

NOTE: Due to issues related to Covid-19, the August 20, 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, Enzo Sofia, Ransom Moore, Ex Officio; Dave Reilly, Ex Officio.

Albany County Public Works Office – Gopika Muddappa, Interim Senior Planner (replacing Laura Travison who is on Leave); Lynn Delaney, Secretary; William Anslow, Civil Engineer; Lisa Ramundo, Commissioner; Jim Mearkle, Traffic Engineer.

Minutes: Lynn Delaney, Secretary

Call to Order: Dominic Rigosu called the meeting to order at 3:36PM.

Enzo Sofia made a motion to approve the minutes from the July 16, 2020 ACPB meeting. The motion was seconded by Yomika Bennett and unanimously approved by the Board.

Brian Crawford made a motion to pull 18 of the Referrals that all have a staff opinion of Defer to Local Consideration to the front of the agenda to be voted on as one group. The motion was seconded by Enzo Sofia and unanimously approved by the Board. These referrals are: **04-200803530, 07-200803537, 18-20083547, 18-200803548, 17-200803525, 01-200803524, 03-200803527, 10-200803542, 16-200803552, 07-200803536, 07-200803539, 05,200803531, 07-200803532, 13-200803544, 13-200803545, 18-200803546, 14-200803551 & 07-200803540.**

Case #: **04-200803530**
Project Name: **Parkview Estates**

Applicant: McGinnis & Gordon
Project Location: 366 Elm Ave and Elm Ave Ext.
Municipality: Town of Bethlehem
Parcel Size: 20.78 acres
Zoning: Residential A District (RA)
Tax Map Number: 96.16-1-23.2
Referring Agency: Town of Bethlehem Planning Board

Considerations: Land division review for dividing one lot into two for development of residential lot for a single family dwelling.

Action Type: **Land Division**

Juris. Determinant: State or County Road
Potential Impacts: NY 32 (Elm Avenue), Feura Bush Road, NWI Wetlands

Staff Notes: The applicant proposes to divide the 20.78 ± acre parent parcel and create a new parcel with one single family dwelling. The existing parcel is zoned for Residential A District. After the land division, the parent parcel will be reduced to 15.68± acres and the proposed parcel will be 5.10 ± acres. The proposed structure will tie into existing sanitary sewer and water lines available on Elm Avenue. Stormwater, water and sanitary sewer information was requested and provided from the town at the time of survey.

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

Case #: **07-200803537**

Project Name: **A-Frame**

Applicant: Wade Development LLC

Project Location: 615 Loudon Road

Municipality: Town of Colonie

Parcel Size: 3.01 acres

Zoning: Commercial Office Residential District(COR)

Tax Map Number: 31.4-1-3

Referring Agency: Town of Colonie Planning Board

Considerations: Site Plan Review for the front portion of the A-Frame to be demolished which will lend itself to façade improvements and have the ability to attract tenancy. Modification and grading to the parking lot as well as drainage improvements are also proposed. No changes to existing ingress/egress.

Action Type: **Site Plan Review**

Juris. Determinant: Town Road

Potential Impacts: Loudon Road

Staff Notes: The applicant is proposing to redevelop the existing building by the removal of the portion of the existing building along with the improvements to the existing façade. 15 parking spaces will also be added to the existing parking 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 #: 18-200803547

Project Name: **Barn Side Tower**

Applicant: Aerosmith for AT&T

Project Location: 6419 St Rte 32

Municipality: Town of Westerlo

Parcel Size: 1.00 acre

Zoning: Rural Development / Agricultural (RD/A)

Tax Map Number: 164.-1-11.1/1

Referring Agency: Town of Westerlo Planning Board

Considerations: Special use permit to enable 25 foot tower extension

Action Type: **Special Use Permit**

Juris. Determinant: State Road

Potential Impacts: State Route 32

Staff Notes: The applicant is requesting for special use permit to enable 25 foot tower extension. AT&T proposes to add a 10 foot extension and co-locate on the monopole tower at 147 feet, add a generator, and use a 12.5x20 foot lease area within the compound.

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: The Albany County Planning Board recommends that notification of this application should be provided to the effective service area of the proposed facility in order to facilitate coordination and potential co-location of future telecommunications facilities.

Case #: **18-200803548**

Project Name: **Hallen Beck**

Applicant: Amos Hallenbeck Jr.

Project Location: 426 Cty Rte 1

Municipality: Town of Westerlo

Parcel Size: 10.40 acres

Zoning: Rural Development / Agricultural (RD/A)

Tax Map Number: 127.-2-14.30

Referring Agency: Town of Westerlo Zoning Board of Appeals

Considerations: Area Variance requesting to create a new lot without the required 200 feet of road frontage. Zoning Interpretations for Rural Development/Agricultural district.

Action Type: **Area Variance and Zoning Interpretation**

Juris. Determinant: County Road

Potential Impacts: CR1 (County Route 1)

Staff Notes: The applicant requests for zoning interpretation to propose two lot subdivision. The applicant was denied permission for minor subdivision due to lack of road frontage for the new lot. The applicant also requests for area variance to create a new lot without the required 200 feet of road frontage.

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: The Town of Westerlo should consult with the Association of Towns regarding this issue. There probably are aspects of Highway Law and old turnpike laws that are beyond the expertise and purview of this Board

Case #: **01-200803524**
Project Name: **244 State Street**

Applicant: Man Realty, LLC
Project Location: 244 State Street
Municipality: City of Albany
Parcel Size: 0.29 acres
Zoning: Mixed Use, Communtiy Urban (MU-CU)
Tax Map Number: 76.24-7-4
Referring Agency: City of Albany Planning Board

Considerations: Site plan review for conversion of Conversion of a +/-44,916 square foot office building into 61 dwelling units and a +/-538 square foot café (restaurant).

Action Type: **Site Plan Review**

Juris. Determinant: City Street
Potential Impacts: S Swan Street, Washington Ave

Staff Notes: The applicant requests for site plan review for Conversion of a +/-44,916 square foot office building into 61 dwelling units and a +/-538 square foot café (restaurant). There are no further details on parking requirements.

Staff Opinion: Defer to local consideration
This board has found that the proposed action will have no significant countywide or intermunicipal impact. Defer to local consideration.

Advisory Note:

Case #: 17-200803525

Project Name: **Fiqh Mosque**

Applicant: Fiqh Mosque, Inc

Project Location: 817 23rd St & 819 23rd St

Municipality: City of Watervliet

Parcel Size: 67.15

Zoning: Two Family Residential (R-2)

Tax Map Number: 32.50-1-21, 32.50-1-22

Referring Agency: City of Watervliet Zoning Board of Appeals

Considerations: Special use permit to use the building and property as a religious institution and area variance for off street parking requirements.

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

Juris. Determinant: State Road

Potential Impacts: NY 2 (19th Street)

Staff Notes: The applicant requests for a special use permit to allow using the existing building and property as a religious institute and also requests for area variance for the off street parking requirements. The mosque will continue to be used as a religious institute as it has since the property was first constructed.

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 applicant should provide the town with an explanation for the need for the number of parking spaces proposed, since it has a direct impact on the amount of impervious surface for this property.

Case #: **03-200803527**
Project Name: **Weis Subdivision**

Applicant: Micheal & Tina Weis
Project Location: 501 Canaday Hill Road
Municipality: Town of Berne
Parcel Size: 50.00 acres
Zoning: Residential/Agricultural/ Forestry
Tax Map Number: 78.-2-20
Referring Agency: Town of Berne Planning Board

Considerations: Subdivision review to enable subdivision of parcel on the north side of Canaday Hill Road for new home construction creating one new lot.

Action Type: **Subdivision Review**

Juris. Determinant: County Road
Potential Impacts: CR 9 (Canaday Hill Road)

Staff Notes: The property owner seeks for a subdivision review of existing 22.82 acres at 501 Canaday Hill Road. Subdivision leave existing house at 501 Canaday Hill Road with 12.9 acres and create a new lot with 10.63 acres with the intent of constructing a new home.

Staff Opinion: Defer to local consideration.
This board has found that the proposed action will have no significant countywide or intermunicipal impact. Defer to local consideration.

Advisory Note:

<u>Case #:</u>	<u>10-200803542</u>
Project Name:	Stuyvesant Plaza Sign
Applicant:	Stuyvesant Plaza, Inc
Project Location:	147 Western Avenue
Municipality:	Town of Guilderland
Parcel Size:	21.00 acres
Zoning:	Local Business District (LB)
Tax Map Number:	52.04-2-8
Referring Agency:	Town of Guilderland Zoning Board of Appeals
Considerations:	Area Variance to enable replacement of a 176sf freestanding static sign with a 240sf electronic message board display.
Action Type:	Area Variance
Juris. Determinant:	County & State Road
Potential Impacts:	CR 156 Fuller Road, US 20 Western Avenue, NWI Wetlands
Staff Notes:	The applicant is requesting for area variance to permit the use of properly sized Electronic Message Center. The existing 176sf freestanding static sign will be replaced with 240sf electronic message board display. The applicant wishes to advertise the 60 tenants of the plaza with a message changing every 35 to 40 seconds to get a visible presence through shared space on the proposed sign. The applicant mentions that the electronic sign board does not impact site distance.
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:	The Town of Guilderland Zoning Board has received multiple variances for illuminated rotating signs. Granting this variance will establish a precedent for other commercial business in the Town to request similar variance. Multiple variances of this nature would most likely create a Town wide undesirable change.

Case #: **16-200803552**

Project Name: **Parking Lot Lighting**

Applicant: Voorheesville Public Library

Project Location: 51 School Road

Municipality: Village of Voorheesville

Parcel Size: 0.64 acres

Zoning: Residence C-1 District

Tax Map Number: 61.19-1-4.20

Referring Agency: Village of Voorheesville Planning Board

Considerations: Site Plan Review for installation of 4 pole lights to illuminate parking lot

Action Type: **Site Plan Review**

Juris. Determinant: County Road

Potential Impacts: CR 208 School Road, NWI Wetlands

Staff Notes: The applicant is requesting for a site plan review to install four lampposts to improve parking lot safety for patrons and staff. Each post is 14' tall and uses downcasting bulbs and fixtures. Two posts will be installed on the Prospect St. side of the lot and two will be installed on the school Rd. side to provide safe lighting throughout the lot.

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:

<u>Case #:</u>	<u>07-200803536</u>
Project Name:	Hoffman Cash Wash - Automated Teller Structure
Applicant:	Hoffman Developer Corp.
Project Location:	496B Albany Shaker Road
Municipality:	Town of Colonie
Parcel Size:	1.01 acres
Zoning:	Neighborhood Commercial Office Residential District (NCOR)
Tax Map Number:	43.13-1-5
Referring Agency:	Town of Colonie Planning Board
Considerations:	Site plan review for accessory structures (automated tellers) to be added to the rear of the site with additional pavement to support new structures. No changes to ingress/egress.
Action Type:	Site Plan Review
Juris. Determinant:	County Road
Potential Impacts:	CR 151 (Albany Shaker Road), NWI Wetlands.
Staff Notes:	The site has an existing Hoffman car wash with associated parking and vacuum stations. The property owner is proposing to add automated tellers to the car wash site, addition of automated pay stations, associated lane designations and pavement striping. There will be no changes to the car wash facility, hours of operation, number of employees, or existing utilities. The proposed action requires Town of Colonie Site Plan Approval.
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 #: **07-200803539**
Project Name: **Hoffman Cash Wash - Automated Teller Structure**

Applicant: Hoffman Developer Corp.
Project Location: 757 Loudon Road
Municipality: Town of Colonie
Parcel Size: 1.35 acres
Zoning: Commercial Office Residential District(COR)
Tax Map Number: 19.18-4-12
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for installation of automated teller structure and modification to ingress on Kunker avenue.

Action Type: **Site Plan Review**

Juris. Determinant: County or State Road
Potential Impacts: US 9 (New Loudon Road)

Staff Notes: The applicant is requesting for a site plan review to install automated teller machine to the car wash site. Ther will be no changes to the Car Wash facility, hours of operation, number of employess, or existing utilities.

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 #: **05-200803531**

Project Name: **Flach 2 - Lot Subdivision**

Applicant: Mark Flach

Project Location: 408 CR 101

Municipality: Town of Coeymans

Parcel Size: 5.40 acres

Zoning: Residential Agricultural (RA)

Tax Map Number: 143.-2-19.1

Referring Agency: Town of Coeymans Planning Board

Considerations: Subdivision review to enable lot line alterations.

Action Type: **Subdivision Review**

Juris. Determinant: County Road

Potential Impacts: County Route 101

Staff Notes: The property owner requests for a subdivision review to adjust lot lines to improve property, to include small triangular parcel of 5.415 acres.

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 #: **07-200803532**

Project Name: **DeNooyer Collision Center**

Applicant: DeNooyer Reality Corp.

Project Location: 2041 Central Ave

Municipality: Town of Colonie

Parcel Size: 3.00 acres

Zoning: Commercial Office Residential District(COR)

Tax Map Number: 17.13-2-17.2

Referring Agency: Town of Colonie

Considerations: Site plan review for phase 1 and amendment to prior approval

Action Type: **Site Plan Review**

Juris. Determinant: State Road

Potential Impacts: NY 5 (Central Ave.), Floodzone

Staff Notes: The property owner is amending a previous site plan to include new overhead doors, and sidewalk that is ADA compliant. This is "phase 1" of a minor redevelopment of the parcel. The total area expected to be disturbed is .05 acres. There is no proposed change to ingress/egress or utilities. There is a flood zone at the rear of that parcel and will not be impacted by the construction. The ACPB previously reviewed the site plans for this parcel in November 2019. The referral case number was 07-191103393. The ACPB recommendation was, "Modify local approval to include: 1. A NYSDOT Highway Permit will be needed for the new gas connection."

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:

<u>Case #:</u>	<u>13-200803544</u>
Project Name:	Lands of Galgana
Applicant:	Robert Galgana
Project Location:	753 Clarksville South Rd
Municipality:	Town of New Scotland
Parcel Size:	55.00 acres
Zoning:	Residential Forestry (RF)
Tax Map Number:	117.-1-13
Referring Agency:	Town of Scotland Planning Board
Considerations:	Subdivision review for 55 acres to be split as 49 acres and 6.22 acres using road as segment point.
Action Type:	Subdivision Review
Juris. Determinant:	Municipal Boundaries, County Road
Potential Impacts:	CR 312(Clarksville South Road), Town of New Scotland and Town of Coeymans inter-municipality boundaries.
Staff Notes:	The property owner seeks to subdivide the original parcel of 55 acres into two lots, 49 acres and 6.22 acres, subdividing 6.22 acre parcel of land split by Dunbar Hollow 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:	1. Access to new lot should be off the town road due to sight distance constraints.

<u>Case #:</u>	<u>13-200803545</u>
Project Name:	1993 Indian Fields Road Chicken Application
Applicant:	Kellie Leinung/ Amy Mc Clain
Project Location:	1993 Indian Fields Road
Municipality:	Town of New Scotland
Parcel Size:	1.30 acres
Zoning:	Residential Agricultural (RA)
Tax Map Number:	106.-4-39.22
Referring Agency:	Town of New Scotland Planning Board
Considerations:	Special use permit to enable construction of chicken coop and run to allow upto 12 hens to be allowed.
Action Type:	Special Use Permit
Juris. Determinant:	Farm in a designated Agricultrtural District
Potential Impacts:	NY 32 (Indian Fields Roads), Historical Sites and Districts, FEEMA Floodzones, Agricultural Districts.
Staff Notes:	The property owner requests for a special use permit to allow for a small coop and run for chickens for eggs for personal use and to have the coop and run in the rear of the property near the tree line. The coop is approximately 2.5 feet by 4 feet and the run is anticipated to be 10 feet by 10 feet and will consist of 6 foot metal posts and welded wire with chicken wire on to protect from hawks. Currently, they plan to have 6 chickens, but would like the possibility of expanding to 12 chickens in the future. They also plan on using the waste for fertilizer for their gardens.
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:	

<u>Case #:</u>	<u>18-200803546</u>
Project Name:	Town of Westerlo Local Law No.3 of 2020
Applicant:	Town of Westerlo
Project Location:	N/A
Municipality:	Town of Westerlo
Parcel Size:	N/A N/A
Zoning:	N/A
Tax Map Number:	N/A
Referring Agency:	Town of Westerlo Legislative Board
Considerations:	Adoption/Amendment local law extending a temporary land use moratorium prohibiting commercial solar energy systems, energy storage systems and wind generation systems within the Town of Westerlo
Action Type:	Adoption/ Amendment of Local Law
Juris. Determinant:	N/A
Potential Impacts:	N/A
Staff Notes:	The Town Board of the Town of Westerlo adopted Local Law 2019-02, a temporary Moratorium effective August 28, 2019 to preserve its intended objectives and ensure future possible implementation of new zoning regulations regarding the creation or siting of Commercial Solar Energy Systems installations, Commercial Energy Storage Systems, and Commercial Wind Generation Systems pending the further development and adoption of a comprehensive plan, local laws and/or ordinances prepared to regulate and govern such installations.
Staff Opinion:	Defer to local consideration. Defer to local consideration.
Advisory Note:	The ACPB supports the Town and its residents in planning for future growth that will have an impact on nearby State and County roads as well as adjacent municipalities.

Case #: **14-200803551**
Project Name: **Jason Emerson**

Applicant: Jason Emerson
Project Location: 9 Madison Ave
Municipality: Village of Ravena
Parcel Size: 0.19 acres
Zoning: Single and Two Family Residence(R-2)
Tax Map Number: 168.10-1-29
Referring Agency: Village of Ravena

Considerations: Use Variance - Remove and replacement of trailer.

Action Type: **Use Variance**

Juris. Determinant: Municipal Boundaries, State Road
Potential Impacts: Village of Ravena and Town of Coeymans Inter-municipality Boundary, US 9W

Staff Notes: The property owner is requesting for a use variance to replace the single family home which is beyond repair with new mobile home.

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 #:	<u>07-200803540</u>
Project Name:	Bourbon Street Merger
Applicant:	Benjamin Goes
Project Location:	2209 Central Ave, 2212 Central Ave, 2213 Central Ave, 25 Shepards Ave, Schenectady, NY
Municipality:	Town of Colonie
Parcel Size:	0.29 acres
Zoning:	Commercial Office Residential District(COR)
Tax Map Number:	16.7-9-15, 16.7-9-64, 16.7-9-17, 16.7-9-19
Referring Agency:	Town of Colonie Zoning Board of Appeals
Considerations:	Area Variance to enable merging lots
Action Type:	Area Variance
Juris. Determinant:	State or County Road
Potential Impacts:	NY 5 (Central Ave.)
Staff Notes:	The applicant is seeking area variance to merge separate tax parcels in order to comply with the Town of Colonie Zoning Code for restaurants. No changes to the property or business will be made.
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 applicant should refer to NYSDOT for review as they might want to close the non-compliant driveway on the 2211/2213 Central Ave lot line.

There were not any comments or questions from the Board. Yomika Bennett made a motion to accept the staff opinion for Referral #s **04-200803530, 07-200803537, 18-20083547, 18-200803548, 17-200803525, 01-200803524, 03-200803527, 10-200803542, 16-200803552, 07-200803536, 07-200803539, 05,200803531, 07-200803532, 13-200803544, 13-200803545, 18-200803546, 14-200803551 & 07-200803540.** The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: **18-200803549**

Project Name: **Ferguson**

Applicant: Micheal Ferguson

Project Location: 15 Anable Rd

Municipality: Town of Westerlo

Parcel Size: 4.60 acres

Zoning: Rural Development / Agricultural (RD/A)

Tax Map Number: 139.-1-5.5

Referring Agency: Town of Westerlo Zoning Board of Appeals

Considerations: Use Variance to enable construction of a second dwelling on a single lot.

Action Type: **Use Variance**

Juris. Determinant: County Road

Potential Impacts: CR 412 (Annabelle Road)

Staff Notes: The applicant is seeking for use variance to construct a second dwelling on a single lot. The construction will include detached garage with in-law apartment.

Staff Opinion: Disapproved

1. The Albany County Planning Board found the site plan map to be unacceptable for review purposes. The applicant should provide a site plan prepared by a licensed Professional Engineer. It should locate all the existing and proposed buildings, wells, and septic systems. The site plan should also locate any existing and/or proposed curb cuts on the county route 412.

Advisory Note:

This was originally listed as a Staff Opinion of Defer to Local Consideration but after some discussion it was determined that it needs to be a Disapprove because the Site Plan that was submitted was a sketch and the Board felt that there was too much going on for the plan that was submitted. It was determined that we would need a Site Plan by a licensed Professional Engineer (noted above).

A motion was made by Enzo Sofia to change the Staff Opinion for Referral #**18-200803549** to Disapprove. The motion was seconded by Yomika Bennett and unanimously approved by the Board.

Case #: **07-200803533**

Project Name: **Valente Commercial Plaza**

Applicant: Valente Building Group, LLC

Project Location: 261 Troy Schenectady Road

Municipality: Town of Colonie

Parcel Size: 1.77 acres

Zoning: Commercial Office Residential District(COR)

Tax Map Number: 19.20-3-55.1

Referring Agency: Town of Colonie Planning and Economic Development Department

Considerations: Site plan review for a proposal to develop a one story retail building that is approximately 4600sf with adequate circulation drives and parking for the proposed type of use.

Action Type: **Site Plan Review**

Juris. Determinant: State Road

Potential Impacts: NY 2 (Troy Schenectady Road), NWI Wetlands

Staff Notes: The applicant is proposing the development of a 4,600 SF, one story building on the existing 1.77 acres parcel. The proposed building will be utilized for retail purposes. Associated parking and circulation drives to support the proposed building will also be developed along with the necessary utility services which are located along Penfield Drive.

Staff Opinion: Modify local approval to include
1. Applicant should show that the fire apparatus access road as required by the New York State Building Code Appendix (D) Item (D) 103.4.

Advisory Note:

Enzo Sofia has to abstain from voting on this project due to a conflict of Interest.

Dominic Sofia had concerns about the Parking lot and the Dead End and the ability of Fire Apparatus to be able to have access to enter and exit this location. The Board reviewed the Site Plan to discuss this issue.

This was originally listed as a Staff Opinion of Defer to Local Consideration but after some discussion, the Board determined that it needs to become a Modify Local Approval with wording to indicate access for Fire Apparatus (noted above).

With that change noted, Brian Crawford made a motion to approve Referral #**07-200803533** as a Modify Local Approval. The motion was seconded by Yomika Bennett and unanimously approved by the Board (with Enzo Sofia choosing to abstain due to a conflict of interest).

Case #: **04-200803528**
Project Name: **Elm Avenue Residential Subdivision**

Applicant: Charlew Builders, Inc
Project Location: Elm Avenue and Shanks Place Bethlehem
Municipality: Town of Bethlehem
Parcel Size: 46.6 +/- acres
Zoning: Residential A District (RA)
Tax Map Number: 96.12-1-19
Referring Agency: Town of Bethlehem Planning Board

Considerations: Subdivision review for approval of a 44 lot subdivision located on +/- 46.6 acres which may include a bicycle and pedestrian connection in the form of an elevated boardwalk over the wetlands.

Action Type: **Subdivision Review**

Juris. Determinant: County Road, wetlands
Potential Impacts: NY 32 Elm Ave, Feura Bush Road, NWI Wetlands, Delmar Bypass.

Staff Notes: The proposed project is a customary residential subdivision with 44 single family residential lots. A proposed right-of-way, aka Residential A, will wind through the property and be dedicated to the Town of Bethlehem. Infrastructure development for the site will consist of approximately 3,300 feet of roadway, together with any necessary utility easements. The roadway right-of way will contain extensions for water, sanitary, electric, gas, telephone and cable improvements as available. Stormwater will be directed into a collection system and discharged to a stormwater collection area.

Staff Opinion:

Advisory Note:

This was NOT a Referral for a subdivision review. It was put on the Board Agenda in error and therefore was not discussed.

Case #: 04-200803529
Project Name: Jennifer and Gavin Hogan - Day care center

Applicant: Jennifer and Gavin Hogan
Project Location: 387 Krumkill Road Albany
Municipality: Town of Bethlehem
Parcel Size: 2.10 acres
Zoning: Residential A District (RA)
Tax Map Number: 63.15-1-20
Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Use Variance to enable construction of 3500sf building addition of the existing structure with parking lot improvements no change to the principle access and public utility connectios.

Action Type: Use Variance

Juris. Determinant: County Road
Potential Impacts: CR 204 Krumkill Road, NWI Wetlands

Staff Notes: The applicant proposes to construct a 3,500 square foot (sq. ft.) building addition keyed onto the northeast corner of the existing structure along with parking lot improvements at 387 Krumkill Road Albany. The subject parcel is 2.1± acres in size, more or less rectangular in shape and wholly located within the Residential A (RA) zone. The scope of work for the proposed project involves select removal of vegetation, grading, site preparation for construction of a 3,500 sq. ft. building addition and paving operations with no proposed changes to the remaining principle access and public utility connections.

Staff Opinion: Disapproved
1. The applicant should provide a site plan prepared by licensed Professional and it should locate all the existing and proposed buildings and it should also locate any existing and/or proposed curb cuts on CR 204 Krumkill Road.

Advisory Note:

Due to the fact that a Site Plan was not submitted with this Referral, the Board determined that they need to Disapprove. We must have a site plan for a 3500sf addition.

Enzo Sofia made a motion to Disapprove Referral #04-200803529. The motion was seconded by Yomika Bennett and unanimously approved by the Board.

Case #: **01-200803523**
Project Name: **11 Anderson Drive**

Applicant: R Abele Realty,LLc - Jeff Abele
Project Location: 11 Anderson Drive
Municipality: City of Albany
Parcel Size: 4.68 acres
Zoning: I-1 (Light Industrial)
Tax Map Number: 54.13-4-6
Referring Agency: City of Albany Planning Board

Considerations: Site plan review for retroactive approval for the removal of +/- 0.74 acres of trees and vegetation and non-retroactive approval for the installation of +/- 0.74 acres of outdoor heavy vehicle storage area

Action Type: **Site Plan Review**

Juris. Determinant: Municipality boundaries, state or county road
Potential Impacts: I 90, City of Albany and Town of Colonie inter-municipality boundaries

Staff Notes: The applicant requests for a site plan review for a major development plan which involves the construction of a Construction Vehicle Storage Area to allow the removal of +/- 0.74 acres trees and vegetation and the installation of a +/- 0.74 acres of outdoor heavy vehicle storage.

Staff Opinion: Disapproved
1. The Albany County Planning Board does not approve of any work that has not been already approved or that has already been performed.

Advisory Note:

There was a lengthy discussion about this Referral. Specifically the fact that the Referral states Retroactive Approval which indicates that the work has already been done. The Board does not approve of any work that had not already been approved or that has already been performed.

Ransom Moore asked whether we need to vote separately on the other portion of this application that was for non-retroactive approval. It was explained that because both were submitted on one application, we have to consider it as one. It is up to the City of Albany to resubmit the non-retroactive request.

With those changes noted, Yomika Bennett made a motion to Disapprove Referral #**01-200803523**. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: **03-200803526**

Project Name: **Borelli Subdivision**

Applicant: Bernard and Cathy Berolli

Project Location: 1040 Huntersland Road, middleburgh

Municipality: Town of Berne

Parcel Size: 31.30 acres

Zoning: Residential

Tax Map Number: 112.-1-9.1

Referring Agency: Town of Berne Planning Board

Considerations: Subdivision review for the proposed parcel to be divided into two for new home construction.

Action Type: **Subdivision Review**

Juris. Determinant: County Road

Potential Impacts: Huntersland Road

Staff Notes: The property owner requests to subdivide the 31.3 acre parcel into two to build residence in 5.1 acres.

Staff Opinion: Modify local approval to include.
1. Review by the Albany County for design of highway access, permit, drainage and assessment of road capacity is required.

Advisory Note:

Without any questions or comments by the Board, Brian Crawford made a motion to accept the Staff Opinion for Referral #**03-200803526**. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

Case #: **07-200803538**

Project Name: **Celebration's Bake and Sale**

Applicant: Margaret Burnett

Project Location: 98C Everett Road

Municipality: Town of Colonie

Parcel Size: 1.00 acres

Zoning: Commercial Office Residential District(COR)

Tax Map Number: 54.9-1-49

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance to bake and sale cupcakes, pies and cakes within 100ft of single family residence.

Action Type: **Area Variance**

Juris. Determinant: County Road

Potential Impacts: CR 155 (Everett Road), NYSDEC Wetlands

Staff Notes: The property owner requests for area variance for zoning withing 100ft of single family residential for baking and selling cupcakes. Pies and cakes. No dine-in but eventually plans to open a small café after covid. The property is currently vacant and the prior tenant used the building for storage.

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

Advisory Note:

Without any questions or comments by the Board, Yomika Bennett made a motion to accept the Staff Opinion for Referral #07-200803538. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Case #: **18-200803550**

Project Name: **Shepard Farm East**

Applicant: Shepard farm LLC

Project Location: 6844 SR32 Greenville

Municipality: Town of Westerlo

Parcel Size: 1.00 acre

Zoning: Rural Development / Agricultural (RD/A)

Tax Map Number: 176.-1-14.1

Referring Agency: Town of Westerlo Planning Board

Considerations: Special use permit to convert an existing motel unit into a three unit office building.

Action Type: **Special Use Permit**

Juris. Determinant: County & State Road

Potential Impacts: NY 32 (State Highway 32), CR 405, NWI Wetlands

Staff Notes: The applicant is requesting for a special use permit to convert an existing building previously used as a motel unit into a three unit office space. This building is one of several buildings previously used for a resort complex. Other buildings on this site are in the process of repairs needed to stabilize and preserve them for future use.

Staff Opinion: Modify local approval to include.
1. A highway work permit from the New York State Department of Transportation is required.

Advisory Note:

Brian Crawford stated that when he drove by this location it appeared that the rehab may have been completed on this space.

Brian Crawford made a motion to accept the Staff Opinion for Referral #**18-200803550**. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

Case #: 13-200803543
Project Name: **Arlt - SUP # 599**

Applicant: Ingrid Arlt
Project Location: 427 Bullock Road
Municipality: Town of New Scotland
Parcel Size: 7.00 acres
Zoning: Residential Agricultural (RA)
Tax Map Number: 94.-1-30.84
Referring Agency: Town of New Scotland Planning Board

Considerations: Special use permit to enable construction of 200'x160' pond on southern portion of the parcel.

Action Type: **Special Use Permit**

Juris. Determinant: Farm in a designated Agricultural District
Potential Impacts: NWI wetlands(freshwater pond)

Staff Notes: The applicant is seeking special use permit to construct a 200'x160' pond on the south east side of the property which consists of 7 acres with residential home. The pond will be an average of 10' deep, with a 3'-4' wide aquatic shelf on the north side. A berm, 6' high by 20' wide will be created on the west side of the pond and soil will also be used to create a gradual slope, 30' wide by 60' long, on both sides of the leach field, as there is a currently a steep drop off on both sides. Some soil will be spread out in the front field, in an area about 100' long by 45' wide, and any remaining dirt will be distributed to neighbors and/or contractors, each being advised of the 100 cubic yard limit, otherwise a permit would be need to be obtained from the town. The ACPB previously reviewed this parcel for special use permit in June 2018. The referral case number was 13-180603048. The ACPB recommendation was, " Disapprove without prejudice" because of lack of information.

Staff Opinion: Modify local approval to include.
1. A construction activity permit from New York State Department of Environmental Conservation is required if Limits of Disturbance exceed 1 acre.
2. Pond needs to be designed by NYS Professional Engineering.

Advisory Note:

Without any questions or comments from the Board, Brian Crawford made a motion to accept the Staff Opinion for Referral #13-200803543. The motion was seconded by Yomika Bennett and unanimously approved by the Board.

Case #: **07-200803534**
Project Name: **Mini Mart Redevelopment**

Applicant: SAM Petroleum Inc
Project Location: 2044 Central Avenue
Municipality: Town of Colonie
Parcel Size: 0.85 acres
Zoning: Commercial Office Residential District(COR)
Tax Map Number: 17.17-1-12
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for redevelopment of former GETTY gas station into a mini mart with four fueling dispensers under canopy and one curb cut from Central Avenue is proposed to be eliminated.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: NY 5 (Central Avenue)

Staff Notes: The proposed project, currently vacant, consists of the construction of a new 3,210 SF convenience store with 4 multi-product dispensers, 18 parking spaces plus an additional 8 spaces at the fuel island. Associated signage, utility connections, lighting, storm water management, landscaping, etc, is also proposed.

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.
2. Due to the land use history, petroleum spills may exist on site from abandoned fuel tanks or islands. Any spills discovered on site while construction is occurring must be reported to NYSDEC Spills Hotline.
3. New York State permit will be required to work within the state right-of-way.

Advisory Note:

Jim Mearkle, Traffic Engineer asked to add the modification stating that a permit will be required (noted above as modification #3).

With no further comments or questions from the Board, Yomika Bennett made a motion to accept the Staff Opinion for Referral #**07-200803534**. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

<u>Case #:</u>	<u>07-200803541</u>
Project Name:	Rezoning of 1222 Troy Schenectady Road
Applicant:	MJ Engineering/ Martin Harding & Mazzotti, LLP
Project Location:	1222 Troy Schenectady Road
Municipality:	Town of Colonie
Parcel Size:	n/a
Zoning:	Single Family Residential District (SFR)
Tax Map Number:	7.4-5-1
Referring Agency:	Town of Colonie Legislative Board
Considerations:	Rezoning 1222 Troy Schenectady Road within the Town of Colonie from Single Family Residential District (SFR) to Commercial Office Residential District (COR)
Action Type:	Rezoning
Juris. Determinant:	Municipal Boundaries, State Road
Potential Impacts:	Albany and Schenectady Inter-County Boundary, NY7 (Troy Schenectady Road)
Staff Notes:	The property owner, Martin Harding & Mazzotti, LLP, is requesting the parcel they currently operate their business on, as well as the two adjacent parcels, be rezoned from single family residence (SFR) to commercial office and retail (COR). The law office is currently located on an intersection of Troy Schenectady Road and Vly Road. All other parcels in the intersection are zoned COR. After the rezoning it is the intent of the property owner to combine the parcels into one and construct a new office building. The Town has performed a SEQR review and determined the action of re-zoning to be unlisted, and that no further environmental review is necessary. There are no wetlands on either parcel. No curb cuts or construction is proposed at this time. This is not yet a site plan review.
Staff Opinion:	Modify local approval to include: 1. Notification of the zoning update should be sent to all adjacent municipalities.
Advisory Note:	1. The Town should make the applicant aware of any setback requirements for commercial zones adjacent to SFR before they submit their site plan review.

Without any comments or questions from the Board, Brian Crawford made a motion to accept the Staff Opinion for Referral # **07-200803541**. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

Case #: **07-200803535**
Project Name: **Keystone Conservation**

Applicant: Allied Associates, LLC
Project Location: 4151 Albany Street
Municipality: Town of Colonie
Parcel Size: 109.84 acres
Zoning: Single Family Residential District (SFR)
Tax Map Number: 28.2-2-6
Referring Agency: Town of Colonie Planning Board

Considerations: Subdivision review for a conservation subdivision of 109.84 acres into eight parcels along Albany Street.

Action Type: **Subdivision Review**

Juris. Determinant: County or State Road
Potential Impacts: Wetlands, FEEMA Flood zone, Albany Street Road.

Staff Notes: Applicant is proposing to subdivide 109.84+/- acres into eight residential lots. Lot 7 would have a deed restricted area 10.70+/- acres to meet the Conservation Overlay requirements of the Zoning Ordinance.

Staff Opinion: Modify local approval to include:
1. The Town should make sure the property owner is aware that the location of new wells and septic should be evaluated by Albany County Department of Health as part of the subdivision of the 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:

The Board had a discussion of the specifics of the location which necessitated the removal of a portion of the original modification. There would only need to be 2 modifications (noted above) listed.

With that change noted, Yomika Bennett made a motion to accept the Staff Opinion for Referral **#07-200803535**. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Unfinished Business – None

New Business – The Governor continues to extend the ability to meet remotely. Lynn Delaney stated that the latest extension goes through September 4th and at that time we will see if it is extended another month. If there is another extension, the Board will continue to meet remotely at least until Laura Trivison returns from Maternity Leave. With an additional workload for existing staff during her absence, the Board feels that this is the best option as long as the law allows for it. Lynn will keep the Board apprised of the legal options regarding public meeting law. When Laura returns, we can revisit the idea of whether we want to meet in person, even if we are still allowed to meet remotely.

The next meeting of the Albany County Planning Board will be held on September 17, 2020.

Motion to adjourn - Enzo Sofia made a motion to adjourn the meeting at 4:20PM.

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