

ACPB October 15, 2020 Meeting Minutes

NOTE: Due to issues related to Covid-19, the October 15, 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 – Laura Travison, Senior Planner; Lynn Delaney, Secretary; William Anslow, Civil Engineer, Ex-Officio; James Mearkle, Traffic Engineer; Robert Gunther, Stormwater Program Technician.

Minutes: Lynn Delaney, Secretary

Call to Order: Dominic Rigosu called the meeting to order at 3:34PM.

Brian Crawford made a motion to approve the minutes from the September 17, 2020 ACPB meeting. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Gerry Engstrom made a motion to move the 6 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 Enzo Sofia and unanimously approved by the Board.

<u>Case #:</u>	<u>01-201003565</u>
Project Name:	292 State St.
Applicant:	Stephanie Brown
Project Location:	292 State St.
Municipality:	City of Albany
Parcel Size:	0.08 acres
Zoning:	Residential Townhouse (R-T)
Tax Map Number:	76.24-7-29
Referring Agency:	City of Albany Planning Board

Considerations:	Conditional use permit to enable the conversion of a one-family townhouse to a two-family townhouse
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Action Type:	Conditional Use Permit
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Juris. Determinant: County Property

Potential Impacts:

Staff Notes: The property owner seeks a conditional use permit to enable a three-story townhouse single-family townhouse to be converted into a 2-family townhouse. The ground floor would become a one-bedroom apartment with a separate entrance (already in place) for occupancy by one tenant. Properties adjacent this parcel are multi-family. This property is in the Center Square/Hudson-Park Historic District

Staff Opinion: Defer to local consideration.

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

Advisory Note:

Case #: **01-201003566**

Project Name: **176 Sheridan Avenue**

Applicant: Interfaith Partnership for the Homeless

Project Location: 176 Sheridan Ave.

Municipality: City of Albany

Parcel Size: 0.43 acres

Zoning: Mixed-Use, Community Urban (MU-CU)

Tax Map Number: 65.81-4-24, 65.81-4-23

Referring Agency: City of Albany Planning Board

Considerations: Site plan review to enable the conversion of a residential structure to an office

Action Type: **Site Plan Review**

Juris. Determinant: State Property

Potential Impacts:

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Staff Notes: This site plan review is for the reuse and renovation of 180 Sheridan Ave. into additional office space for 176 Sheridan Ave. The owner is seeking to combine both parcels into one and connect 2 buildings with fire rated door and hardware to provide 5 additional offices for Interfaith Partnership for the Homeless located at 176 Sheridan Ave. The renovation does not include an increase of impervious surfaces, change in egress/ingress, parking or utility connections. A use variance or rezone will be needed for 180 Sheridan because it is currently zoned Residential-Townhouse (RT) and 176 is zoned Mixed-Use, Community Urban.

Staff Opinion: Defer to local consideration.

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

Advisory Note:

Case #: **05-201003569**

Project Name: **Woodridge USA Properties 2-Lot Subdivide**

Applicant: Woodridge Properties

Project Location: 1737 River Road (NY 144)

Municipality: Town of Coeymans

Parcel Size: 1.37 acres

Zoning: Residential 1 (R-1)

Tax Map Number: 144.-2-17

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

Considerations: A two lot subdivision and area variance that will result in a 1.03 acre lot and a .34 acre lot

Action Type: **Subdivision Review and area variance.**

Juris. Determinant: State Route

Potential Impacts: River Road (NY 144)

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Staff Notes: Two different property owners are seeking to subdivide a previously merged parcel to settle a title dispute and enable two separate deeds for two separate parcels to be created. Parcel 1 would be 1.03 acres and parcel 2 would be .34 acres. Parcel 2 would require an area variance because it is below the minimum lot size for this zone. Parcel 2 would be unbuildable and the new survey would label it unbuildable. No new access, construction, wells or septic are being proposed at this time.

Staff Opinion: Defer to local consideration.

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

Advisory Note:

Case #: **05-201003570**

Project Name: **Tryon 2-Lot Subdivide**

Applicant: Mark Tryon

Project Location: 779 Blodgett Hill Rd

Municipality: Town of Coeymans

Parcel Size: 149.80 acres

Zoning: Residential Agriculture

Tax Map Number: 142.-1-24.1

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

Considerations: Subdividing a 149.8 acre parcel into a 2.51 acre lot and a 147.29 acre lot

Action Type: **Subdivision Review**

Juris. Determinant: County Road, NYS designated Agricultural District

Potential Impacts: County Road (CR103), NYS designated agricultural district, Louise E. Keir State Wildlife Management Area

Staff Notes: The property owner is seeking to subdivide their 149.8 acre parcel into a 2.51 acre lot and a 147.29 acre lot. This parcel is intersected by CR 103. The 2.51 acres is proposed to be subdivided from the part of the parcel that is on the western side of CR 103. No

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new access, construction, septic or wells are being proposed at this time. The parcel is adjacent and north of the Louise E. Keir State Wildlife Management Area. It is also adjacent and east of a NYS designated agricultural district. The proposed new smaller lot already contains a residence and driveway.

Staff Opinion:

Defer to local consideration.

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

Advisory Note:

Case #:

07-201003572

Project Name:

Lands of Wark

Applicant:

Michael Wark

Project Location:

40 & 42 Washington Ave

Municipality:

Town of Colonie

Parcel Size:

0.22 acres

Zoning:

Planned Development District

Tax Map Number:

42.17-5-9, 42.17-5-8

Referring Agency:

Town of Colonie Planning Board

Considerations:

A subdivision review to enable two properties to merge into one 0.22 acre lot

Action Type:

Subdivision Review

Juris. Determinant:

County Road

Potential Impacts:

Staff Notes:

The property owner is seeking to merge the two adjacent tax parcels. He has a single-family residence on one parcel and the adjacent parcel is his side yard and pool. No new construction is being proposed.

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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.

Advisory Note:

Case #: **07-201003573**

Project Name: **McDonalds Drive-Thru - Latham Farms**

Applicant: Latham Farms Owner, LLC

Project Location: 579 Troy Schenectady Road

Municipality: Town of Colonie

Parcel Size: 89.34 acres

Zoning: Highway Commercial Office Residential District (HCOR)

Tax Map Number: 19.1-2-8

Referring Agency: Town of Colonie Planning Board

Considerations: A site plan review to enable additional drive-thru lane to an existing fast-food restaurant

Action Type: **US 9 (New Loudon Rd), NY2 (Troy Schenectady Rd), I87**

Juris. Determinant: State Road

Potential Impacts: US 9 (New Loudon Rd), NY2 (Troy Schenectady Rd), I87

Staff Notes: The existing McDonalds at Latham Farms Plaza is proposing to add an extra lane to their drive by for a side-by-side ordering points. Curb replacement, new placement overlay, and parking lot striping is also proposed. Total physical area expected to be disturbed is .20 acres. Impervious surface area or building area will not increase. No changes to egress or ingress are proposed. The McDonalds says that at this location most of the service is drive-thru. Per zoning, 45 parking spaces are required but because the majority of business is drive through McDonald's is requesting a parking waiver to keep only 28 parking spaces.

Staff Opinion: Defer to local consideration.

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

Enzo Sofia asked a question about zoning in that area which was clarified by Laura Travison. Brian Crawford made a motion to accept the staff opinion for Referral #'s 01-201003565, 01-201003566, 05-201003569, 05-201003570, 07-201003572, and 07-201003573. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: **01-201003564**

Project Name: **City of Albany Ordinance 17.91.20**

Applicant: City of Albany

Project Location: N/A

Municipality: City of Albany

Parcel Size: N/A

Zoning: N/A

Tax Map Number: N/A

Referring Agency: City of Albany Legislative Board

Considerations: Adoption of Ordinance Number 17.91.20 - an ordinance to amend Section 375-5 of Chapter 375 of the Unified Sustainable Development Ordinance (USDO) of the Code of the City of Albany

Action Type: **Amendment of Local Law**

Juris. Determinant: Amendment of Local Law

Potential Impacts: City of Albany Planning Board and Code

Staff Notes: The City Council in coordination with the Mayor's office and the Department of Planning seeks to better define the process for the City's Planning Board to grant waivers from their USDO regulations. Section 1 of the ordinance preserves the Planning Board's ability to grant waivers or modifications of any development plan review standards, but

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after this amendment will now require more specificity and justification for the waiver, in writing, from the applicant. This section also 1) limits the development standards from which the Planning Board may grant waivers, 2) lays out criteria the Planning Board must consider in making its determination to grant waivers, and 3) stipulates that such waivers are to be granted to the minimum extent possible.

Staff Opinion:

Modify local approval to include:

1. Notification of the local law update should be sent to all adjacent municipalities, including all required notices pursuant to GML §239-nn.

Advisory Note:

The Board asked Laura to talk about this referral. Zach Powell, City of Albany Senior Planner was on the call so Laura asked him to speak to the Board.

Zach stated that members of the City Planning Board “have been working with members of the Common Council to update and clarify procedures for approval with condition language for any development plan reviews and demolition reviews. They are also trying to provide more definitive review criteria for waivers that are required by code. This proposed Ordinance aims to do that. There is also the addition of adding a uniform fire code as a review criteria for building permits within our zoning code as well. Also if there is a need for a modification for any of the conditions based on changing standards or maybe an inability to meet a standard or condition that was set by the Planning Board the application can either go back to the Planning Board or the condition can be met through other means based on determination by the Chief Planning Official. This proposed amendment also outlines the steps if a member of the public or an elected official does not concur with the Chief Planning Officials determination that a condition can be met through other means, and outlines the steps of how to do an administrative appeal to the Board of Zoning Appeals for that process”.

Zach further explained that this is being sponsored by City of Albany Common Council so he is only able to answer some of the questions that we may have. It is not an application of the City of Albany Planning Dept. but they are working with the members of the Common Council to ensure that what they intend to do will actually work in practice.

Laura Trivison stated that from an Albany County perspective, if the City Planning Dept., Common Council and the Mayor’s Office are all on the same page that is good to know.

A motion was made by Enzo Sofia to accept the Staff Opinion for Referral #01-201003564. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

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Case #: **04-201003567**

Project Name: **Mohawk Hudson Land Conservancy Signage**

Applicant: Mohawk Hudson Land Conservancy

Project Location: 911 Delaware Ave.

Municipality: Town of Bethlehem

Parcel Size: 49.00 acres

Zoning: Residential Large Lot (RLL)

Tax Map Number: 95.00-4-5

Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: An area variance to enable the construction of a new non-illuminated sign within the setback

Action Type: **Area Variance**

Juris. Determinant: State Road, NYS designated Agricultural District

Potential Impacts: NY 443 (Delaware Ave.), NYS designated Agricultural District

Staff Notes: The Mohawk Hudson Land Conservancy is seeking to construct a new non-illuminated sign on their property line. The Town of Bethlehem requires a 10' setback. The Conservancy is asking for an area variance to allow them to construct on the property line because they claim clearing the trees 10' back and for the line of sight would be too costly and antithetical to their mission.

Staff Opinion: Modify local approval to include:

1. The Town should make sure that review by the New York State Department of Transportation occurs if the sign disturbs the State right - of -way.

Advisory Note:

There was a question about the locations proximity to the road. James Mearkle, Traffic Engineer reviewed this and doesn't have any concerns. Laura Trivison clarified the dimensions of the sign and the Board reviewed the plans.

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With no further questions or concerns, Gerry Engstrom made a motion to accept the staff opinion for Referral #**04-201003567**. The motion was seconded by Brian Crawford and unanimously approved by the Board.

<u>Case #:</u>	<u>04-201003568</u>
Project Name:	Kenwood Avenue Subdivision Cardona Development LLC
Applicant:	Cardona Development, LLC
Project Location:	65 Kenwood Ave
Municipality:	Town of Bethlehem
Parcel Size:	69.30 acres
Zoning:	Rural Agriculture and Residential
Tax Map Number:	86.00-1-6
Referring Agency:	Town of Bethlehem Planning Board
Considerations:	Subdivision review for a 52 lot conservation subdivision for single family homes
Action Type:	Subdivision Review
Juris. Determinant:	County Property, State Road, NYS Designated Agricultural District
Potential Impacts:	Albany County Rail Trail, Wetlands, NY 32, NYS Designated Agricultural District
Staff Notes:	The owner is seeking to divide the parcel into 63 lots: 53 for townhomes and 10 single-family homes. Associated feature such as roadways, utilities and stormwater management are also included in the review. Existing conditions on the 63 acre parcel include a farmhouse and some accessory dwellings. It has open fields and forest. The subdivision would consist of a road off of Kenwood that the majority of new lots would front on. The Kenwood facing parcels would remain roughly four acres each and are labeled "farmstead parcels" on the site plans. Behind these are denser lots for townhomes and single family lots. Total expected physical disturbance is 32.7 acres. The Town has expresses interest in preserving historical elements of the parcel. The parcel does not yet have a national or state registry number and it is unclear if it will be deemed to have historical significance enough to be on either state or national registry. On the Cultural Resource Information System Database it is listed as under Phase 1A and 1B Cultural Resource Survey. These are considered the beginning phases for review. In response to Town input about impact to historical elements the project narrative state

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the existing farmhouse, block milk house, outbuildings and farm stand will be preserved on the proposed Lot 57. Furthermore, "after a 3 month delay and historical cataloging, the existing barn will be demoed and the repurposed barn siding used to side the existing block milk house. This enlarged farmstead parcel could serve as a base for someone interested in farming, including potential access to the rear property, north of the power lines, to be transferred to the stewardship of the Mohawk Hudson Land Conservancy (MHLC)."The rear 36 acres is planned for transfer to the MHLC and reference is made to their February 4, 2020 letter to the Planning Board. Again, it has been agreed to by MHLC that agricultural use and community gardens will be allowed within the Open Space, subject to Declaration of Covenants and Restrictions (DCR's). An educational kiosk, describing the history of the farmstead, will be installed at the front of the site near the existing farm stand and behind the proposed sidewalk. Mention of a hiking trail connecting to the Albany County Rail Trail is also made in the narrative.

Staff Opinion:

Modify local approval to include:

1. Notification to and review by Albany County Department of Public Works for any connection or impact to the Albany County Rail Trail. 2. 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. 3. The Albany County Rail Trail is used for pedestrian and bicycle recreation. Amenities for hikers and bicyclist are encouraged to be included in the design due to the subdivision's adjacency to the trail.

Advisory Note:

The Board reviewed the Site Plan. This was part of a farm and is being surveyed by SHPO. SHPO did send a letter that stated that there is no historical impact that they have concerns with. The Farmhouse and some other structures will be preserved, the barn will be taken down but some of the wood from the barn will be used as siding on some of the structures that will remain. This is a combination of single family homes and townhomes. There was a discussion of the location of this site in relation to the Rail Trail and the possibility of creating an access from the land to the Rail Trail.

Without any further comments or questions, a motion was made by Brian Crawford to accept the Staff recommendation for Referral #04-201003568. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #:

05-201003571

Project Name:

Behuniak Two-Lot Subdivision

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Applicant:	Joyce Behuniak
Project Location:	102 Krueger Road
Municipality:	Town of Coeymans
Parcel Size:	97.90 acres
Zoning:	Residential Agriculture
Tax Map Number:	143.-2-3, 143.-2-2
Referring Agency:	Town of Coeymans Planning Board/Zoning Board of Appeals
Considerations:	A lot subdivision into two parcels, one of which will be conveyed to the adjacent property
Action Type:	Subdivision Review
Juris. Determinant:	NYS designated Agricultural District
Potential Impacts:	NYS designated Agricultural District
Staff Notes:	Richard and Joyce Behunik are seeking to subdivide 51.30 acres into two lots: Lot 1 - 5.29 acres and Lot 2-47 acres. Lot 1 would be conveyed to their property adjacent theirs on the north boundary. After the Lot 1 is conveyed, tax parcel 143.-2-2 would be 51.69 acres. All parcels lie within NYS designated Agricultural District and the northern parcel abuts the Town of Coeymans and Town of Bethlehem intermunicipal boundary. Wetlands exist on the northern parcel. No construction or change in access is proposed at this time.
Staff Opinion:	Modify local approval to include: 1. Notification of the application should be sent to the Town of Bethlehem including all required notices pursuant to GML §239-nn.
Advisory Note:	

The Board did not have any questions or comments. Gerry Engstrom made a motion to accept the Staff Opinion for Referral #**05-201003571**. The motion was seconded by Brian Crawford and unanimously approved by the Board.

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<u>Case #:</u>	<u>07-201003574</u>
Project Name:	Kim Mixed Use
Applicant:	Sang Y. Kim
Project Location:	609 Boght Rd.
Municipality:	Town of Colonie
Parcel Size:	1.02 acres
Zoning:	Neighborhood Office Residential (NOR)
Tax Map Number:	9.2-1-17
Referring Agency:	Town of Colonie Planning Board
Considerations:	Site plan Review for a 3,400 SF one story commercial building and 4,747 SF four unit apartment building
Action Type:	Site Plan Review
Juris. Determinant:	State Road
Potential Impacts:	NY 9 (Loudon Rd), wetlands
Staff Notes:	The property owner is proposing a mixed-use development project comprised of two separate structures totaling 8,147 square feet (SF). A single-story commercial structure totaling 3,400 SF along with a four-unit two-story residential structure totaling 4,747 SF is proposed along with utility connections and other appurtenances. The parcel is located west of the intersection with Loudon Road (a/k/a NYS Route 9) and Boght Road; is approximately 0.998 acres in size and is presently developed with a small, uninhabited residential structure. The scope of work for the proposed project involves site grading, sewer and water utility connections, stormwater management, parking, site lighting and improving access to support the construction of the proposed project. The project site is located within an archaeological sensitive area according to New York State Office of Parks, Recreation and Historical Preservation (NYSOPRHP) database. The parcel also lies within the Boght Road/Columbia Street GEIS study area; however not included in the conservation overlay. The parcel appears to contain portions of a wetland that would be jurisdictional to United States Army Corps of Engineers. Municipal water, sewer and electric utilities together with telecom and other private utilities are adjacent to the parcel along Boght Road. The development plan calls for a new four-inch water service connection to the building. Said connection is proposed to tap along the eight-inch water main along the northerly edge of Boght Road. The building will be sprinkled and the four-inch water

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service should be adequate to service fire flow demand and potable use for both commercial and residential uses. A six-inch sanitary lateral is proposed to connect directly into MH # 6980 via field core operation.

Staff Opinion:

Modify local approval to include:

1. The town should ensure that the property owner is aware of the regulations for construction activities that disturb one or more acres of land. The applicant proposes that .9 acres of land will be physically disturbed during construction. The Albany County Planning Board recommends the applicant meet all necessary requirements for stormwater management should land disturbances exceed one acre, including submission of a Notice of Intent filed with the New York State Department of Environmental Conservation (NYS DEC) affirming that a Stormwater Pollution Prevention Plan (SWPPP) has been prepared and is being implemented, or submission of a SWPPP that is consistent with the requirements included in the NYS DEC SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015). Persons commencing work on such a project before obtaining the required permits, and any contractors engaged in such work, are subject to enforcement action by the DEC, which may include civil and/or criminal court action, fines, and/or an order to remove structure or materials or perform other remedial action. 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:

Rob Gunther, Stormwater Program Technician looked at this but doesn't have any comments for the Board. The Board reviewed the Site Plan but didn't have any questions or concerns. Gerry Engstrom made a motion to accept the Staff Opinion for Referral **#07-201003574**. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

Case #:

07-201003575

Project Name:

Interpretation of non-conforming use - Empire Seal Coating

Applicant:

Ed Person

Project Location:

200 Sunset Blvd.

Municipality:

Town of Colonie

Parcel Size:

3.50 acres

Zoning:

Residential SFR

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Tax Map Number: 30.-5-10.1

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Interpretation of the Town of Colonies' stop work order and retraction of certificate of occupancy

Action Type: Interpretation

Juris. Determinant: Municipal Boundary and State Road

Potential Impacts: Town of Colonie and Village of Colonie Intermunicipal Boundary

Staff Notes: The Town of Colonie has retracted Empire Seal Coating certificate of occupancy and issued a stop work order. Ed Person, a legal representative of Empire Seal Coating is appealing this retraction. The property in question is adjacent to the Village of Colonie and Town of Colonie's intermunicipal boundary. As such, the Town has referred this appeal to the ACPB for their interpretation. In 2007, the parcel in question was re-zoned to residential. At the time, the warehouse use became a legal non-conforming use. A legal non-conforming use does not transfer necessarily with a sale, especially if a property sits vacant for a period of time. It is the purview of Town Code to decide which amount of time causes a legal non-conforming status to lapse. A legal non-conforming use also cannot expand. Empire Seal Coating received a certificate of occupancy in 2010, which codifies the continuation of a legal non-conforming use at that site.

Staff Opinion: Defer to local consideration.

Advisory Note: 1. A legal non-conforming use occurs when a use exist prior to a re-zone. How long a use can be abandoned before a property loses its legal non-conforming use status is determined by a municipality's zoning code and is not determined by state statute. The Town of Colonie's Zoning Code stipulates property loses its legal non-conforming use status if the use is discontinued for a period of 18 months or more. Town Code also stipulates the use cannot expand unless it is an accessory storage shed of garage or an increase of antenna on an existing utility pole. The interpretation of the Albany County Planning Board is that it is the Town of Colonie's purview to determine the continuation or termination of a legal non-conforming use. 2. The Town should give notification of the application to the Village of Colonie since it is within 500' of the shared intermunicipal boundary.

There was discussion among Board members as to whether they should be commenting on this. Several Board members initially felt that this should be a Town decision and not something that the Albany County

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Planning Board comments on. Laura Trivison discussed the specifics with the Board. After much discussion the Board decided to make a recommendation of Defer to Local Consideration with an Advisory (noted above).

Gerry Engstrom made a motion to accept the Staff Opinion for Referral **#07-201003575**. The motion was seconded by Travon Jackson and unanimously approved by the Board.

<u>Case #:</u>	<u>10-201003576</u>
Project Name:	Mullen Subdivision
Applicant:	Justin Mullen
Project Location:	6575 Dunnsville Road
Municipality:	Town of Guilderland
Parcel Size:	21.00 acres
Zoning:	RA3
Tax Map Number:	37.00-1-27.1
Referring Agency:	Town of Guilderland Planning Board
Considerations:	Two lot subdivision of 21.6 acres into a 7.1 and 14.5 acre lots
Action Type:	Subdivision review
Juris. Determinant:	NYS designated Agricultural District and State Road
Potential Impacts:	NY 397 (Dunnsville Road), NYS designated Agricultural District, Historic Site
Staff Notes:	The property owners are seeking to subdivide their 21.6 acres into a 7.1 and 14.5 acre lots for the purpose of their son purchasing the 7.1 acre lot. The son intends to build a single-family residence on the new lot. The rear of the property abuts Lainhart Farm and Dutch Barn Complex (NR #01000579). The parcel has ACOE jurisdictional wetlands.
Staff Opinion:	Modify local approval to include: 1. Submission of an agricultural data statement to the Town as required by Town Law for [subdivision approval of sites within 500 feet of a farm operation located in an agricultural district. 2. A shared access agreement (including a maintenance agreement)

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should be referenced in the deeds for both properties. 3. The land owner of the subdivision should notify purchasers that review and permits by New York State Department of Transportation are required for 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. 4. The land owner of the subdivision should notify purchasers that any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.

Advisory Note:

Without any questions or comments from the Board, Brian Crawford made a motion to accept the Staff Opinion for Referral #10-201003576. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: **12-201003577**

Project Name: **35 Broadway - Veterans Housing**

Applicant: BCREI New York LLC (Beacon Communities)

Project Location: 35 Broadway, Menands, NY

Municipality: Village of Menands

Parcel Size: 2.30 acres

Zoning: Broadway Business District (BBD)

Tax Map Number: 55.17-1-56

Referring Agency: Village of Menands Planning Board

Considerations: Site Plan Review for new construction of a four-story apartment building

Action Type: **Site Plan Review**

Juris. Determinant: State Road

Potential Impacts: NY 32 (Broadway), Albany Felt Company Complex (Historical Property), flood zone

Staff Notes: The site plan review is for the new construction of a four-story apartment building. The project is comprised of sixty-eight units that will provide affordable, high quality housing for veterans. The veterans will benefit from an array of supportive services

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provided by Soldier On. The project involves the new construction of 68 one-bedroom apartments and shared community spaces. The project also includes the development of parking, outdoor seating areas, sidewalks, a garden and other site improvements. The project will be served by public utilities, including municipal water and sewer provided by the Village of Menands. The building will have 102 parking spaces, including 4 handicapped accessible spaces at the immediate main entrance to the building. A portion of the parking will be requested to be banked if needed in the future. A SEQR review was performed and the Town adopted a negative declaration in July 2020. The total area of expected disturbance is 2.5 acres.

Staff Opinion:

Modify local approval to include:

1. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land. 2. Review by the New York State Department of Transportation for design of state road access, drainage and assessment of road capacity.

Advisory Note:

Dominic Rigosu chose to Abstain from voting on this Referral due to a potential conflict of interest. Without any comments or questions from the Board, Gerry Engstrom made a motion to accept the Staff Opinion for Referral #**12-201003577**. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #:

13-201003578

Project Name:

Lands of Burnett, Kirk, and MHLC

Applicant:

Bethlehem Land Surveyors

Project Location:

1740, 1744 New Scotland Road

Municipality:

Town of New Scotland

Parcel Size:

1.19 acres

Zoning:

Residential Agriculture / MDR

Tax Map Number:

84.12-2-1, 84.12-5-7

Referring Agency:

Town of New Scotland Planning Board

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Considerations: Subdivision Review to enable a lot line adjustment of 3 lots. Land from Mohawk Hudson Land Conservancy to be split where existing access is located for 1740 and 1744 New Scotland Road

Action Type: Subdivision Review

Juris. Determinant: Municipal Boundary, State Road

Potential Impacts: NY 85 (New Scotland Road), Town of Bethlehem and Town of New Scotland Municipal Boundary.

Staff Notes: Subdivision Review to enable a lot line adjustment of 3 lots. Land from Mohawk Land Conservancy to be split where existing access is located for 1740 and 1744 New Scotland Road. The municipal boarder is between these Lot 1 and 2 along new Scotland road. Land front the Mohawk Hudson Land Conservancy (Lot 3) will be added to Lot 1 and Lot 2 to make it so that there parcel boundaries run along the municipal boundary and the MHLC no longer has land between the two lots. Lot 1 will receive 5,629 SF from Lot 3, and Lot 2 will receive 5,084 SF from Lot 3.

Staff Opinion: Modify local approval to include:

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

Without any comments or questions from the Board, Enzo Sofia made a motion to accept the Staff Opinion for Referral #**13-201003578**. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: **13-201003579**

Project Name: Lands of Burke - Borrego Solar

Applicant: Rejean DeVaux

Project Location: Altamont Road (near Theresa LN. Tax ID 72.-1-65)

Municipality: Town of New Scotland

Parcel Size: 27.20 acres

Zoning: Residential Agriculture

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Tax Map Number: 72.-1-65

Referring Agency: Town of New Scotland Zoning Board of Appeals

Considerations: Area variance request to allow a large scale solar project to be sited on a parcel that contains prime soil

Action Type: **Area Variance**

Juris. Determinant: NYS designated Agricultural District and State Road

Potential Impacts: US 156 (Altamont Road), NYS designated Agricultural District and State Road, prime soil

Advisory Note:

The Board had a lengthy discussion about this Referral and determined that they will need additional time to make a decision. Brian Crawford made a motion to table the vote until further notice for Referral #**13-201003579**. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Laura Trivison will reach out to the municipality to see if we can get an extension on our decision for this Referral to our November meeting. If they are unable to wait that long, the Board will hold a special session to discuss and vote on this Referral.

Case #: **15-201003580**

Project Name: **Solar Energy Law Town of Rensselaerville**

Applicant: Town of Rensselaerville

Project Location: N/A

Municipality: Town of Rensselaerville

Parcel Size: N/A

Zoning: N/A

Tax Map Number: N/A

Referring Agency: Town of Rensselaerville Legislative Board

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Considerations: Adoption of a new local law pertaining to solar energy policy

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

Juris. Determinant: Adoption of a Local Law

Potential Impacts: Intermunicipal boundaries and solar energy policy.

Staff Notes: The purpose of the proposed local law is to create regulations for the installation and use of solar energy generating systems and equipment in accordance with the Town's comprehensive plan. The law would add an Article XI to the Town's zoning code. The first section is a list of definitions, Section 2 establishes applicability, and Section 3 explains general requirements. The Law deciphers between large and small-scale solar projects, has safety and decommissioning regulations.

Staff Opinion: Modify local approval to include:

1. Notification of the local law update should be sent to all adjacent municipalities, including all required notices pursuant to GML §239-nn.

Advisory Note: 1. The town may want to consider additional language that includes reference to requirements under General Municipal Law 239 m and nn for referral to the county planning board and adjacent municipalities.

Without and comments or questions from the Board, Gerry Engstrom made a motion to accept the Staff Opinion for Referral #13-201003579. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Unfinished Business: Laura Travison reminded the Board that they need 4 hours of training for the year. Travon Jackson mentioned a Virtual Conference that he is involved with. Laura stated that she will send options for training to the Board.

New Business: None

Adjourn: Gerry Engstrom made a motion to adjourn the meeting at 4:50PM.

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