

ACPB SEPTEMBER 17, 2020 MEETING MINUTES

NOTE: Due to issues related to Covid-19, the September 17, 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, Travon Jackson, Gerry Engstrom, Enzo Sofia, Ransom Moore, Ex Officio; Sameer Modasra, Ex Officio.

Albany County Public Works Office – Gopika Muddappa, Interim Senior Planner (replacing Laura Travison who is on Maternity Leave); Lynn Delaney, Secretary; William Anslow, Civil Engineer, Ex-Officio

Minutes: Lynn Delaney, Secretary

Call to Order: Dominic Rigosu called the meeting to order at 3:32PM.

Brian Crawford made a motion to approve the minutes from the August 20, 2020 ACPB meeting. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

Gerry Engstrom made a motion to move the 11 cases with a Staff Opinion of Defer to Local Consideration to the front of the agenda and vote on them as a group. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #:	<u>04-200903553</u>
Project Name:	8 Elm Place, Albany
Applicant:	John and Amanda Schaffer
Project Location:	8 Elm Place
Municipality:	Town of Bethlehem
Parcel Size:	0.24 acres
Zoning:	Residential A
Tax Map Number:	63.11-4-23
Referring Agency:	Town of Bethlehem Zoning Board of Appeals
Considerations:	Area variance to install a 6' vinyl privacy fence along the yard opposite the side yard.
Action Type:	Area Variance
Juris. Determinant:	Municipal boundary, County Road
Potential Impacts:	Town of New Scotland and Town of Bethlehem intermunicipal boundaries, CR 204 Schoolhouse Road
Staff Notes:	The applicant intends to install a 6-foot tall vinyl privacy fence around the perimeter of their backyard. They currently have a 4-foot tall chain link fence along three sides of the yard which will be removed. The vinyl fence will be installed in its place and extended around the remaining sides of the yard.

ACPB SEPTEMBER 17, 2020 MEETING MINUTES

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. Any fencing should be evaluated to make ensure it doesn't obstruct intersection sight triangles.

Case #: 04-200903555
Project Name: **Backyard Chickens**

Applicant: Yannick & Sophie Poitelon
Project Location: 22 The Concourse Dr
Municipality: Town of Bethlehem
Parcel Size: 0.04 acres
Zoning: Residential A
Tax Map Number: 63.16-1-27
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review and special use permit for housing of up to three female chickens on the property for personal use as pest control, egg production and as pets.

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

Juris. Determinant: County Road
Potential Impacts: CR 204 Russell Road

Staff Notes: The applicant is requesting for site plan approval to house up to three female chicken on the property for personal use as pest control, egg production and as pets. The applicant show that all the neighbors have been informed and have no problem with acquiring chicken. The project narrative mentions about raising backyard chicken as pets support the Town's Sustainability Initiative and also provides a description on the maintainance of the coop.

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 #: 04-200903556
Project Name: **Scott-Backyard Chickens**

Applicant: Annie Scott
Project Location: 118 E Poplar Dr

ACPB SEPTEMBER 17, 2020 MEETING MINUTES

Municipality:	Town of Bethlehem
Parcel Size:	0.34 acres
Zoning:	Residential C
Tax Map Number:	86.10-4-9
Referring Agency:	Town of Bethlehem Planning Board
Considerations:	Site plan review to house six female chickens(hens) on the property for personel use as pest control, egg production and to help educate childeren.
Action Type:	Site Plan Review, Special Use Permit
Juris. Determinant:	State or County Property
Potential Impacts:	Abuts Albany County Rail Trail
Staff Notes:	The applicant is requesting for site plan review to allow for 6 hens (female chickens) on the premises of their home. These hens are intended as family pets, to produce organic, fresh eggs for personal consumption, a method of natural insect control, and to help teach their children about the importance of sustainability. The neighbors have no issue with this proposal.
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 #: **04-20093557**
Project Name: **Solarized Roof plus Interior Energy Storage**

Applicant:	Danielle Turin- - Tesla Energy Operations
Project Location:	10 Salisbury Road
Municipality:	Town of Bethlehem
Parcel Size:	5243.00 Sq.ft
Zoning:	Core Residential
Tax Map Number:	86.05-3-33
Referring Agency:	Town of Bethlehem Planning Board
Considerations:	Site plan review and special use permit for 5243 sq.ft roof-installation of a 20.23kw solarized roof and two powerwall energy storage systems in the interior of the home.
Action Type:	Site Plan Review, Special Use Permit
Juris. Determinant:	County Road
Potential Impacts:	443 Delaware Ave

ACPB SEPTEMBER 17, 2020 MEETING MINUTES

Staff Notes: The applicant is requesting for site plan review and special use permit for installation of a 20.1545 kilowatt new solarized roof comprised of 346 solar roof tiles with both solar PV and non-solar PV components on six separate roof planes, and installation of a 27 kilowatt-hour energy storage system comprised of 2 Tesla Powerwall batteries in the interior of the home. Tesla is representing homeowner Craig Maier, who has given his permission to Tesla to represent him during the planning and permitting process. The timeline for a solar roof installation takes roughly six to eight weeks to complete. Tesla operates on a strictly carry-in/carry-out basis, so all trash that is generated as a result of the installation is removed and disposed of off the premises. Mr. Maier's neighbors approve of the proposed solar roof installation.

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 #: 05-20093558
Project Name: **Town of Coeymans Chicken Law**

Applicant: Town of Coeymans
Project Location: Coeyman Hamlet
Municipality: Town of Coeymans
Parcel Size: 400.00 acres
Zoning: Single Family Residence (R-1), Single and Two family Residence (R-2)
Tax Map Number: N/A
Referring Agency: Town of Coeymans Legislative Board

Considerations: Adoption/Amendment of local law prohibiting the keeping of farm animals and limiting the keeping of poultry to four hens.

Action Type: **Adoption/Amendment of Zoning Ordinance or Local Law.**

Juris. Determinant: Municipal Boundaries, State or County Road
Potential Impacts:

Staff Notes: The intent of the proposed action is to enact a Local Law to control the keeping of farm animals or fowl so as to protect the residents of the Town of Coeymans from nuisance and to maintain compatibility with suburban life. The proposed action is administrative in nature and does not alter the substantive requirements for land use review required by the Town of Coeymans. The existing criteria and requirements for land use review required by the Town of Coeymans Code as well as applicable state statutes including

ACPB SEPTEMBER 17, 2020 MEETING MINUTES

New York State Environment Quality Review Act (SEQRA) will remain exactly the same. Being solely administrative in nature, this proposed action will not affect any environmental resources within the Town of Coeymans or beyond.

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 #:

07-200903559

Project Name:

Rezoning of 44 Waterford Avenue East

Applicant:

Richard G. Rosetti, LLC

Project Location:

44 Waterford Avenue East

Municipality:

Town of Colonie

Parcel Size:

2.35 acres

Zoning:

Single Family Residential (SFR)

Tax Map Number:

19.14-2-8

Referring Agency:

Town of Colonie Planning Board

Considerations:

Rezoning of 2.35 acres parcel at 44 Waterford Avenue East from Single Family Residential (SFR) to Multi-Family Residential (MFR).

Action Type:

Rezoning

Juris. Determinant:

State Route

Potential Impacts:

I87 Adirondack Northway

Staff Notes:

The applicant is requesting the Town to re-zone a 2.35+/- acres vacant parcel located at 40 Waterford Avenue from Single Family Residence (SFR) to Multi-Family Residential (MFR) District with the intent to construct four two-family homes. All the neighbouring parcels are zoned SFR and MFR. There are no wetlands in the vicinity.

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 #:

07-200903560

Project Name:

Apartment, Office, Garage Building Redevelopment

Applicant:

Robert Fiacco C/O Tony Dadammo, and Capital Architecture

Project Location:

21 Everett Road

ACPB SEPTEMBER 17, 2020 MEETING MINUTES

Municipality: Town of Colonie
Parcel Size: 0.57 acres
Zoning: Neighborhood Commercial Office Residential District (NCOR)
Tax Map Number: 54.1-3-27
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review to enable demolition of existing building and construct a new two-story apartment, office and garage building as accessory use in a NCOR Zoning District. This has been previously seen by ZBA and received variance ZBA #19-047. No changes to existing access. Proposed building is 2,731 sq.ft.

Action Type: **Site Plan Review**

Juris. Determinant: County Road
Potential Impacts: CR 155 Everett Road, FEMA Floodzones, NWI Wetlands

Staff Notes: The applicant is proposing construction of a 2-story apartment, office, garage(2,731 sq.ft) accessory structure in a NCOR Zoning District. Parcel is already developed with multiple two story building, one of which to be demolished and converted to pavement to extend as a driveway to proposed multi-use building. A Town of Colonie Variance (ZBA #19-047) allowed for the Zoning Approval. There are no intense impacts foreseen that would overload sewer, water, stormwater runoff or school districts as a result of the proposal. The site will maintain its existing ingress/egress without modification. The construction is anticipated to be completed in a single phase.

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 #: **10-200903562**
Project Name: **Philips Minor Subdivision**

Applicant: Philips Family Realty Associates LLC
Project Location: 6517 Route 158, 6495 - 6497 Route 158
Municipality: Town of Guilderland
Parcel Size: 13.38 acres
Zoning: General Business District (GB)
Tax Map Number: 38.00-1-26.3, 38.00-1-19
Referring Agency: Town of Guilderland Planning Board

Considerations: Subdivision review for three lot minor subdivision. Lot 1 would consist of 4.65 acres, lot 2 would consist of 1.047 acres and lot 3 would consist of 7.689 acres.

Action Type: **Subdivision Review**

ACPB SEPTEMBER 17, 2020 MEETING MINUTES

Juris. Determinant:	State Routes
Potential Impacts:	NY 158, NY 146, FEMA floodzones, Ag District, Historical site, wetlands
Staff Notes:	The applicant is proposing the subdivision of 13.38+/- acres parcel into three lots. Each lot having the following area: lot #1 - 4.648+/- acres(New Hardware Store), Lot #2 - 1.047 +/- acres (Convenience/Gas Station) and Lot #3 - 7.689+/- acres. Lots are located on Route 158 and Route 146, with zoning General Business(GB).
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 contact NYSDOT for access management.
Case #:	<u>13-200903563</u>
Project Name:	Lands of MacVane
Applicant:	David MacVane
Project Location:	386 Maple Road
Municipality:	Town of New Scotland
Parcel Size:	1.50 acres
Zoning:	Hamlet Center (HD)
Tax Map Number:	73.-4-15, 73.-4-16
Referring Agency:	Town of New Scotland Planning Board
Considerations:	Subdivision review to merge two existing lots recently purchased by applicant.
Action Type:	Subdivision Review
Juris. Determinant:	Town Road
Potential Impacts:	85A Maple Road
Staff Notes:	The applicant is request for subdivision review to merge two lots (Tax Map ID# 73.-4-15, 73.-4-16) at 386 Maple Road which was purchased recently. The current interest in the property is to run the store currently at 73.-4-15. The original parcel sizes are 0.80 and 0.69 acres. The combined area will be 1.5 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:	

ACPB SEPTEMBER 17, 2020 MEETING MINUTES

Case #: 08-200903564
Project Name: Hoffman Car Wash
Applicant: Hoffman Development Corp.
Project Location: 1755 Central Ave
Municipality: Village of Colonie
Parcel Size: 2.30 acres
Zoning: Commercial A
Tax Map Number: 29.15-1-47.1
Referring Agency: Village of Colonie Planning Board

Considerations: Site plan review for accessory structures-automated teller stations added to the rear site abutting residential A zone and add a drive by lane to the site. No changes to ingress or egress.

Action Type: Site Plan Review

Juris. Determinant: County Road
Potential Impacts: Route 5 Central Ave

Staff Notes: The proposed project is to add a drive by lane and automated tellers to the car wash site. There will be no changes to the Car Wash Facility, hours of operation, number of employees, existing utilities or pavement.

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 #: 08-200903565
Project Name: 29-31 Vly Road Minor Subdivision
Applicant: Capital Church
Project Location: 29 - 31 Vly Rd
Municipality: Village of Colonie
Parcel Size: 14.00 acres
Zoning: Residential A
Tax Map Number: 29.15-2-13, 29.11-3-81
Referring Agency: Village of Colonie Planning Board

Considerations: Minor subdivision of 29 - 31 Vly Road into one of 2.8 acres with existing Church and the second of 11.3 acres.

Action Type: Subdivision Review, Site Plan Review

ACPB SEPTEMBER 17, 2020 MEETING MINUTES

Juris. Determinant:	Municipal boundary
Potential Impacts:	Inter-municipal boundaries of Town of Colonie and Village of Colonie
Staff Notes:	The applicant requests for minor subdivision which proposes lot 1 to be 2.8 acres including existing Church and will have minor site work completed and lot 2 to be 11.3 acres. The existing utilities provide sanitary sewer and water service to the existing structures that are located on the parcel. The applicant is under contract to purchase lot #2; the remaining lot #1 will be owned by the colonie Christian Life Center, Inc. which will continue to operate the existing 6,010 SF. There is a separate house that is also located on the parcel that will remain; the area of the existing house is approximately 1,024 SF. The applicant is certain that there will be no impacts to the adjacent properties since the building already exists at the site; the site will not create noise, visual, drianage or other impacts.
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 Board did not have any comments or questions regarding this referrals. Enzo Sofia made a motion to accept the Staff Opinion for Referral #'s: **04-200903553, 04-200903555, 04-200903556, 04-20093557, 05-20093558, 07-200903559, 07-200903560, 10-200903562, 13-200903563, 08-200903564, & 08-200903565.** The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #:	<u>04-200903554</u>
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

ACPB SEPTEMBER 17, 2020 MEETING MINUTES

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. The ACPB previously reviewed this case in August 2020. The referral case number was 04-200803529 . The ACPB recommendation was " 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."

Staff Opinion: Modify local approval to include:
1. Review by and any necessary permits from the NY State Office of Children and Family Services. 2. High volume of traffic and prevailing speed on CR 204 we recommend leaving the connecting road between the two parking lots and closing one of the two existing driveways on to CR 204.

Advisory Note:

The Board reviewed the site plan and discussed access to the County Route. Jim Mearkle, Albany County Traffic Engineer and William Anslow, Albany County Civil Engineer both reviewed this and made the recommendations listed above.

Without any further comments or questions, Gerry Engstrom made a motion to accept the Staff opinion for Referral #04-200903554. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

Case #: 04-200903554
Project Name: **MJP Development Group LLC**

Applicant: Joseph Parrottino
Project Location: 11 Rapa DR. Selkirk
Municipality: Town of Bethlehem
Parcel Size: 17.80 acres
Zoning: Residential C
Tax Map Number: 133.00-1-28.1
Referring Agency: Town of Bethlehem Planning Board

ACPB SEPTEMBER 17, 2020 MEETING MINUTES

Considerations: Land Division to enable construction of a four unit residential building.

Action Type: Land Division

Juris. Determinant: State Route

Potential Impacts: US route 9W, NWI Wetlands

Staff Notes: The applicant is requesting for land division for the development of a four-family home with associated driveways. The proposed building will have an on-site septic and public water and also a proposed pole barn with a gravel access drive parking area located on a second lot off Rapa Road in the Town of Bethlehem. The project redevelopment area will be 17.54 acres in size, the new development on pervious surface will cover 0.44 acres, totalling 2+/- acres of disturbance. There are 1.6 acres of wetlands on the project site. This project is identified in Table 2 of Appendix B of the NYSDEC SPDES General Permit for stormwater Discharges from Construction Activity Permit No., GP-0-20-001 (Appendix F) that requires the preparation of a SWPPP that includes Post-construction Stormwater Management Practices in conformance with the sizing criteria.

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 Storm water Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.

Advisory Note:

There was a brief discussion about what will be covered in the SWPPP as well as access to the roadway. Without any further comments or questions from the Board, Enzo Sofia made a motion to accept the Staff opinion for Referral #04-200903554. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: f

07-200903561

Project Name:

Crisafulli Senior Living PDD

Applicant:

Crisafulli Associates LLC

Project Location:

28 Everett Road Extension

Municipality:

Town of Colonie

Parcel Size:

10.00 acres

Zoning:

Neighborhood Commercial Office Residential District (NCOR)

Tax Map Number:

54.13-1-1, 54.13-1-11, 54.13-1-12

ACPB SEPTEMBER 17, 2020 MEETING MINUTES

Referring Agency:	Town of Colonie Planning Board
Considerations:	Rezoning request for Planned Development District (PDD) approval for project consisting of one 3-story building with 113 independent senior apartments on a 10 acre parcel.
Action Type:	Rezoning
Juris. Determinant:	Municipal Boundary, County Road
Potential Impacts:	Inter-municipal boundaries of Town of Colonie and City of Albany, Everett Road Ext, FEMA Floodzones, NWI Wetlands
Staff Notes:	The applicant proposes to construct a 3 story building with 46,416+/- SF footprint. The existing site vacant and it is made up of 3 lots which will be merged to have a combined area of 10.00 acres. This will accommodate 113 independent living apartment which will be restricted to adults 55 or older or where one of the spouses are 55 or older. Forty garages are proposed together with 128 surface parking spaces. This will provide 1.57 parking spaces construction per dwelling unit where 2 are required by the Town Code for multi-family housing. The applicant believes that this is an adequate parking ratio for Senior Adult Housing. A Planned Development District is required to allow this construction to go forward. The site will have 1.36 acres of buildings, 0.30 acres of impervious sidewalks, 1.98 acres of Porous Asphalt and 6.97 acres of Green Area. The applicant proposes to install a new 8" DIP water main along Duffy Street and will reconnect existing services to this main which will be a part of a new looped water system. Estimated cost of this portion of the main is \$58,000. This case was previously reviewed by ACPB (Case #07-200703512) for merging three lots (28 Everett Rd.Ext.,11&12 Duffy St.) and rezoning as a Planned Development District (PDD) to enable construction of a new 4-story 49,400 SF senior living building. The ACPB recommended to " 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."
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 Storm water Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land. 2. A highway work permit from Albany County is required.

ACPB SEPTEMBER 17, 2020 MEETING MINUTES

3. A construction activity permit from New York State Department of Environmental Conservation is required. 4. The Town of Colonie should review the number of parking spaces and recommend banking unnecessary spaces.

Advisory Note:

1. Any work proposed withing Albany County Right-of-way will require Albany County highway work permit.

Dominic Rigosu acknowledged the letters that were submitted as Public Comment regarding this project. These letters were shared with all Board Members prior to the meeting for their review. One primarily discussed groundwater/stormwater concerns and the other primarily discussed traffic impacts.

Gerry confirmed that this referral is something that we've seen before. The difference with this submission is that the building is now proposed as a 3 story vs a 4 story building which results in less units being proposed. Dominic stated that he would suggest banking some of the parking spaces. Dan Hershberg, of Hershberg and Hershberg was allowed to speak about the parking. He gave a brief overview and indicated that they had always planned on banking some of the parking anyway. They have not worked out the exact number yet but they have no problem with that recommendation.

The Board decided to add a modification to indicated that the Town of Colonie should review the parking spaces (listed as #4 above). With that modification added Enzo Sofia made a motion to accept the staff opinion for Referral #07-200903561. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Unfinished Business: Laura Trivison will be returning from Maternity Leave for the October Meeting. Gopika Muddappa will be here for another 2 weeks and the Board thanked her for helping out during Laura's absence and acknowledged her good work.

New Business: Travon Jackson is our new board member replacing Yomika Bennett. Our next meeting is October 15, 2020.

Adjourn: Gerry Engstrom made a motion to adjourn at 3:56pm.

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