

ACPB May 21, 2020 Meeting Minutes

NOTE: Due to issues related to Covid-19, the May 21, 2020 meeting of the ACPB 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, Acting Chairperson; Brian Crawford, Enzo Sofia, Gerry Engstrom, Tim Garufi, Ex Officio; Dave Reilly, Ex Officio.

Albany County Public Works Office – Laura Trivison, Senior Planner; Lynn Delaney, Secretary; Bill Anslow, Civil Engineer (Ex Officio); Rob Gunther, Stormwater Program Technician.

Minutes: Lynn Delaney, Secretary

Call to Order: Dominic Rigosu called the meeting to order at 3:33PM.

Brian Crawford made a motion to approve the April 2, 2020 ACPB meeting minutes. Enzo Sofia seconded the motion and it was unanimously approved by the Board.

Gerry Engstrom made a motion to approve the April 16, 2020 ACPB meeting minutes. Brian Crawford seconded the motion and it was unanimously approved by the Board.

Brian Crawford made a motion to approve the April 30, 2020 ACPB meeting minutes. Gerry Engstrom seconded the motion and it was unanimously approved by the Board.

Enzo Sofia made a motion to move Referral #'s **01-200503466, 01-200503467, 01-200503468, 01-200503469, 04-200503471, 05-200503475, 07-200503477, 10-200503481, 10-200503482, & 18-200503484** to the front of the agenda. All of these have a staff opinion to defer to local consideration. Referral # **12-200503483**, Village of Menands Comprehensive Plan, also had a staff opinion to defer to local consideration however, Dominic Rigosu requested that it be voted on separately. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

<u>Case #:</u>	<u>01-200503466</u>
Project Name:	52 Emmet Street
Applicant:	Albany County Land Bank
Project Location:	52 Emmet Street
Municipality:	City of Albany
Parcel Size:	0.04 acres
Zoning:	Townhouse (R-T)
Tax Map Number:	65.52-1-43

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Referring Agency: The City of Albany Planning Board

Considerations: Demolition review of a 1,980 SF detached townhouse.

Action Type: **Demolition Review**

Juris. Determinant: State Road

Potential Impacts: NY 32 (North Pearl St.), NY I 90

Staff Notes: A demolition review for a residential 2-story structure and the resale of the lot. Less than 1 acre will be disturbed. Due to a hole in the roof that has left the interior exposed to the elements for a long time, and significant structural issues, the Land Bank considers the cost of repair prohibitive to any interested buyer. The Land Bank will offer the vacant lot for purchase to adjacent owners first, then other property owners on the block. For demolitions it is Land Bank policy to require hired contractors to follow strict accordance with all applicable Federal, State and Local regulations, standards, and codes governing asbestos abatement and any other trade work done in conjunction with the abatement. Notification is given to adjacent property owners. All adjacent property owners shall be notified of their right to have plastic placed on openings of their buildings per regulation if asbestos is present.

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 #: **01-200503467**

Project Name: **294A & 298 Colonie Street**

Applicant: Albany County Land Bank

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Project Location: 294A & 298 Colonie Street
Municipality: City of Albany
Parcel Size: 0.20 acres
Zoning: Two Family (R-2)
Tax Map Number: 65.65-7-5, 65.65-7-4
Referring Agency: The City of Albany Planning Board

Considerations: Demolition review of three accessory structures totaling 2,000 SF.

Action Type: **Demolition Review**

Juris. Determinant: State Road

Potential Impacts: US 9

Staff Notes: This is a proposed demolition of one garage at 294A Colonie St. and the adjoining structure at 298 Colonie St. There is also a shed like structure at the north end of the property at 298 Colonie St. that will also be demolished. Less than 1 acre will be disturbed. The residential house on the 298 parcel is considered suitable for rehabilitation. However, the accessory garage structures are have serious structural deficiencies. The Land Bank hopes that the demolition of the garage and shed will increase potential buyer interest in the parcels and house as well. For demolitions it is Land Bank policy to require hired contractors to follow strict accordance with all applicable Federal, State and Local regulations, standards, and codes governing asbestos abatement and any other trade work done in conjunction with the abatement. Notification is given to adjacent property owners. All adjacent property owners shall be notified of their right to have plastic placed on openings of their buildings per regulation if asbestos is present.

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 #: **01-200503468**

Project Name: **354 Second Street**

Applicant: Albany County Land Bank

Project Location: 354 Second Street

Municipality: City of Albany

Parcel Size: 0.06 acres

Zoning: Two Family (R-2)

Tax Map Number: 65.55-6-27

Referring Agency: The City of Albany Planning Board

Considerations: Demolition review of a 1,980 SF detached two-family dwelling.

Action Type: **Demolition Review**

Juris. Determinant: State Property

Potential Impacts:

Staff Notes: This is a proposed demolition of a 2 story residential structure and a resale of the vacant lot. The property has been determined to have significant rot issues that would make a possible renovation very difficult. It's possible that once the building is gutted it may not even have a frame that is usable. Therefore the Land Bank has determined rehabilitation is prohibitive to nay interested buyer. The Land Bank will offer the vacant lot for purchase to adjacent owners first, then other property owners on the block. For demolitions it is Land Bank policy to require hired contractors to follow strict accordance with all applicable Federal, State and Local regulations, standards, and codes governing asbestos abatement and any other trade work done in conjunction with the abatement. Notification is given to adjacent property owners. All adjacent property owners shall be notified of their right to have plastic placed on openings of their buildings per regulation if asbestos is present.

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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 #: **01-200503469**

Project Name: **163 Clinton Ave.**

Applicant: Home Leasing

Project Location: 163 Clinton Ave.

Municipality: City of Albany

Parcel Size: 0.32 acres

Zoning: Townhouse (R-T)

Tax Map Number: 65.81-1-22

Referring Agency: City of Albany Planning Board

Considerations: A conditional use permit to enable the conversion of a 15,650 SF religious institution into a multi-family dwelling with 13 units.

Action Type: **Conditional Use Permit**

Juris. Determinant: State Road

Potential Impacts: US 9 (Clinton Ave.)

Staff Notes: The property owner is seeking a conditional use permit in order to convert existing vacant church and school building into 12 apartments consisting of 2 studios, 8 one-bedrooms units and 2 two-bedroom units on three floors. A partial basement level will include a community room and service areas. An

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ADA accessible ramp will be added. The building exist within the Clinton Avenue Historic District. There will be no change in impervious area.

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 #: **04-200503471**

Project Name: **Vape Shop Moratorium**

Applicant: Town of Bethlehem

Project Location: n/a

Municipality: Town of Bethlehem

Parcel Size: n/a

Zoning: n/a

Tax Map Number: n/a

Referring Agency: Town of Bethlehem Legislative Board

Considerations: A six month extension of the vape and smoke shop moratorium.

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

Juris. Determinant: Adoption of a Local Law

Potential Impacts: Land use policy and regulation for vape and smoke shops in the Town of Bethlehem.

Staff Notes: Since the original moratorium the planning staff has researched the public health consideration related to electronic smoking, vaping, and options for the

regulation of tobacco and marijuana products. The Town Code does not currently give the Town authority to prohibit vape/smoke shops from schools even though electronic cigarettes are tobacco products. The original reasoning for the moratorium was that the Town has noticed the increase of Vape and Smoke shops since 2015 in their municipal boundary, one that is 1800' from a school. The Town has public health concerns about the sale and distribution of Vape products as well as tobacco. With this in mind the Town has expressed interest in preemptively codifying reasonable zoning and land use code on Vape and Smoke shops. Since the original moratorium The planning board has researched zoning and licensing rules to reduce exposure, especially to youth, to the number of retailers selling tobacco and vapor products. Since the last extension Town staff has drafted a local law for a tobacco and vapor retailer license with a restriction on vapor products within 1,000' of schools while maintaining existing specialty store business locations ("grandfathering in"). Staff also researched the legality of capping the number of licenses in a municipality with the Public Health & Tobacco Policy Center bases at Northeastern University Law School. Since the last extension the Town has decided to drop language relating to medical marijuana dispensaries from the moratorium or eventual local law. The now proposed draft local law would require a license for all tobacco and vape retailers, invite all eligible retailers to apply, and after the first round apply a cap option. The cap is set at the number issued in the first licensing cycle. The Town may issue a new license only when the total number of licenses does not exceed the number issued in the first cycle OR a cap a winnow policy. Next steps include to set a public hearing date, adopt the local law, and end the moratorium. This is an extension of a previous referral (# 04-190603314). In June, 2019 ACPB voted to defer to local consideration. There was one extension already given in November 2019 (referral # 04-191103385). The ACPB recommended a defer to local consideration with an advisory about grouping medical marijuana into a land use policy for tobacco and vape shops.

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. Notification of the local law update should be sent to all adjacent municipalities.

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Case #: **05-200503475**

Project Name: **Proper Subdivision**

Applicant: Dylan & Kara Proper

Project Location: Jacob Lane & Joanna Drive

Municipality: Town of Coeymans

Parcel Size: 1.90 acres

Zoning: Residential Agriculture (RA)

Tax Map Number: 141.-2-14.3, 141.-2-24.2, 141.-2-14.2, 141.-2-14.1

Referring Agency: Town Coeymans of Planning / Zoning Board of Appeals

Considerations: The subdivision of a parcel in half, and merge each half to an adjacent parcel.

Action Type: **Subdivision Review**

Juris. Determinant: NYS Designated Agricultural District

Potential Impacts: NYS Designated Agricultural District

Staff Notes: The property owner is seeking to divide parcel 141.-2-14.3 at the end of Joanna Dr., and deed half to adjacent parcel 141.-2-24.2, and deed the other half to parcel 141.-2-14.2 which is across Jacob Lane. The second new parcel merged across Jacob Lane will then be combined and deeded to the adjacent northern parcel, 141.-2-14.1.

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:

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Case #: **07-200503477**

Project Name: **J Luke Medical Office**

Applicant: Town of Colonie

Project Location: 767 Troy Schenectady Road

Municipality: Town of Colonie

Parcel Size: 2.52 acres

Zoning: Neighborhood Commercial Office Residential (NCOR)

Tax Map Number: 19.9-1-18

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review that Includes construction of a 15,000 SF medical office building.

Action Type: **Site Plan Review**

Juris. Determinant: State Road

Potential Impacts: NY 7

Staff Notes: This is a site plan review for a previously disapproved referral. Presently, J. Luke is proposing to construct a 15,000± SF one-story medical office building which will be fitted for multiple tenants. One building entrance will face Troy Schenectady Road, and the other entrances and 72-space parking lot will be located in the rear of the site. Vehicular access from Troy-Schenectady Road will be provided by a new curb cut on the east side of the site, and a connection to the existing sidewalk on Troy-Schenectady Road will also be made for pedestrians, per NYSDOT requirements. Based on the square footage and use as a medical office, traffic is expected to be approximately 30 vehicles in the AM Peak Hour and 28 vehicles in the PM Peak Hour. It should be noted that at least one of the tenants will be practicing by appointment only, and as such, the number of vehicles entering and exiting the site will likely be less than expected. Existing water and sewer mains are available along Troy-Schenectady Road to serve the proposed building. Both mains are on the applicant's property, the latter within a 20' easement, as shown on the plans.

For water service, a 6" lateral is proposed, which will also provide service to a fire sprinkler system. For sanitary service, a standard 6" sewer lateral is proposed. Stormwater will be managed on site using a bio-retention area, with emergency outlets to the existing storm drainage piping along Troy-Schenectady Road. The proposed site statistics are: building 15,000 SF (13.6%), pavement 39,154 SF (35.7%), green space 55,637 SF (50.7%). Approximately 2.5± Acres will be disturbed by this project. The proposed stormwater practices will comply with Town and NYSDEC regulations, the details of which are provided on the site plans and in the SWPPP and SMR. There are 72 proposed parking spaces and 27 land banked spaces. Previously referred 07-190503288. Note changes to access here.

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 #: **10-200503481**

Project Name: **Tara Kitchen**

Applicant: Aneesa Waheed

Project Location: 1785 Western Ave.

Municipality: Town of Guilderland

Parcel Size: 0.23 acres

Zoning: Local Business (LB)

Tax Map Number: 52.09-4-6

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Amend existing special use permit from a take -out pizzeria to a sit down restaurant.

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Action Type: Special Use Permit

Juris. Determinant: State Road

Potential Impacts: US 20 (Western Ave.)

Staff Notes: The applicant is seeking to rehabilitate an old Paesan's Pizzeria into Tara Kitchen, a sit down restaurant specializing in Moroccan Food. The restaurant plans to operate from 11:30-2pm and 5-8pm Tuesday through Sunday. The restaurant plans to have about 10 employees and utilize delivery services such as Grubhub and Doordash. The restaurant will have 13 parking space, one of which that will be ADA accessible. There is no proposed change to the ingress or egress.

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. Approval of a site plan review will be contingent on review by the Albany County Department of Health for food service and other required permits.

Case #: 10-200503482

Project Name: McDonald's Area Variance

Applicant: McDonald's Corporation

Project Location: 1602 Western Ave.

Municipality: Town of Guilderland

Parcel Size: 1.10 acres

Zoning: Local Business (LB)

Tax Map Number: 52.18-3-48

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Area variance to allow sign to exceed maximum amount and square footage.

Action Type: Area Variance

Juris. Determinant: State Road

Potential Impacts: US 20 (Western Ave.)

Staff Notes: The property owner wants an area variance to allow for 6 signs, when 2 signs are the maximum allowed. The owner is also seeking an area variance to allow for 196 square footage of signage, when the maximum allowed is 50 SF. This McDonald's also wants to place a sign 2 feet from the property line when 20 feet is allowed. This site was already operating as a McDonald's and had 18 signs on site. The new owner is seeking to decrease the amount of signs substantially, but increase the square footage. Total number of signs will be reduced by 12 and the square footage will increase by 133 SF.

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 Zoning Board should consider the precedent setting nature of allowing significant area variances to the sign code in the Local Business zone.

Case #: 18-200503484

Project Name: Shell Inn Addition

Applicant: Ross Reinhart

Project Location: 4520 St Rte 85

Municipality: Town of Westerlo

Parcel Size: 3.47 acres

Zoning: Residential Agriculture (RA)

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Tax Map Number:	126.-2-17.20
Referring Agency:	Town of Westerlo Zoning Board of Appeals
Considerations:	An area variance to enable relief of 63' of the required 100' front setback.
Action Type:	Area Variance
Juris. Determinant:	State Road, Municipal Boundary
Potential Impacts:	NY 85 (Delaware Turnpike), NYS Designated Agricultural District, wetlands, Town of Westerlo and Town of Rensselaerville intermunicipal boundary.
Staff Notes:	The property owner is requesting relief of 63' of the required 100, setback in the RD/A zone. The owner is seeking to add an addition to an already existing vacant Shell Inn Bar/ restaurant that is already within the setback. The intent of the owner is to rehabilitate the Inn. This is not a site plan review at this time.
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. There are wetlands on this site. The Town should ensure the applicant is aware that 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 and that the wetlands should be delineated for any future site plan review.

With no comments or questions from the Board, Brian Crawford made a motion to accept the staff opinion for Referral #'s **01-200503466, 01-200503467, 01-200503468, 01-200503469, 04-200503471, 05-200503475, 07-200503477, 10-200503481, 10-200503482, & 18-200503484.** The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: **12-200503483**

Project Name: **The Village of Menands Comprehensive Plan**

Applicant: Menands Village Board

Project Location: n/a

Municipality: Village of Menands

Parcel Size: n/a

Zoning: n/a

Tax Map Number: n/a

Referring Agency: Village of Menands Legislation Board

Considerations: The adoption of a comprehensive plan for the Village of Menands.

Action Type: **Adoption of a Comprehensive Plan**

Juris. Determinant: Adoption of a comprehensive plan.

Potential Impacts: Planning and land use policy for the Village of Menands.

Staff Notes: The Village of Menands is adopting their first ever comprehensive plan. The Plan was developed over the course for two years and involved extensive inventory and analysis, public engagement, and committee deliberation. The Comprehensive Plan Advisory Committee conducted a study of the Village of Menands that included a full inventory and analysis of the environmental, economic, housing, demographic, cultural and historical resources in the Village. Beginning in 2017, the Village began working with a resident Committee and the University at Albany Masters in Regional Planning Program Studio Class (hereafter, "Studio") to develop the foundations of a plan. In 2019, the Committee transitioned from the preliminary inventory and analysis to more focused stakeholder outreach and strategy development. Key planning and public participation components that provided the basis of the plans recommendations were the Studio, stakeholder interviews, a community survey, media outreach, open houses, buildout analysis, and a public workshop. The Plan makes recommendations about: land use and zoning, transportation, business retention and attraction, infrastructure, education,

community services, sustainability and resiliency, parks and open space, housing, quality of life, and plan implementation.

Staff Opinion: Defer to local consideration.

1. The ACPB supports the Village and its residents in planning for future growth that will have an impact on nearby State and County roads as well as adjacent municipalities.

Advisory Note:

1. Notification of the adoption of the comprehensive plan should be sent to all adjacent municipalities.
2. The Village should request a road diet on Route 378 west of the I-787 interchange as we well. It carries half as much traffic as Broadway, and doesn't need to be a four-lane grade-separated highway. There may also be an opportunity for an "interchange diet" as well, converting the partial cloverleaf to a more compact design or even eliminating it entirely. This could have several benefits, including reduced maintenance costs, reduced runoff, reduced speeds and therefore crash severity, and returning a substantial amount of land to productive use. It would also reduce the division between the North District and the rest of the village. The bridges are nearly 50 years old, so an opportunity to do something different may be coming up.

This was voted on separately due to a last minute change to the wording for Advisory #2 (noted above). Without any questions or comments from the Board, a motion was made by Gerry Engstrom to accept the staff opinion for Referral # **12-200503483**. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

Case #: **03-200503470**

Project Name: **Grippy Mine**

Applicant: Eleanor Giebitz

Project Location: 138 Cole Hill Rd / Grippy Lane Quarry

Municipality: Town of Berne

Parcel Size: 100.00 acres

Zoning: Residential Agricultural Forestry (RAF)

Tax Map Number: 115.-1-17

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Referring Agency:	Town of Berne Zoning Board of Appeals
Considerations:	Special Use Permit to operate a quarry and crush bluestone.
Action Type:	Special Use Permit
Juris. Determinant:	County Road, Intermunicipal Boundary
Potential Impacts:	CR 2 (Cole Hill Rd), Town of Berne and Town of Westerlo intermunicipal boundary

Staff Notes: The property owner is seeking a special use permit to continue operation of a 58 acre mine to allow a separate company, Larned & Sons, to mine leftover material reserves within a permitted area of their bluestone quarry. The Department of Conservation extended a previous permit to authorize 30 acres to be affected during the permit term. Mining activities include blasting and cutting of materials. The use of portable screener and crusher are authorized at the site. This is the second modification of an original permit and was granted in April 27, 2020 and expires in July 19, 2020. DEC is the lead agency on their SEQR review. The Town Engineer and Code Enforcement Officer also did an onsite inspection and reported that the applicant is operating within the approved mining plan and that there hasn't been a significant amount of change since the issuance of a 2014 special use permit. The proposed site to be excavated is located between two areas that have been previously mined. The Code Enforcement Officer recommended approval be conditioned on the repair of a 6' tall fence that has suffered some damage from the weather and trees falling on it and the installation of a gate with the appropriate warning signage across the secondary access road to provide continuity with the wire fence. No change to ingress or egress on the County Road is proposed.

Staff Opinion: Modify local approval to include:

1. Notification of the application should be sent to the Town of Westerlo, including all required notices pursuant to GML §239-nn.

Advisory Note:

Brian Crawford commented that this request is routine and we see it every year. Gerry Engstrom asked if this is Helderberg Bluestone and Dominic asked if it's just a renewal of a permit. Brian confirmed both.

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With no further questions or comments from the Board, a motion was made by Brian Crawford to accept the staff opinion for Referral # **03-200503470.** The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: **04-200503472**

Project Name: **551 Feura Bush Rd Land Division**

Applicant: Danny Patel

Project Location: 551 Feura Bush Rd.

Municipality: Town of Bethlehem

Parcel Size: 2.00 acres

Zoning: Residential A

Tax Map Number: 97.10-1-4

Referring Agency: Town of Bethlehem Planning Board

Considerations: Subdivision review for a parcel to create a residential lot for the construction of a new home.

Action Type: **Subdivision Review**

Juris. Determinant: State Road, NYS Designated Agricultural District

Potential Impacts: SR 910A (Feura Bush Road), NYS Designated Agricultural District

Staff Notes: The property owner seeks to divide a 1.13 acre lot off of their 2 acre parcel. The original parcel contains a single family dwelling and will become .67 acres. The subject property is served by municipal water service and sanitary sewer service. Project site contains no wetlands and the total disturbance will be under one acre. Setback and lot requirements will conform to Town zoning codes. A 6' high privacy fence will be provided along the northern boundary line of the newly created lot to be known as 551 Feura Bush Rd. The existing in ground swimming pool will be removed and will be filled to grade. A new driveway will be constructed on the westerly side of the existing dwelling. The action will require the installation of water and sewer laterals to be extended

from the existing Town mains to the proposed dwellings. The parcel is adjacent to a NYS designated agricultural district.

Staff Opinion: Modify local approval to include:

1. Review by the New York State Department of Transportation for design of highway access.

Advisory Note:

Dominic confirmed with Laura that Feura Bush Road is a State Hwy.

With no further questions or comments from the Board, a motion was made by Gerry Engstrom to accept the staff opinion for Referral # **04-200503472**. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

Case #: **05-200503473**

Project Name: **Liotta Berm**

Applicant: Victor Liotta

Project Location: 1616 River Road

Municipality: Town of Coeymans

Parcel Size: 23.70 acres

Zoning: Residential (R-1)

Tax Map Number: 145.-1-5.1

Referring Agency: Town of Coeymans Planning / Zoning Board of Appeals

Considerations: Placement of a soil / mulch mixture to build a 15' high, and 20' wide, and 220' long berm along the north property line.

Action Type: **Special Use Permit**

Juris. Determinant: State Road
Potential Impacts: NY 44 (River Rd), NY I 87

Staff Notes: The property owner is seeking a special use permit to place a 15' H x 20' W x 220' L soil berm on the norther property line adjacent to Robert LaCosta. The Berm will be seeded with grass. The intent is to offer a visual shield to the neighbor's property. Town of Coeymans Zoning Law section 165-10R states that any operation that is designed to change existing land contours by more than two feet require a special use permit. Ten acres are expected to be disturbed. There are no wetlands on site and there is no proposed change to ingress or egress. The land is currently vacant. It is partially cleared. The rest is forested or brush.

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. Town needs to clarify past and intended future disturbance to determine whether a Construction Activity Permit (GP-0-15-002) is required.
3. An existing conditions site plan should be required. Wetlands should be delineated on the site plan and the corresponding regulatory agency notified. 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. Notify the New York State Department of Transportation for review of drainage to River Road and any potential impact on the State right-of-way.
5. Given the proposed length and height of the berm, the berm should be designed and engineered by a licensed professional.

Advisory Note:

1. The Town should clarify the intended use of the parcel by the property owner. This substantial berm being used to visually block the neighbors parcel from a currently vacant parcel needs further explanation. The neighbor should submit this request for a berm in writing. The Town should verify if the stated objective can be fulfilled with less substantial disturbance.

2. Contact Kristina (Tina) L. Crowley, P.E. Regional Permit Engineer for New York State Department of Transportation, Region 1 (518) 457-6645 | Kristina.Crowley@dot.ny.gov) to review line of site and potential traffic impacts on the state route, especially during the construction of the berm.

There was a significant amount of discussion regarding this Referral which resulted in some changes to the original staff opinion (corrected version noted above).

Dominic asked if vegetation was being put on this Berm. Laura Travigion confirmed that this is the case. Laura also stated that she called John Cashin from the Town of Coeymans for clarification on the reasoning for the request. The Board discussed some concerns over the size of the Berm being proposed. Bill Anslow, Albany County Civil Engineer stated that he has concerns about its stability due to the fact that it would be very tall and steep and it is proposed to be a soil and mulch mixture. The Board stated that due to the size, it would need to be designed by a licensed professional.

The Board reviewed the plans and discussed the substantial disturbance and the reasons being given for this change. Rob also expressed concerns about the amount of work that has been done there already and that there doesn't appear to be previous approvals by either the Town or by the County.

Laura read a letter from John Cashin, Town of Coeymans, with some explanation. The Board then said they would like to add an advisory to have the Berm engineered by a licensed professional. That was later changed to become part of the Modify (#5) instead of Advisory (noted above).

Gerry expressed concern about how many trucks it will take to move this amount of material and what will the traffic impacts be. Laura said she can put an advisory in about contacting DOT to see if a permit is needed or to at least alert them that this project is going on. Dominic asked Laura to include the specific contact information in the advisory.

Gerry then asked about potential wetlands and the fact that this Berm is going right up to the road.

With the discussed changes added to the modifications and advisory (noted above), Brian Crawford made a motion to accept the staff opinion for Referral #05-200503473. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

Case #: **05-200503474**

Project Name: **Mahoney Subdivision**

Applicant: John Mahoney

Project Location: Copeland Hill Road at Bucks Ranch Rd.

Municipality: Town of Coeymans

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Parcel Size:	93.60 acres
Zoning:	Residential Agriculture (RA)
Tax Map Number:	130.-2-20
Referring Agency:	Town of Coeymans Planning / Zoning Board of Appeals
Considerations:	A 5 lot subdivision review. Lot 1: 2 acres. Lot 2: 2.7 acres. Lot 3: 3.37 acres. Lot 4: 6 acres. Lot 5: 79.96 acres.
Action Type:	Subdivision Review
Juris. Determinant:	County Road
Potential Impacts:	CR 108 (Copeland Hill Road)
Staff Notes:	The property owner wants to divide their 93.6 acre parcel into 5 lots. Lot 1 would be 2 acres, lot 2 would be 2.7 acres, lot 3 would be 3.37 acres, lot 4 would be 6 acres, and the remaining 79.96 acres would be lot 5. The intention is to build four houses on the 4 new lots. The property owner intends for each lot to have a new driveway, septic, and well.
Staff Opinion:	Modify local approval to include: 1. The Town should ensure that the property owner is aware of the regulations for construction activities that disturb land greater than one acre. 2. The Town should ensure that the property owner is aware a highway work permit is required from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way. 3. The location of wells and septic should be evaluated by Albany County Department of Health as part of the subdivision of the land.
Advisory Note:	1. Proposed driveways are on the inside of a curve. The survey does not show whether the proposed driveways will have sufficient visibility. If available sight distance is less than 405' (adjusted for low traffic volume – it's 495' for more than 500 vpd), the subdivision should be altered so the new driveways will have that much sight distance. County site plan approval and the Highway Work Permit will be contingent on these amendments.

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There were no questions or comments from the Board. A motion was made by Gerry Engstrom to accept the staff opinion for Referral **#05-200503474**. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: **07-200503476**

Project Name: **Sam's Club Fueling Stations**

Applicant: Latham Farms Owner, LLC C/O Fluam Group, LLC

Project Location: 579 Troy Schenectady Road

Municipality: Town of Colonie

Parcel Size: 89.34 acres

Zoning: Housing Commercial Office Retail (HCOR)

Tax Map Number: 19.1-2-8

Referring Agency: Town of Colonie Planning Board

Considerations: Sam's club is proposing a new fueling station at the southeast corner of the existing parking lot within the Latham Farms Development.

Action Type: **Site Plan Review**

Juris. Determinant: State Road

Potential Impacts: US 9W (New Loudon Rd.), NY 2 (Troy Schenectady Rd.), NY I 87

Staff Notes: The Sam's Club in the Latham Farm's plaza is proposing an ancillary fueling station that would only be used by club members. The proposed station would have an 18' high canopy and 9' high service building. There is no proposed change to water or sewer and the solid waste will be combined with the Sam's Club existing dumpster. Two acres are expected to be disturbed. Add detailing here from the site plan.

Staff Opinion: Modify local approval to include:

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
2. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations.
3. Town comment indicate that this site should be considered a "hot spot" use requiring stormwater management design that protects groundwater.
4. The Town needs to require fuel delivery truck paths be shown on site plans.
5. The Town should require more expected trip generation data from similar sites.
6. With the reduction of parking spaces due to the fuel station and new snow storage area, the Town should make sure the applicant is meeting their minimum parking space requirement. The applicant should apply for an area variance if needed. Parking space requirements should be specified in the applicant's project narrative.

Advisory Note:

1. EV charging stations should be considered.
2. Channelization of the 190' wide flush pavement on the south side of the facility should be considered.

Dominic asked Rob Guenther, Stormwater Program Technician if he had looked at this and Rob stated that he had and he then discussed it with the Board. Bill Anslow then asked how many parking spots they are taking over and Laura Trivison shared the Site Plan with the Board. It appears that about 1/3 of the parking spots will be lost plus potentially another 100+ for an additional snow removal site. The Board decided that an additional modification needs to be added to ensure the Town is meeting their minimum parking space requirement (noted above as modification #6).

With no further questions or comments from the Board, Gerry Engstrom made a motion to accept the staff opinion for Referral #07-200503476. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: 08-200503478

Project Name: 29 Vly Road Subdivision

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Applicant: Rosetti Acquisistions
Project Location: 29 Vly Road
Municipality: Village of Colonie
Parcel Size: 13.70 acres
Zoning: Residential A / Church
Tax Map Number: 29.15-2-13
Referring Agency: Village of Colonie Planning Board

Considerations: The subdivision, site plan review, and special use permit for a parcel into 19 single family house lots and 5 duplex lots.

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

Juris. Determinant: Municipal Boundary

Potential Impacts: Town of Colonie & Village of Colonie intermunicipal boundary

Staff Notes: This is a subdivision review, site plan review, special use permit to subdivide a parcel into 19 single family house lots and 5 duplex lots. Each parcel will connect to Village water, sewer, and other utilities. New roadway will extend form Christ Place and Hillside Avenue. This will create a cul-de-sac behind the church with traffic flowing to side streets and not Vly Road. The total area expected to be disturbed is 8.25 acres. Currently there is a church on the parcel adjacent to Vly Road. The Church will remain. There are no wetlands on this parcel.

Staff Opinion: Modify local approval to include:

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.

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

Advisory Note:

1. The property owner may want to consider a conservation subdivision.
2. An opportunity for a connection to an adjacent subdivision (Cypress St) is being missed. To avoid the small potential for this connection to become a bypass of the Central Ave/Vly Rd signal to get to Saddlewood Elementary or points north on Vly, the Town could ask CDTC to analyze this with their STEP Model. Possible countermeasures could be to make it an emergency and bike/ped traffic only, or make it one-way southbound. If this connection is not made, the Village may wish to abandon the paper street portion of Cypress St to adjacent owners.

Dominic asked to review the site plan. Laura Trivison pulled them up to show the Board and also shared a document that Jim Mearkle, Traffic Engineer had provided. This shows the street connections that he is looking at when making his recommendations.

With no further questions or comments from the Board, Enzo Sofia made a motion to accept the staff opinion for Referral # **08-200503478**. The motion was seconded by Brian Crawford and unanimously approved by the Board.

<u>Case #:</u>	<u>10-200503479</u>
Project Name:	Otterness Minor Subdivision
Applicant:	Paul Briggs
Project Location:	6829 Dunnsville Rd.
Municipality:	Town of Guilderland
Parcel Size:	56.40 acres
Zoning:	Residential Agriculture (RA3)
Tax Map Number:	25.00-2-28
Referring Agency:	Town of Guilderland Planning Board
Considerations:	The subdivision of one parcel into two, one on each side of a dividing road.

Action Type: Subdivision Review

Juris. Determinant: State Road, NYS Designated Agricultural District

Potential Impacts: NY 397 (Dunnsville Road), NYS Designated Agricultural District

Staff Notes: The property owner wants to subdivide their parcel so that there are two parcels on either side of Dunnsville Rd. The new parcel would be 11.45 acres. The owner is currently in contract with a potential buyer who intend to build a house, driveway, well, and septic. There is no new proposed contraction on the remaining 40 acres.

Staff Opinion: Modify local approval to include:

1. Submission of an agricultural data statement to the Town as required by Town Law for subdivision approval of sites within 500 feet of a farm operation located in an agricultural district.
2. The location of wells and septic should be evaluated by Albany County Department of Health as part of the subdivision of the land.

Advisory Note:

1. The Town should ensure that the purchaser is aware of the regulations for construction activities that disturb land greater than one acre.
2. The Town should ensure that the purchaser is aware review by the New York State Department of Transportation for design of highway access is required.

With no further questions or comments from the Board, Brian Crawford made a motion to accept the staff opinion for Referral # **10-200503479**. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: **10-200503480**

Project Name: **745 Route 146 Minor Subdivision**

Applicant: Donald Cropsey

Project Location: RT. 146

Municipality: Town of Guilderland

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Parcel Size:	6.42 acres
Zoning:	Residential (R-20)
Tax Map Number:	37.04-1-17
Referring Agency:	Town of Guilderland Planning Board
Considerations:	The subdivision of a 6.8 acre parcel into a 2.08 acre lot and a 4.64 acre lot.
Action Type:	Subdivision Review
Juris. Determinant:	State Road
Potential Impacts:	NY 146
Staff Notes:	The property owner is seeking to subdivide a 6.8 acre parcel into a 2.08 acre lot and a 4.64 acre lot. The parcel is within 500' of two historic sites: The Jacob Crouse Inn and the Knower House. The eastern parcel contains wetlands and floodplains.
Staff Opinion:	Modify local approval to include: 1. The location of wells and septic should be evaluated by Albany County Department of Health as part of the subdivision of the land.
Advisory Note:	1. The Town should make sure the applicant is aware that 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 Town should ensure that the applicant is aware review by the New York State Department of Transportation for design of highway access is required.

There weren't any comments or questions from the Board. Gerry Engstrom made a motion to accept the staff opinion for Referral #10-200503480. The motion was seconded by Brian Crawford and unanimously approved by the Board.

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Without any unfinished business or new business to discuss, it was noted that the next meeting of the Albany County Planning Board will be on June 18, 2020.

Motion to Adjourn: was made by Gerry Engstrom at 4:23pm.

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