

ACPB June 18, 2020 Meeting Minutes

NOTE: Due to issues related to Covid-19, the June 18, 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, Yomika Bennett, Gerry Engstrom, Tim Garufi, Ex Officio; Dave Reilly, Ex Officio.

Albany County Public Works Office – Laura Travison, Senior Planner; Lynn Delaney, Secretary; William Anslow, Civil Engineer (Ex Officio); Rob Gunther, Stormwater Program Technician; Jim Mearkle, Traffic Engineer.

Minutes: Lynn Delaney, Secretary

Call to Order: Dominic Rigosu called the meeting to order at 3:31PM.

Brian Crawford made a motion to approve the May 21, 2020 ACPB meeting minutes. Gerry Engstrom seconded the motion and it was unanimously approved by the Board.

Dominic Rigosu talked about moving some of the Referrals to the front of the agenda.

Bill Anslow asked why we are seeing Referral **#04-200603488** for Labella Associates – Solar Install-Solar Array from the Town of Bethlehem since this isn't usually one that we would get. Dominic Rigosu stated that he questioned the same thing and looked through it to see if they were doing something else that would warrant the Referral. Laura Travison replied that it is because it is on a State Route. Dominic stated that he'd like to get clarification moving forward but that since the Board did get the Referral, and it's recommended to Defer to Local Consideration, the Board would vote on it.

Gerry Engstrom made a motion to move Referral #'s **01-200603484, 01-200603485, 01-200603486, 01-200603487, 04-200603488, 05-200603491, 07-200603492, 07-200603493, 13-200603499, & 13-200603501** all of which have a staff opinion of Defer to Local Consideration to the front of the agenda. One additional referral with this staff opinion, **#13-200603500**, was pulled from the list to be discussed further by the Board. Brian Crawford seconded the motion and it was unanimously approved by the Board.

<u>Case #:</u>	<u>01-200603486</u>
Project Name:	1020 Madison Ave.
Applicant:	AJ Signs
Project Location:	1020 Madison Ave.
Municipality:	City of Albany

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Parcel Size: 0.36 acres
Zoning: Mixed -Use, Neighborhood Edge
Tax Map Number: 64.59-4-3
Referring Agency: City of Albany Zoning Board of Appeals

Considerations: An area variance to allow a second 7' sign where only one is allowed

Action Type: **Area Variance**

Juris. Determinant: State Road
Potential Impacts: US 20 (Madison Ave.)

Staff Notes: The college of Saint Rose is requesting two signs on the same building because they explain that the two entrances are for separate and distinct uses. One entrance is for a small number of students to achieve access to living quarters. The other is to the Women's Leadership Institute. The college is proposing a 7.12 SF unlit sign in addition to the one that is already allowed by 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 #: **01-200603484**
Project Name: **165 Washington Ave. Ext.**

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Applicant:	AJ Signs
Project Location:	165 Washington Ave. Ext.
Municipality:	City of Albany
Parcel Size:	2.30 acres
Zoning:	Mixed-Use, Community Highway
Tax Map Number:	52.2-1-27
Referring Agency:	City of Albany Zoning Board of Appeals
Considerations:	An area variance to allow a 100 SF wall sing where a 32 SF wall sign is allowed
Action Type:	Area Variance
Juris. Determinant:	State Road
Potential Impacts:	I-87 (NYS Thruway, Washington Ave. Extension)
Staff Notes:	An area variance to allow a 100 SF wall sign where a 32 SF wall sign is allowed. American Freight moving into the location where the Sears Outlet used to exist in the Walmart / Home Depot shopping plaza on Washington Ave. American Freight claims that a 32SF sign is not legible from Washington Ave Extension. TJ Max, Walmart, and Party City all have store signs that exceed the maximum size.
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 the commercial zone.
Case #:	<u>01-200603487</u>

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Project Name: 236 Clinton Ave. & 255 Orange St.

Applicant: Albany Center for Economic Success

Project Location: 220 & 236 Clinton Avenue; 255 & 281 Orange Street

Municipality: City of Albany

Parcel Size: 1.16 acres

Zoning: Mixed -Use, Neighborhood Edge

Tax Map Number: 65.73-2-14.1, 65.73-2-14.3, 5.73-2-14.2, 65.73-2-19.2

Referring Agency: City of Albany Planning Board

Considerations: Construction of a three (3)-story, 54,428 SF mixed-use structure with 31 residential dwelling units, 4,176 square feet of office space, and 4,697 square feet of retail space

Action Type: Site Plan Review

Juris. Determinant: State Road

Potential Impacts: US 9 (Clinton Ave.)

Staff Notes: The proposed new building at 236 Clinton will have 15 offices for incubator minority and women owned businesses: three Clinton Ave store front spaces; one anchor tenant; 12 offices. In addition, the building will have training room, conference room, community room, co-working space, drop-in daycare space, 31 affordable housing apartments, and amenity spaces. The building will be interconnected to No. 255 Orange Street. Parking for 32 cars including two ADA accessible parking spaces will be constructed with an entrance on Orange Street. The existing building at 255 Orange Street is an incubator building for a start-up minority and women owned businesses. They have anchor nonprofit tenants on the first floor (Community Loan Fund of the Capital Region, Inc.; Affordable Housing Partnership; and United Tenants of Albany). Basement and second floor have 10 offices for incubator businesses. No work other than accommodating the connection to 236 Clinton Avenue under this plan. A storm water management system will be installed in the parking lot area on this parcel. A SWPPP was provided with this application.

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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 #: **07-200603492**

Project Name: **Columbia Street Cell Tower**

Applicant: Verizon (David Brennan)

Project Location: 630 Columbia Street

Municipality: Town of Colonie

Parcel Size: 3.60 acres

Zoning: Commercial Office Residential (COR)

Tax Map Number: 19.2-5-2

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Special use permit to enable one unmanned public utility/personal wireless service facility on the premises

Action Type: **Special Use Permit**

Juris. Determinant: State Road

Potential Impacts: NY 9R (Columbia Street Extension), NY 7

Staff Notes: Verizon is seeking a special use permit to enable one unmanned public utility/personal wireless service facility on the premises. Verizon proposes to install a single cylindrical 24" cell antenna ballast mounted on the roof of an existing 29.33' tall building, as well as telecommunications equipment at grade

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on a 4'x8' equipment platform and canopy. Upon completion the proposed facility will provide additional wireless network bandwidth and improved performance to the commercial area in and around Crossroads Center shopping plaza. The total space used is a leased 35 SF roof area and 66 SF ground level area enclosed by a 10' fence. The ACPB reviewed this referral before and deferred it to local consideration (Case # 07-190203196).

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 #: **07-200603493**

Project Name: **CVS Addition**

Applicant: Schuyler Companies

Project Location: 592 Loudon Rd.

Municipality: Town of Colonie

Parcel Size: 11.00 acres

Zoning: Neighborhood Commercial Office Residential

Tax Map Number: 31.3-4-72.21-1

Referring Agency: Town of Colonie Planning Board

Considerations: A site plan review for a 540 SF addition to an existing CVS retail/pharmacy building within and existing plaza

Action Type: **Site Plan Review**

Juris. Determinant: State Road

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Potential Impacts: NY 9 (Loudon Road)

Staff Notes: The property owner proposes a 20'x 27' addition to the rear of an existing CVS for storage. This storage spot will remove four parking spaces. For the entire plaza 448 parking spots are required and 468 currently exist. There will be no change in traffic routes, ingress/egress, or impervious surfaces. The total area expected to be disturbed is .05 acres. There are some wetlands on the rear of the site that are not expected to be disturbed.

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 #: **04-200603488**

Project Name: **Labella Associates - Solar Install-Solar Array**

Applicant: Kasselmann Solar LLC

Project Location: 25 Delaware Ave.

Municipality: Town of Bethlehem

Parcel Size: 0.86 acres

Zoning: Commercial Hamlet (CH)

Tax Map Number: 86.07-2-3

Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review and a special use permit for a roof mounted solar array

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

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Juris. Determinant: State Road

Potential Impacts: NY 443

Staff Notes: The property owner is seeking is seeking to install a roof mounted solar panel on a commercial building. The roof solar array will be 1,963 SF, consist of 88 solar modules and 35.2kW. There will be no physical disturbance or change in agree/ingress. The metal roofing has a 5 degree tilt and the panels will be installed on the side away from the road.

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 #: **13-200603499**

Project Name: Lands of Miller

Applicant: Nicholas and Hillary Miller

Project Location: 124 Clipp Rd.

Municipality: Town of New Scotland

Parcel Size: 5.28 acres

Zoning: Residential Agriculture (A)

Tax Map Number: 94.-1-47.20, 94.-1-47.13

Referring Agency: Town of New Scotland Planning Board

Considerations: Merger of two adjoining lots to allow for the approval of a ground mounted residential solar site plan application

Action Type: Site Plan Review

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Juris. Determinant: NYS Designated Agricultural District

Potential Impacts: NYS Designated Agricultural District

Staff Notes: The property owner wants to merge two of their adjacent parcels in order to propose a site plan application that includes a ground mounted residential solar system on the currently vacant parcel. The proposed solar system is 80' off the road close to the eastern property line of the second parcel. There are no new proposed egress, utilities and the total expected area of physical disturbance is .01 acres. The system is a 7.6KW residential PV Solar System.

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 #: **13-200603501**

Project Name: **Lands of Winne**

Applicant: Joel and John Winne

Project Location: 120 Lower Flat Rock Rd

Municipality: Town of New Scotland

Parcel Size: 71.91 acres

Zoning: Residential Agricultural (A)

Tax Map Number: 106.-4-41

Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision review to enable a property owner to subdivide two vacant lots from their 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 subdivide their parcel to sell for residential purposes. The original 71.91 acre parcel would become a 45 acre parcel (with all existing structures and well), and a 12 and 12.9 acre vacant lots.

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 land owner of the subdivision should notify purchasers of the lots that they must prepare a stormwater pollution prevention plan (SWPPP) for erosion and sediment control if construction will disturb more than one acre of land, as required by New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-002).
2. The land owner of the subdivision should notify purchasers of the lots review by Albany County Department of Health for new wells and septic is required.

Case #: 05-200603491

Project Name: Local Law No. 4 Solar Energy Coeymans

Applicant: Town of Coeymans Legislative Board

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Project Location:	n/a
Municipality:	Town of Coeymans
Parcel Size:	0.00
Zoning:	n/a
Tax Map Number:	n/a
Referring Agency:	Town of Coeymans Legislative Board
Considerations:	A local law regulating the installation of Solar Energy Projects within the Town of Coeymans
Action Type:	Adoption of Local Law
Juris. Determinant:	Adoption of Local Law
Potential Impacts:	Town solar energy installation policy
Staff Notes:	The law's stated purpose is to harness the environmental and financial benefits of solar energy in a way that mitigates the impact of solar energy systems on environmental resources and contextualizes future solar development within the goals of Coeymans comprehensive plan. The law includes 12 sections: authority, statement of purpose, definitions, applicability, general requirements, permitting requirements for tier 1 solar energy systems, permitting requirements for tier 2 solar energy systems, permitting requirements for tier 3 solar energy systems, safety, permit time frame and abandonment, enforcement, and severability. There are four appendices: Lot Size Requirements, Parcel Line Setbacks, Height Limits, and an Example Decommissioning Plan. Tier 1 Solar Energy Systems are defined as roof-mounted and building integrated systems. Tier 2 are defined as ground mounted solar energy systems with a capacity up to 25 KW AC and that produce no more than 110% of the electricity consumed on the site the previous 12 months. Tier 3 is every other solar energy system outside of Tier 1 and 2 definitions. The law requires a building permit for the installation of any solar energy system. Tier 1 and 2 permitting requirements address height, glare, visibility, lot size, and installation requirements. Tier 3 permitting addresses all of this as well as well as public hearing, underground requirements, vehicular paths, signage, emergency shutoff, lighting, tree

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cutting, decommissioning, security, site plan application, special use permits, lot coverage, fencing, screening and landscaping, and ownership changes.

Staff Opinion: Defer to local consideration.

1. The ACPB supports the Town and its residents in planning for future solar energy system growth.

Advisory Note:

Case #: **01-200603485**

Project Name: **Stewart's Shop 538 Central Ave.**

Applicant: Stewart's Shops

Project Location: 536 Central Ave.

Municipality: City of Albany

Parcel Size: 0.35 acres

Zoning: Mixed-Use, Form-Based, Central Ave.

Tax Map Number: 65.37-3-49

Referring Agency: City of Albany Zoning Board of Appeals

Considerations: An area variance to allow construction of a 784 SF expansion that would create transparency threshold below the zoning minimum

Action Type: **Area Variance**

Juris. Determinant: State Road

Potential Impacts: NY 5 (Central Ave.)

Staff Notes: Stewart's is seeking an area variance to enable less windows on the Central Ave. side of an addition to not meet the minimum requirements for

transparency. Stewarts is proposing a building addition that will allow the store to a cooler freezer and storage space to enable the shop to sell more locally sourced products. Because the freezer and storage will be in the addition, the Central Ave side will have no windows.

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 transparency requirements for a convenience store in a commercial zone.

There weren't any questions or comments from the Board in regard to the above Referrals. Yomika Bennett made a motion to accept the Staff Opinion for Referral #'s **01-200603484, 01-200603485, 01-200603486, 01-200603487, 04-200603488, 05-200603491, 07-200603492, 07-200603493, 13-200603499, & 13-200603501**. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: **13-200603500**

Project Name: **Lands of Quackenbush**

Applicant: Dawn and Michael Quackenbush

Project Location: 999 Clarksville South Road

Municipality: Town of New Scotland

Parcel Size: 86.30 acres

Zoning: Residential Forestry (RF)

Tax Map Number: 117.-2-21

Referring Agency: Town of New Scotland Planning Board

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Considerations: Special use permit to enable the construction of a ponds an accessory structure for a working farm

Action Type: **Special Use Permit**

Juris. Determinant: County Road, NYS Designated Agricultural district

Potential Impacts: CR 312 (Clarksville South Road), NYS Designated Agricultural Area

Staff Notes: The property owner is seeking a special use permit to enable the construction of a roughly 150'x250' pond for recreation, irrigation, fire safety, and collection of runoff. The pond will be constructed using existing ground matter and be 10' deep. All area surrounding the pond will be graded and all topsoil will be utilized on site. The pond will be accessible directly for Clarksville South Road for fire water access from an approved connection hydrant that the Quackenbush Fire Company has agreed to supply. Less than an acre will be disturbed and there are no proposed changes to county route access.

Staff Opinion: Disapprove.

1. The included map is nearly illegible and does not indicate where the proposed pond will be.
2. Structure failure would cause risk to life and property downstream, including the county route.
3. A set of plans sealed by a professional engineer should have been included.
4. NYS DEC must be consulted regarding requirement for a dam permit.
5. An Albany County Department of Public Works permit will be required for the proposed fire department access.

Staff Opinion is to disapprove for the reasons noted above. Jim Mearkle and Bill Anslow stated that they both had concerns regarding the potential for damage if there was structure failure and that the plan submitted didn't address that issue.

A motion was made by Gerry Engstrom to accept the Staff Opinion for Referral # **13-200603500**. The motion was seconded by Yomika Bennett and unanimously approved by the Board.

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Case #: **05-200603490**

Project Name: **WM Biers Site Plan / Coeymans Industrial Park**

Applicant: William Biers

Project Location: 2029 River Rd

Municipality: Town of Coeymans

Parcel Size: 70.10 acres

Zoning: Industrial (I)

Tax Map Number: 156.-4-8.2

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

Considerations: Site plan review that includes an area for material processing and laydown, multiple warehouses, office building, and a transfer station

Action Type: **site plan review**

Juris. Determinant: State Road

Potential Impacts: NY 144 (River Road), Coeymans Creek, wetlands, floodplains,

Staff Notes: The property owner proposes to place fill for the purpose of flattening existing slopes to allow for material processing and laydown areas as well as constructing multiple warehouses along the northerly 35 acer portion of the 70 acre site. A proposed maintenance / office building will be for the Wm Biers, Inc. company as well as C&D transfer station. The site plan with added warehouse and other building is an amendment to a previously approved special use permit on September 4, 2018 and site plan that was approved on August 1, 2016.

Staff Opinion: Disapprove.

1. The Albany County Planning Board found the referral material unacceptable for review purposes.

2. Pages 2, 4, 6, 8, 10 and 12 are missing from the EAF and depth to water table (E2 D) is missing from the EAF and should be provided.
3. Insufficient construction documents were provided.

Advisory Note:

1. The ACPB did not receive an updated narrative, nor and updated SWPPP for a very substantial (35 acres) project near the Coeymans Creek /floodplain and a NY Highway. There was also a lack of explanation of existing conditions, infiltration basins, truck traffic details, etc. Staff could not rely on previous submittals. All previous submittals are void due to the fact the nature of operations with this new application has significantly changed. A proposed a C/D transfer station in the new application in an area that was originally not going to be disturbed.
2. A geotechnical report for existing soil and new fill proposed to go in should be included.

Rob Gunther, Stormwater Technician stated that there wasn't any information in the application as to what fill would be used. Overall he didn't have enough information about some specifics to make a decision. Jim Mearkle inquired about getting having it looked at by a Geotechnical Engineer. Dominic Rigosu agreed and asked that to be added as an Advisory Note (noted above).

The electronic copy of the EAF was missing every other page. The DPW staff checked the original document to ensure that the original provided to us was missing every other page and that it wasn't a scanning error on the part of the DPW staff. It was confirmed that the original is missing every other page. Gerry Engstrom stated that he felt the EAF is incomplete (not just the missing pages). For example, the depth of the water table is missing which is something that they should provide. Rob Gunther then added that we have not received any details on fill material, condition of the site, infiltration basin, any SWPPP or truck traffic details on site. He stated that this is too substantial of a project to have so little information provided.

Laura Trivison stated the she feels that their may have been confusion on the part of the applicant regarding this submittal because we already did receive a SWPPP in 2018. However, the nature of the project has changed so much so we will need additional information.

With no further comments from the Board, a motion was made by Brian Crawford to accept the Staff Opinion for Referral #05-200603490. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: 04-200603489

Project Name: Bill Delanoy's Garage

Applicant: William Delanoy

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Project Location: 42 Long Lane
Municipality: Town of Bethlehem
Parcel Size: 0.78 acres
Zoning: Rural Light Industrial (RLI)
Tax Map Number: 120.00-5-4.2
Referring Agency: Town of Bethlehem Planning Board

Considerations: A site plan review for the construction of a 12'x48' garage addition off the rear of existing garage

Action Type: **Site Plan Review**

Juris. Determinant: County Road

Potential Impacts: CR 55 (Creble Rd.), waterbody, wetlands

Staff Notes: The property owner wants to construct a 12' x 48' garage addition off the rear-end of an existing garage, for automotive repair use. The addition will have a single toilet restroom in which a conventional septic system is proposed to handle the rest -room's wastewater needs. The existing cabin on-site will be utilized as an office for the automotive repair garage. The property owner will be the sole employee at the automotive repair garage and will operate between 7am-5pm Monday-Saturday. There will be three parking spaces and the gravel drive will stay the same.

Staff Opinion: Modify local approval to include:

1. The construction of a new septic system will need to be reviewed by the Albany County Department of Health.
2. The town stormwater management office should review the project drainage plans to ensure that proper drainage practices are used to control additional runoff from impervious surfaces.

Advisory Note:

1. While the physical disturbance is less than an acre, the fact that the proposed use is an auto body repair shop triggers the consideration of water quality runoff due to the possibility of leaking fluids from vehicles parked on the site. The town may want to consider a condition

under site plan approval to address the water quality runoff especially since there is a waterbody on site.

Without any comments or questions from the Board, a motion was made to accept the Staff Opinion for Referral **#04-200603489.** The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: **07-200603494**

Project Name: **Casale Self Storage**

Applicant: Casale New Karner , LLC

Project Location: 340 New Karner Road

Municipality: Town of Colonie

Parcel Size: 3.87 acres

Zoning: Industrial (I)

Tax Map Number: 29.3-1-25.1

Referring Agency: Town of Colonie Planning Board

Considerations: Develop a three story 92,676 sf self-storage facility with parking, water, sewer, stormwater management area, lighting, next to recently built Casale Rent-All facility. A two lot subdivision is also proposed

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

Juris. Determinant: County Road

Potential Impacts: CR 157 (New Karner Road), The Pine Bush, wetlands

Staff Notes: The existing parcel of 3.87 acres is proposed to be subdivided into two (2) lots, Lot 1 consisting of 85,474± SF (1.96 AC) located on the westerly portion of the existing parcel #29.3-1-25.1 and Lot 2 consisting of 82,982± SF (1.91 AC) located on the easterly side. Lot 2 is proposed to be developed as a self-storage facility with a new three-story (40' height) building that consists of a 92,676± SF of gross floor area. The structure will be metal framed, with metal siding and

stone veneer facing. All of the proposed self-storage units will be indoors and climate controlled. It is assumed that the building will be open 24 hours a day, seven days a week, with access code only. There are 24 existing parking spaces to accommodate the Casale Rent-All and 14 spaces are proposed to accommodate the new self-storage facility. Access to the site would be from two existing curb cuts off New Karner Road. Third curb cut is proposed to serve the new facility and an ingress/egress easement is proposed for the shared use of one of the existing curb cuts. A total of 38 parking spaces will be provided within the property for both customers and employees. Sewer and water use are estimated at approximately 200 gallons per day. A 6-inch water lateral is proposed to connect to the existing 16-inch watermain on New Karner Road. The building will have a fire sprinkler system. Approximately 1.9± acres will be disturbed by this project. Traffic is estimated at about 10 to 20 trips in both morning and afternoon peak two-hour periods. This amount of additional traffic is well within the carrying capacity of New Karner Road, and is not significant. The project will be built in single phase. Starting with temporary erosion control facilities clearing and grading, building construction, utility installation, paving, and landscaping.

Staff Opinion:

Modify local approval to include:

1. Review by the Albany County Department of Public Works for design of highway access, assessment of road capacity, and drainage.
2. A shared access agreement (including a maintenance agreement) for the cross-access should be referenced in the deeds for both properties.
3. 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.
4. 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.
5. Notification of the application should be sent to the adjacent municipality, including all required notices pursuant to GML §239-nn.
6. Access design should anticipate eventual sidewalk construction. A suitable portion of the driveway profile should be <1.5% to meet ADA.

Advisory Note:

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Laura Travison said several staff members commented on this Referral which led her to include the modifications (noted above) in her Staff Opinion. There were no other comments from the Board. Gerry Engstrom made a motion to accept the Staff Opinion for Referral #07-200603494. The motion was seconded by Yomika Bennett and unanimously approved by the Board.

Case #: **10-200603495**

Project Name: **Borrego Solar**

Applicant: Gregory Gibbons, P.E.

Project Location: 6120 Johnson Road

Municipality: Town of Guilderland

Parcel Size: 58.90 acres

Zoning: Rural Agriculture 3 (RA3)

Tax Map Number: 63.00-1-5

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: An area variance and special use permit to enable a major solar array

Action Type: **Area Variance and Special Use Permit**

Juris. Determinant: Municipal Boundary, NYS Designated Agricultural District

Potential Impacts: Town of Guilderland and Town of New Scotland Intermunicipal Boundary, NYS Designated Agricultural District

Staff Notes: The property owner is seeking an area variance and a special use permit to enable the construction of a 6 acre major solar array. This is currently not a site plan review. The southern parcel boundary is on an intermunicipal boundary between the Town of New Scotland and The Town of Guilderland. It is landlocked and will require access via a dirt road off of Krumkill Road on the southern adjacent parcel (63.-4-9.2). The intention is to install two large-scale ground-mounted, solar phot-voltaic systems totaling 35.1 acres. The project will consist of two arrays with an Alternating Current (AC) System. System 1 is 5 MW (AC) and System 2 (is 3MW). The modules will be mounted on a system

of still post & racks in arrays on 4'x6' and have string inverters located on the racking. The systems will be secured with 8' high chain-link fencing. Equipment pads will be located in the center of the arrays and will consist of transformers, data systems, and switch gears. The access driveway will be constructed along the existing gravel road alignment. The construction of the solar array is considered a SEQR Type 1 action and will require an Environmental Impact Statement. Borrego Solar has conducted a Phase 1 Environmental Site Assessment (ESA) and a Wetland Delineation Report in Advance. The ESA concluded that there is one Recognized Environmental Condition (REC) on the parcel that is associated with a disposal site that contains a heating fuel tank, metal drums, miscellaneous metal debris, cars, tires, and various assorted discarded items. The REC is located along a wooded southern property margin.

Staff Opinion:

Modify local approval to include:

1. Approval of the Special Use Permit and Area Variance should be contingent on a completed EIS.
2. Review by the New York State Department of Environmental Conservation Division of Environmental Permits (Region 4) should be required in advance to determine if permits or additional review are required due to presence of wetlands, waterbodies, and hazardous Recognized Environmental Conditions (REC #1 in the Environmental Site Assessment). This potentially hazardous material exist as part of an existing condition on the adjacent southern parcel in the Town of New Scotland, any remediation effort should be coordinated simultaneously with that parcel and the Town of New Scotland.
3. Submission of an agricultural data statement to the Town as required by Town Law for a special use permit approval of sites within 500 feet of a farm operation located in an agricultural district.
4. 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.
5. Notification of the application as well as any public meetings pertaining to SEQR and/or the special use permit, should be sent to the Town of New Scotland, including all required notices pursuant to GML §239-nn. Access to the property requires use of a parcel in the Town of New Scotland's jurisdiction. For this reason the Town of Guilderland should consult the Town of New Scotland about area variances and use compatibility and include any notification or agreement in future site plan referrals.

Advisory Note:

1. Approval of future site plan will be conditioned on further explanation of intermunicipal agreements pertaining to site access, including emergency response, between the Town of New Scotland and the Town of Guilderland.
2. A decommissioning plan or established conditions requiring abandoned solar systems to be removed by the owner as part of an approval for this size project.
3. Consult with the local fire department when reviewing the site plan for the project to ensure proper siting of the utility from a fire protection standpoint and to ensure proper training and response procedures are in place. Require that 24 hour emergency contact information is clearly posted on the site for emergency responders to communicate with a licensed individual to safely turn off all power on site.

Without any comments or questions from the Board, Yomika Bennett made a motion to accept the Staff Opinion for Referral #10-200603495. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: **10-200603496**

Project Name: **3760 Western Tpke**

Applicant: Carina Possumato

Project Location: 3760 Western Tpke

Municipality: Town of Guilderland

Parcel Size: 35.00 acres

Zoning: Rural Agriculture 3 (RA3)

Tax Map Number: 13.00-1-8

Referring Agency: Town of Guilderland Zoning Board Of Appeals

Considerations: An area variance to allow construction of driveway on a parcel that currently doesn't have frontage on a public highway

Action Type: **Area Variance**

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Juris. Determinant: State Road, NYS designated Agricultural District, Municipal Boundary

Potential Impacts: US 20 (Western Turnpike), NYS Designated Agricultural District, Albany County and Schenectady County intermunicipal boundary

Staff Notes: The property owner owns a landlocked parcel (#13.00-1-8) that has a northern boundary on the Schenectady County and Albany County municipal boundary line. They are proposing an area variance that will allow a construction of a driveway through an adjacent norther parcel (69.-3-9) that is on the Schenectady side of the municipal boundary. This smaller norther parcel will enable access to US 20 (Western Turnpike).

Staff Opinion: Modify local approval to include:

1. Notification of the application should be sent to the Town of Princetown and Schenectady County, including all required notices pursuant to GML §239-nn.
2. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties.
3. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.

Advisory Note:

The Board did not have any questions or comments other than to fix a spelling error in the draft (noted above). Gerry Engstrom made a motion to accept the Staff Opinion for Referral **#10-200603496**. The motion was seconded by Yomika Bennett and unanimously approved by the Board.

Case #: **10-200603497**

Project Name: **DJN Landscaping**

Applicant: Dan Nichols

Project Location: 3760 Western Turnpike

Municipality: Town of Guilderland

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Parcel Size:	2.60 acres
Zoning:	Rural Agriculture 3 (RA3)
Tax Map Number:	13.00-1-16
Referring Agency:	Town of Guilderland Zoning Board of Appeals
Considerations:	A special use permit to enable the construction of a cold storage building for landscaping equipment
Action Type:	Special Use Permit
Juris. Determinant:	State Road, NYS designated Agricultural District
Potential Impacts:	US 20 (Western Turnpike), NYS Designated Agricultural District
Staff Notes:	The property owner is seeking a special use permit to eventually construct a cold storage warehouse and attached concrete apron to store landscaping equipment on the property. The storage facility will be 48'x60' and the concrete apron will be 38'x60'. Total area expected to be disturbed is .5 acres. No wetlands exist on site.
Staff Opinion:	Modify local approval to include: 1. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.
Advisory Note:	1. While the property development will require a site plan review, the zoning board should not grant the special use permit without first consulting NYS DOT on the proposed design layout and curb cut changes.

The Board did not have any questions or comments other than to add a word in the draft (noted above). A motion was made by Gerry Engstrom to accept the Staff Opinion for Referral **#10-200603497**. The motion was seconded by Brian Crawford and unanimously approved by the Board.

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Case #: **12-200603498**

Project Name: **30 Broadway A-1 Storage**

Applicant: Ashcroft LLC.

Project Location: 30 Broadway

Municipality: Village of Menands

Parcel Size: 0.60 acres

Zoning: Broadway Business District (BBD)

Tax Map Number: 55.17-1-40

Referring Agency: Village of Menands Planning Board

Considerations: Site Plan Review for the construction of a 4500 SF 1 story building with storage units

Action Type: **Site Plan Review**

Juris. Determinant: State Road

Potential Impacts: NY 32 (Broadway)

Staff Notes: The property owner is seeking to construct a 4500 SF, one-story building with storage units ranging in size from 5'x5' to 10' X 20'. The site plan also includes a gated driveway for ingress and four parking spaces. The total area expected to be physically disturbed is .40 acres. Wetlands are delineated on the site plan and a stormwater management plan is included in the narrative. No wetlands will be disturbed.

Staff Opinion:

Modify local approval to include:

1. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway.

There were no comments or questions from the Board. Brian Crawford made a motion to accept the Staff Opinion for Referral #12-200603498. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Unfinished Business:

Yomika Bennett has agreed to remain on the Board until her replacement can be found. Everyone needs to be looking for qualified individuals who might be able to replace her. Dominic Rigosu stated that the resumes for anyone interested can be sent to him.

Laura Trivison will be going on Maternity Leave for 3 months beginning on July 10, 2020 (unless she needs to leave earlier for some reason). She will be out for the July, Aug and Sept. meetings but will return before the October meeting (but possibly not in enough time to give a Staff Opinion on all October Referrals). She stated that she needs the Board members opinion as to how they would like to handle Referrals while she is out. The DPW staff would not be able to review all of the Referrals that come in. That said, she gave a couple options to consider:

DPW staff can continue to accept the all referrals, but the Board would need to review them but would not receive a Staff Opinion. If the Planning Board intends to continue to meet, than all referrals must be accepted.

The Board can accept the referrals, but issue a statement for most of them that indicates that the ACPB is choosing not to make a decision at this time. This would allow the Board to flag any “big” cases and review them should something come in that the Board feels they want to make a decision on. The downside of this is that the Municipalities to wait an extra 30 days only to not receive a determination.

Laura stated that the County Executive Office will have the final say on this but she wants the Board opinion so she can let them know.

The Board consensus was that they are concerned about Municipalities having to wait, but at the same time feel that they don’t want to give up the opportunity to make a decision for any “big” cases that come in. There was a discussion about the logistics of this and Laura stated that she is still working out some details of how submissions can be accepted during her absence. Some of it is an IT issue that she is working to resolve. She reiterated that DPW does not have the staff to review each one to flag the referrals that the Board would consider important. Laura then offered to contact the Dept. of State to see if she is allowed to create “exceptions” to the submittal regulations during the time of her absence. An example would be Area Variances. Would it be

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possible to tell the Municipalities that during her absence there are certain types of Referrals that they no longer have to submit to the County? The Board agreed that if it is an option to narrow down the types of submittals, they would be open to that, but they do still plan on meeting and therefore will need to accept Referrals from the Municipalities. Brian Crawford stated any ability to limit what the DPW staff and the Board have to review would be preferred. Gerry Engstrom commented that he would be comfortable with not reviewing Area Variances but he would like to see everything else.

On another topic, Laura shared the 2019 End of the Year Report. It has not been asked for, but needs to be on file with the County Legislature. The Board will take a few days to review it and will send any comments to Laura prior to her submittal next week.

Finally, Laura reminded the Board that that all members need 4 hours of Board training per year and they should take advantage of all the online options that are available due to Covid-19.

Adjourn: Gerry Engstrom made a motion to adjourn at 4:25:PM.

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