uses be 1,000'. The new version of the Ordinance defines a Blood Plasma Center as: "a facility used for the extraction of blood, blood plasma, or blood components from human beings for commercial for-profit purposes and that is not an accessory to a medical clinic or hospital." It also stipulates that a Blood Plasma Center is not included in the definition of Light Manufacturing.

Staff Opinion:

Defer to local consideration.

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

Advisory Note:

1. A notification of the changes to the ordinance should be sent to all adjacent municipalities. 2. The City should be careful to avoid de - facto total exclusion of legal uses by providing sufficient land and practical development of all legal land uses.

Case #:

01-200403450

Project Name:

161 Washington Ave. Ext. Suite. 204A

Applicant:

Tracey Diehl

Project Location:

161 Washington Ave. Ext Suite 204A

Municipality:

City Of Albany

Parcel Size:

26.46 acres

Zoning:

Mixed Use - Community Highway (MU-CH)

Tax Map Number:

52.2-1-26.1

Referring Agency:

City of Albany Zoning Board

Considerations:

Area variance for proposed 84.84 SF wall sign which exceeds the 32 SF maximum allowance.

Action Type:

Area Variance

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Juris. Determinant: State Road

Potential Impacts: NY 87

Staff Notes: The property owner is seeking an area variance to allow the installation of a total two 84.84 SF wall signs, when the maximum permitted amount of one wall signage in a Mixed-Use, Community Highway Zoning District is 32 SF. Signage is broken down into 2 signs, 84.84 SF each. Each wall sign letter area is 30' x 28' 5 3/8". The signs are internally illuminated flush mounted channel letters. The applicant is arguing the size is needed for proper wayfinding and legibility of motorist.

Staff Opinion: Defer to local consideration.

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

Advisory Note: 1. The City Zoning Board should consider the precedent setting nature of allowing significant area variances to the sign code in a commercial zone.

Case #: **04-200403454**

Project Name: **Nicholson 2 Lot Minor Subdivision**

Applicant: James Nicholson, and Gerald Nicholson

Project Location: 807 River Road and Weisheit Road

Municipality: Town of Bethlehem

Parcel Size: 172.15 acres

Zoning: Mixed Economic Development

Tax Map Number: 110.00-2-21

Referring Agency: Town of Bethlehem Planning board

Considerations: Parcel to be subdivided into two lots so that landlocked part of parcel has access to right-of-way.

Action Type: **Subdivision Review**

Juris. Determinant: NYS Designated Agricultural District. State Road

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Potential Impacts: NY 144 (River Rd), NYS Designated Agricultural District

Staff Notes: The owners of 807 River Road are seeking to subdivide their 154.4 acre parcel. The western 64.98 acres is landlocked due to the bisected CSX Transportation Right-of-Way. That part of the parcel currently has no access to public right-of-way. In order to address this issue the property owners negotiated a purchase from Central Hudson Gas & Electric Corporation (CH) of 2.15 acres that has access to Weisheit Road, contingent on acceptance of this subdivision review. The new 2.15 acres would be added to the Nicholson lands lying west of the railroad ROW. The applicant is seeking to subdivide the eastern and western portions, resulting in two parcels with one road frontage each. There are no immediate plans to develop either parcel.

Staff Opinion: Defer to local consideration.

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

Advisory Note:

Case #: **05-200403457**

Project Name: **Local Law #3 of 2020**

Applicant: Town of Coeymans

Project Location:

Municipality: Town of Coeymans

Parcel Size:

Zoning:

Tax Map Number:

Referring Agency: Town of Coeymans Legislative Board

Considerations: Adoption of a Local Law to implement a 6 month moratorium of applications relating to solar energy land uses.

Action Type: **Adoption of Local Law**

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Juris. Determinant: Adoption of Local Law

Potential Impacts: Solar energy land uses.

Staff Notes: The Town's Legislative Board is proposing to implement a moratorium on the applications and permitting of land uses relating to solar energy to allow the Town time to analyze and determine potential appropriate revisions and amendments to the Town of Coeymans Zoning Code.

Staff Opinion: Defer to local consideration.

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

Advisory Note:

Case #: **07-200403458**

Project Name: **Greater Capital Associates Relators**

Applicant: Robert Cordell

Project Location: 451 New Karner Road

Municipality: Town of Colonie

Parcel Size: 0.14 acres

Zoning: Office Residential (OR)

Tax Map Number: 29.2-1-34.2-4514, and 29.2-1-34.2-4494

Referring Agency: Town of Colonie Planning Board

Considerations: A site plan review for the construction of a 425 SF 1-story connecting link addition between 2 buildings (451-449). After construction the buildings will be combined under one address: 451 New Karner Road.

Action Type: **Site Plan Review**

Juris. Determinant: County Road

Potential Impacts: CR 155

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Staff Notes: The proposed site plan review consist of a 425 SF connecting link to be constructed between two existing one-story buildings to allow employees to travel form one to another. The total area expected to be disturbed in .15 acres. After the connection the buildings will be considered a single building with the address 451 New Karner Road. The building at 451 is currently owned and occupied by the Greater Capital District Association of Realtors which is purchasing 449 in order to expand its business. The need of the connecting link is because the two building will one be occupied by the same company and persons need to communicate between the buildings. No additional parking or ingress/egress is proposed. No new utility connection or increase in impervious surface is proposed.

Staff Opinion: Defer to local consideration.

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

Advisory Note:

Case #: **10-200403461**

Project Name: **Fuller Station Road Subdivision**

Applicant: John Roth

Project Location: Fuller Station Road and W. Old State Rd.

Municipality: Town of Guilderland

Parcel Size: 100.13 acres

Zoning: R40

Tax Map Number: 27.00-1-53.3, 27.00-1-53.2

Referring Agency: Town of Guilderland Planning Board

Considerations: Subdivision review for a major 100 acre subdivision consisting of 58 single-family lots and 4 open space lots. Access to the subdivision will be provided from Fuller Station and West Old State Rd.

Action Type: **Subdivision Review**

Juris. Determinant: NYS Designated Agricultural District

Potential Impacts: NYS Designated Agricultural District, wetlands

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Staff Notes: The proposal consist of a major subdivision of roughly 100 acres, over two separate tax parcels, where currently only three structures exist. It is being referred to the Albany County Planning Board because it is in a NYS designated agricultural district. No County roads or property are within 500' of the subdivision. The property owners have a SWPPP, have consulted DEC, SHPO, and provided a traffic study.

Staff Opinion: Defer to local consideration.

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

Advisory Note:

Case #: **11-200403463**

Project Name: **Rezoning of 11 parcels to Multi-Use-Recreational**

Applicant: Town of Knox

Project Location: Intersection surrounding State Routes 156& 157

Municipality: Town of Knox

Parcel Size: 80.00 acres

Zoning: Change from Residential and Agriculture to Multi-Use Recreational

Tax Map Number: 47.-1-15, 47.-1-16, 47.-1-17, 47.-1-30, 58.-1-2.11, 58.-2-2.11, 58.-2-2.3, 58.-2-2.41, 58.-2-2.2, 58.-1-4.1, and 58.-1-4.2

Referring Agency: Town of Knox Legislative Board

Considerations: An amendment to zoning code to rezone 11 parcels that are currently zoned Residential or Agriculture, to Multi-Use-Recreational.

Action Type: **Re-zoning**

Juris. Determinant: Re-zoning

Potential Impacts: Zoning regulations for the Town, NY 156, NY 157, Witter Road, Pleasant Valley Rd.

Staff Notes: In April 2018 the Town initially proposed to rezone 16 privately -owned tax parcels (approximately 190.59 acres(currently zones as Residential and Agricultural, to a

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Business District which permitted uses as shopping centers, motels, laundry facilities, fuel stations and other similar intensive uses. After considering public comments received at multiple public hearings on the Business District rezoning and the ACPB's comments to the Town's April 2019 referral, the Town withdrew its application for the Business District rezoning. In an effort to balance the Town's desire to protect the Town's rural character and environmental assets, but also promote certain types of commercial uses, the Town subsequently submitted a new application to rezone 11 parcels as Multi-Use Recreational District (mdr). This zone permits restaurant, retail, art and dance studios, theaters, etc., but does not permit more high intensity uses. The ACPB gave recommendations on a previous variation of this referral in February 2019. The ACPB recommended disapproval on the previous referral.

Staff Opinion:

Defer to local consideration.

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

Advisory Note:

1, The Town should make sure that all future purchasers know that: a) 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. b) Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity is required for any construction in a state route ROW. c) The property owner is aware of the regulations for construction activities that disturb land greater than one acre. d) The requirements of the Albany County Right to Farm Law 2007.

Case #:

13-200403464

Project Name:

Proposed Local Law A of 2020

Applicant:

Town of New Scotland

Project Location:**Municipality:**

Town of New Scotland

Parcel Size:**Zoning:****Tax Map Number:****Referring Agency:**

Town of New Scotland Legislative Body

Considerations:

Codification of existing laws. No changes to laws at this time.

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Action Type: Adoption of Zoning Law

Juris. Determinant: Adoption of Zoning Law

Potential Impacts: Zoning Law for the Town

Staff Notes: In December, 2004, the Town of New Scotland enacted Local Law No. 5 of 2004, which codified the zoning and land use laws (and certain laws relating to sewer and water) in effect at the time. Since 2004, the Town has enacted several zoning and land use laws, and updated the Town's comprehensive plan, but there has not been a comprehensive recodification of the zoning law. The text of the zoning law that is appended to this Local Law constitutes a comprehensive compilation of all zoning laws, as amended by local laws. Except for re-numbering, organization, and deletion of anachronistic dates, there are no substantive amendments of existing law. No zoning district boundaries have been amended; no land has been reclassified; no new zoning districts have been established; and no new uses or land regulations are introduced in this codification. The principal purpose of this amendment is to allow easy reference to one document for all zoning laws in effect in the Town, without having to consult numerous documents and local laws. The second purpose of this codification process is to facilitate any future amendment of zoning laws if that becomes necessary or desirable

Staff Opinion: Defer to local consideration.

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

Advisory Note: 1. A notification of the changes to the ordinance should be sent to all adjacent municipalities.

After reading the information about the 10 cases with a staff opinion of Defer to Local Consideration, a motion was made by Enzo Sofia pull case **#05-200403455** from the rest of the group and discuss it separately. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Without any further questions or comments from the Board, a motion was made by Brian Crawford to accept the staff opinion of Defer to Local Consideration for Referral #'s **01-200403448; 01-200403449; 01-200403450; 04-200403454; 05-200403457; 07-200403458; 10-200403461; 11-200403463; 13-200403464.** The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

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Case #: 05-200403455

Project Name: Coeymans Industrial Park Site Plan

Applicant: Coeymans Recycling Center, LLC

Project Location: Coeymans Industrial Park Lane

Municipality: Town of Coeymans

Parcel Size: 25.30 acres

Zoning: Industrial (I)

Tax Map Number: 156.-4-6.11, 156.-4-6.172, 156.-4-6.171, 156.-4-6.16, 156.-4-6.13, 156.-4-6.15, 156.-4-6.14, 156.-4-6.12, 156.-4-10.1

Referring Agency: Town of Coeymans Planning Board

Considerations: A site plan review for the proposed construction of 4 warehouse storage buildings and associated utilities. Proposed building area includes 4 pre-engineered buildings that are 620,000 SF in total.

Action Type: Site Plan Review

Juris. Determinant: State Road, Municipal Boundary

Potential Impacts: NY 144 (River Road), Coeymans and Village of Ravena municipal boundary

The Board felt that they need additional time to make a decision regarding Referral #**05-200403455**. Brian Crawford made a motion to postpone discussing this case until the next meeting of the Albany County Planning Board (April 30, 2020). The motion was seconded by Enzo Sofia and unanimously approved by the Board.

<u>Case #:</u>	<u>02-200403451</u>
Project Name:	Stewart's Shop Redevelopment Project
Applicant:	Stewart's Shops
Project Location:	1001 Altamont Boulevard / 109 Helderberg Ave.
Municipality:	Village of Altamont
Parcel Size:	1.01 acres
Zoning:	CBD
Tax Map Number:	48.06-2-3, and 48.06-2-2
Referring Agency:	Village of Altamont Planning Board

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Considerations: A special use permit and site plan review to enable the combination of the parcels and demolition of an existing house.

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

Juris. Determinant: State Road

Potential Impacts: NY 156 (Altamont Blvd.)

Staff Notes: This is a site plan review for a Stewart's that was previously reviewed for variances by the ACPB. The proposed building area will be 3,341 SF. Impervious surface will be 21,639 SF and the greenspace will be reduced from 34% of the parcel to 27%. There will be four fueling pumps under one canopy and 18 parking space, one of which will be ADA accessible. This site plan also involves the demolition of the adjacent residential structure and combining the two parcels. The ACPB previously voted to defer to local consideration the matter of rezoning the adjacent parcel to allow this Stewart's expansion (referral # 02-190803352). The rezone of the adjacent parcel from residential (R-10), to a Commercial Business District (CBD) was approved by the Village. Stewart's then applied for three area variances to enable this proposed site plan (referral # 02-200203406). The ACPB conditioned approval on the ZBA carefully following the state statute balancing test for the area variances. There were also advisories. The Village granted all three area variances and responded to the ACPB advisories. They forwarded correspondence with DEC and DOT confirming no permits will be needed for disturbance to wetlands and that DOT is in communication with the Village about site plan requirements for highway permits. Stewarts also hired MJ Engineering to prepare a stormwater management plan. The physical disturbance is under an acre and a SWPPP is not required. Members of the public have registered substantial discontent with the Stewart's expansion at multiple Village Planning Board and ZBA meetings and through letter to the Boards. There is a ravine that runs along the southern property line. There is proposed access onto NY 156 and Helderberg Ave. Both parcels are within 500' of the Altamont Historic District. The Village Planning Board scheduled a public hearing on this application for April 27, 2020 at 7:00 p.m. The public hearing will be held remotely as part of the Village of Altamont's COVID-19 Response Plan.

Staff Opinion: Modify local approval to include:

1. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations and that the underground storage tank (UST) systems meet both state (6 NYCRR Part 613) and federal (40 CFR 280) regulations
2. Due the fact that the project includes gasoline storage and fuel pumps and is located along a Classification C Standard C stream, it should be considered a "hot spot" use requiring stormwater management design that protects groundwater.
3. Make sure light poles are shielded to the rear of the property and use cut-off light fixtures to prevent glare into adjacent properties and roadways.

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4. Review by the Albany County Department of Health for food service and other required permits.

Advisory Note:

Gerry Engstrom clarified that the creek is above ground and typically has water in it year round. He also asked if SHPO has been consulted. Laura Trivison stated that SHPO has signed off on it. She also mentioned that this is the 3rd time we've seen this case for a variety of reasons. After discussion, it was determined that providing cut-off light fixtures should be added to prevent glare into adjacent properties and roadways (noted above).

Rob Gunther confirmed for the Board that due the fact that the project includes gasoline storage and fuel pumps and is located along a Classification C Standard C stream, it should be considered a "hot spot" use requiring stormwater management design that protects groundwater (noted above).

The Board members reviewed the site plans and had a discussion about a variety of issues.

With those changes added, Brian Crawford made a motion to accept the staff opinion for Referral **#02-200403451**. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

<u>Case #:</u>	<u>03-200403452</u>
Project Name:	Retail Location at 10.13-1-5
Applicant:	Pimax Properties, LLC, and Bohler Engineering MA, LLC.
Project Location:	NYS Route 470 - Tax ID 10.13-1-5
Municipality:	City of Cohoes
Parcel Size:	2.30 acres
Zoning:	Residential (R-1)
Tax Map Number:	10.13-1-5
Referring Agency:	City of Cohoes Zoning Board of Appeals
Considerations:	A use variance to enable the subdivision of a parcel and eventual contraction of a 9,100 SF retail store.

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Action Type:	Use Variance
Juris. Determinant:	State Road, Municipal Boundary
Potential Impacts:	NY 470 (Columbia Street), Town of Colonie and City of Cohoes intermunicipal boundary
Staff Notes:	The property owner is proposing to subdivide 1 acre parcel of land out on an existing 2.3 acre parcel in order to construct a 9,100 SF retail store on the 1 acre parcel. The property owner is seeking a use variance because the parcel is zoned R-1. While this is a strong residential neighborhood, Columbia Street itself has significant commercial use. Adjacent to this parcel is currently a CVS and across the street is a Stewart's and a Car Wash.
Staff Opinion:	Modify local approval to include: 1. Notification of the application should be sent to the Town of Colonie, including all required notices pursuant to GML §239-nn. 2. Before a ZBA can grant a use variance, state law requires that the applicant must demonstrate “unnecessary hardship.” Mere inconvenience and the fact that the land in question could be put to a more profitable use are insufficient reasons for granting a variance. The applicant should include an explanation that justifies the need for a variance with criteria set for in state statute.
Advisory Note:	1. Convenience stores and motor vehicle washes are not permitted uses in R-1 zoning schedule. However, these uses exist close to the project site. The City of Cohoes may want to reevaluate Columbia Street's designation as an R-1 zone.

The Board requested that the wording of “Before a ZBA can grant a use variance, state law requires that the applicant must demonstrate “unnecessary hardship.” Mere inconvenience and the fact that the land in question could be put to a more profitable use are insufficient reasons for granting a variance. The applicant should include an explanation that justifies the need for a variance with criteria set for in state statute” which was originally listed as an Advisory, become part of the Modify wording (change is noted above).

With that change made, Brian Crawford made a motion to accept staff opinion for Referral # **03-200403452**. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

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<u>Case #:</u>	<u>03-200403453</u>
Project Name:	15 St. Agnes Highway - Contractors Yard
Applicant:	Syracuse Utilities, Inc.
Project Location:	15 St. Agnes Highway
Municipality:	City of Cohoes
Parcel Size:	3.80 acres
Zoning:	Residential (R-2)
Tax Map Number:	10.17-1-4.10
Referring Agency:	City of Cohoes Zoning Board of Appeals
Considerations:	A use variance to enable purchaser to maintain a contractor's garage as is. Parcel has been re-zoned and the former use is no longer conforming.
Action Type:	Use Variance
Juris. Determinant:	Municipal Boundary
Potential Impacts:	Town of Colonie and City of Cohoes intermunicipal boundary
Staff Notes:	The property owner is requesting a use variance from R-2 (Residential) to 1-I (Industrial) to enable the existing structure to be used as is. The facility currently is used for storage of trucks, equipment, and materials. The applicant is proposing to purchase eth parcel and operate the facility as a contractor's yard. This requires a use variance because a legal non-conforming use requires the property not remain vacant.
Staff Opinion:	Modify local approval to include: 1. Notification of the application should be sent to the Town of Colonie, including all required notices pursuant to GML §239-nn. 2. Before a ZBA can grant a use variance, state law requires that the applicant must demonstrate "unnecessary hardship." Mere inconvenience and the fact that the land in question could be put to a more profitable use are insufficient reasons for granting a variance. The applicant should include an explanation that justifies the need for a variance with criteria set for in state statute.
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A motion was made by Gerry Engstrom to accept the staff opinion for Referral #03-200403453. The motion was seconded by Brian Crawford and unanimously approved by the Board,

<u>Case #:</u>	<u>05-200403456</u>
Project Name:	Morse 2-Lot Subdivision
Applicant:	Leslie and Jaqueline Morse
Project Location:	Starr and Thompkins Road
Municipality:	Town of Coeymans
Parcel Size:	96.80 acres
Zoning:	Residential Agriculture (RA)
Tax Map Number:	155.-1-25.1
Referring Agency:	Town of Coeymans Planning Board
Considerations:	A two lot subdivision. Resulting parcels will be 2 acres and 94.8 acres.
Action Type:	Subdivision Review
Juris. Determinant:	County Road
Potential Impacts:	CR 106 and 102 (Tompkins and Starr Rd.)
Staff Notes:	The property owner is seeking to subdivide their 96.8 acre parcel into a 2 acre lot and a 94.8 acre lot. The site plan shows a gravel driveway on the new smaller parcel.
Staff Opinion:	Modify local approval to include: 1. A highway work permit from the Albany County Department of Public Works for any driveway construction, drainage and public utility connections within the county right of way.
Advisory Note:	1. It is unclear from the application if there is new access to the County Road is being proposed. The Town should make sure the property owner and any future purchasers know that a highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county

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right of way is required and that review from the Albany County Health Department is needed for an new well and septic construction.

A motion was made by Gerry Engstrom to accept staff opinion for Referral **#05-200403456**. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

<u>Case #:</u>	<u>07-200403459</u>
Project Name:	Proposed Development of British American Blvd.
Applicant:	Pepper Woods, LLC
Project Location:	1148 Troy-Schenectady Road and 339 British American Blvd.
Municipality:	Town of Colonie
Parcel Size:	30.30 acres
Zoning:	Commercial Office (CO)
Tax Map Number:	18.-1-13.1, 18.-1-7.4 & portion of 18.-1-63.1
Referring Agency:	Town of Colonie Planning Board
Considerations:	Site plan review and lot line adjustment to enable the merging of two parcels and the construction of an assortment of apartment buildings, a one-story clubhouse, and associated parking.
Action Type:	Site Plan Review, and Subdivision Review
Juris. Determinant:	State Road
Potential Impacts:	NY 7 (Troy Schenectady Road)
Staff Notes:	The site is currently vacant. The applicants are proposing to merge the two parcels and develop the parcel with nine (9) two-story Apartment buildings with a total of 138 apartments and twelve (12) one-story buildings that range from two to four cottages for a total of 42 cottages. In aggregate the total number of units will be 180 residential units. A one-story Clubhouse is also proposed to be developed for use of the project residents. Associated parking areas and access drives and a multi-use path are also being proposed. As noted on the Concept Plan, the buildings would occupy a footprint area of approximately 141,859 SF or 10.8% of the project total area; impervious area would occupy approximately 210,890 SF or 4.84 acres or 16.0%; the project would have a green area of approximately 961,453 SF or 22.07 acres or 73.2% of the site. There would be 337 surface parking spaces along with 30 parking spaces located in garages. In total the proposed project would have 367 parking spaces. On-site amenities that will be developed as part of this project are the construction of a clubhouse and a multi-use path

which will meander throughout the project site and take advantage of the existing pond and the mature vegetation that will remain after development. Sitting areas will also be developed along the multi-use trails. The project will connect to public utilities along the British American Blvd. and Troy Schenectady road frontages. The proposed area of site development does have existing US ACOE wetlands. These wetlands have been delineated and are shown on the Concept Plan. The total area expected to be disturbed is 12 acres. No change to access of the state route is suggested.

Staff Opinion:

Modify local approval to include:

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land. 2. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.

Advisory Note:

A motion was made by Brian Crawford to accept the staff opinion for Referral #07-200403459. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

<u>Case #:</u>	<u>07-200403460</u>
Project Name:	450 Old Niskayuna Road
Applicant:	Philips Medical Systems MR, INC.
Project Location:	450 Old Niskayuna Road
Municipality:	Town of Colonie
Parcel Size:	27.30 acres
Zoning:	Airport Business Area (ABA)
Tax Map Number:	18.-3-24.2
Referring Agency:	Town of Colonie Planning Board

Considerations: A site plan review of 37,667 SF building addition to existing manufacturing area, 4,700 SF building for the cold Magnet Storage, and 73 additional parking spaces.

Action Type: Site Plan Review

Juris. Determinant:

Potential Impacts:

Staff Notes: The property owner proposes the Building addition0 Phase 2, which encompasses 37,667 SF to the Phase 1 Building addition that is being constructed. The proposed building would be one-story and match the height of the existing building. A second stand-alone structure that encompasses approximately 4700 SF will also be constructed and used for cold magnetic storage. The parking lot will also be expanded to accommodate additional parking spaces of the new employees. The site will provide a total of 553 parking spaces, nine of which will be ADA accessible. The proposed area of site development is located on an existing area that is currently tributary to the existing on-site detention systems and the stormwater runoff from the proposed addition will be conveyed to the existing detention systems. The parcel does contain US ACOE jurisdictional wetlands, but none of these will be disturbed during construction. The total area expected to be disturbed is 1.5 acres.

Staff Opinion: Modify local approval to include:

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.

Advisory Note:

A motion was made by Gerry Engstrom to accept the staff opinion for Referral #07-200403460. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Unfinished Business:

Dominic asked Laura Trivison to add to the list of questions for Pyramid to confirm that wetlands have not been disturbed. He added that this would want this to be looked at by a licensed professional.

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Laura then talked with the Board about how they would like all of their questions formatted to go to Pyramid and the Town of Guilderland.

Rob Gunther then mentioned the differences between what DEC oversees vs the Army Corp of Engineers.

There was additional conversation about the process for Board members to get their questions and comments to Laura Trivison for submission to Pyramid and the Town of Guilderland. Everything needs to be sent directly to Laura ASAP.

The next scheduled meeting of the ACPB is May 21, 2020, however a special meeting will be held prior to that to discuss the Costco referral and the Coeymans Industrial Park Site Plan. That meeting will likely take place on April 30, 2020 but once that is confirmed the information will be made available to the public.

Gerry Engstrom made a motion to adjourn at 5:48PM.

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