

ACPB December 22, 2020 Meeting Minutes

NOTE: Due to issues related to Covid-19, the December 22, 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. This meeting was rescheduled from its original date of December 17, 2020 due to the Snow Emergency that was declared on that date.

Present: Dominic Rigosu, Acting Chairperson; Brian Crawford, Travon Jackson, Gerry Engstrom.

Albany County Public Works Office – Gopika Muddappa, Interim Senior Planner; Lynn Delaney, Secretary; James Mearkle, Traffic Engineer; Robert Gunther, Stormwater Program Technician.

Minutes: Lynn Delaney, Secretary

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

Brian Crawford made a motion to approve the meeting minutes from the November 19, 2020 meeting. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

A motion was made by Brian Crawford to group the Referrals with a Staff Opinion of Defer to Local Consideration, and vote on them as a group. The motion was seconded by Travon Jackson and unanimously approved by the Board.

Case #:	<u>04-201203602</u>
Project Name:	Martins's Food of South Burlington, LLC F/KA Hannaford Bros. LLC
Applicant:	Martin's Food of South Burlington, LLC
Project Location:	180 Delaware Ave, Delmar, NY located in Delaware Plaza
Municipality:	Town of Bethlehem
Parcel Size:	4.00 acres
Zoning:	Commercial Hamlet (CH)
Tax Map Number:	86.10-1-8
Referring Agency:	Town of Bethlehem Zoning Board of Appeals
Considerations:	Area variance requesting additional wall sign for façade for curbside pick up where only one wall sign is allowed
Action Type:	Area Variance
Juris. Determinant:	
Potential Impacts:	443 Delaware Ave
Staff Notes:	The Applicant is proposing to include an 18.25 square foot (SF) "Hannaford to Go" sign on the lower left side of the store's façade. If a second sign is permitted, the total signage on the store façade will be 138.89 SF. The applicant proposes the sign as a necessary addition for the store's service which will result in a more successful operation of the store and plaza, and it is the applicants opinion that it does not produce an undesirable character, adverse physical or environmental impacts on the neighborhood. This proposal was denied by the Town's Economic Development and

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Planning Building Division on November 4, 2020 on the basis that sign was not permitted under section 128-59 Signs, item J. The denial letter states that only one wall sign is allowed on the facade of the building not to exceed the lesser of 125 square feet or 10% of the building facade. The store's facade is over 325 feet in length and has an existing main wall sign that is 120.64 square feet(SF).

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:

1. The sign should not be placed in a location that impedes sight distance at this busy intersection.

Case #:

07-201203603

Project Name:

Ceroni Commercial Apartments

Applicant:

Nancy Kupiec

Project Location:

3 Cerone Commercial Drive

Municipality:

Town of Colonie

Parcel Size:

1.80 acres

Zoning:

Mixed Use Commercial

Tax Map Number:

42.1-1-32

Referring Agency:

Town of Colonie Zoning Board of Appeals

Considerations:

Area Variance for proposed eight apartments creating a total of 16 units.

Action Type:

Area Variance

Juris. Determinant:

State and County Road

Potential Impacts:

I87 (Adirondacks Northway), Wolf Road, Wetlands

Staff Notes:

The project involves substantial renovation of a two story masonry commercial structure to provide 16 units of affordable senior housing. The structure is located on a 1.8 acre parcel located within a Town of Colonie "Commercial/Office/Residential" (COR) zoned district, which allows commercial/residential mixed uses under an approved density formula. As such, eight of the 16 units can be renovated in the existing building "as of right", with the remaining 8 to occur within a newly built addition under an "Area Variance", if approved by the Zoning Board of Appeals. St. Paul's Center, Inc. as Project Sponsor will be utilizing grant financing through the NYS Office of Temporary and Disability Assistance for all construction activities that will occur on this 25-year lease property, as well as to provide project-based tenant rent subsidy assistance at the end of construction when the project becomes operational. This 100'x100' slab-on-grade structure was built in 1968 and has maintained commercial uses throughout its history. Minimal construction work will occur in this tenant's well maintained portion of the building.

Staff Opinion:

Defer to local consideration.

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

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<u>Case #:</u>	<u>07-201203604</u>
Project Name:	Our Daily Bowl Deli
Applicant:	Chuck Jesmain
Project Location:	580 Loudon Road
Municipality:	Town of Colonie
Parcel Size:	0.42 acres
Zoning:	Neighborhood Commercial Office Residential (NCOR)
Tax Map Number:	31.3-4-68
Referring Agency:	Town of Colonie Zoning Board of Appeals
Considerations:	Area variance to enable new deli opening in Neighborhood Commercial Office Residential (NCOR).
Action Type:	Area Variance
Juris. Determinant:	State Road
Potential Impacts:	US9 Loudon Road, Wetlands
Staff Notes:	The applicant seeks for area variance for opening Our Daily Bowl Deli which is primarily a take out fast casual healthy organic ingredients. The proposal will have limited seating and majority of the business will be to-go and requires no cooking or dish washing. The applicant plans to seek approval from Town of Colonie Pure Waters Department for available suite at 580 New Loudon Rd in Latham, NY on Route 9 without adding a large in-ground grease interceptor system.
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:	
<u>Case #:</u>	<u>07-201203605</u>
Project Name:	TOC Funeral Home
Applicant:	Victor Caponera (Kevin Cavanaugh)
Project Location:	149 Old Loudon Road
Municipality:	Town of Colonie
Parcel Size:	0.26 acres
Zoning:	Single Family Residential
Tax Map Number:	19.19-4-13, 19.19-4-16
Referring Agency:	Town of Colonie Zoning Board of Appeals
Considerations:	Funeral home seeking area variance for single family residence on adjacent lot for small gatherings.
Action Type:	Area Variance

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Juris. Determinant:

Potential Impacts: Loudon Road

Staff Notes:

The applicant seeks for area variance to continue to utilize the subject property as and for a funeral home and continue to utilize the single family home as both single family home with access to patrons of the funeral home during wakes and funerals, possibly utilize the bedrooms for temporary overnight stays by family members of the deceased. The proposed accessory use of Mr. Cavanaugh's home will not alter in any way, shape or form of the building on the property, nor will Mr. Cavanaugh make any modifications to the existing single family residence on the property.

Staff Opinion:

Defer to local consideration.

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

Advisory Note:**Case #:**

10-20123606

Project Name:

5640 Depot Road Phase II

Applicant:

S&L Roofing & Sheet Metal, Inc.

Project Location:

5640 Depot Road Voorheesville NY 12186

Municipality:

Town of Guilderland

Parcel Size:

12.48 acres

Zoning:

Industrial (IN)

Tax Map Number:

61.00-1-26.3

Referring Agency:

Town of Guilderland Zoning Board of Appeals

Considerations:

Special Use Permit to add building of the same size as the existing structure (9,720 sf) in the rear.

Action Type:

Special Use Permit

Juris. Determinant:

County Road

Potential Impacts:

Depot Road, Stone Road, Agricultural District, Floodzones, wetlands

Staff Notes:

The applicant proposes to add an additional building of the same size (9,720 sf) in the rear of the existing structure. The proposed building shall not be supplied with potable water or wastewater; the structure shall be utilized for cold storage only. As the structure is proposed only for storage, the number of parking stalls required remains the same. Provisions for banked parking are provided and can be constructed at the discretion of the Planning Board. The applicant wishes to amend an existing Special Use Permit (05-18 approved on 04/04/2018) to include this new structure.

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:

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Case #: 10-201203607
Project Name: **Gleason 3 Lot Subdivision**
Applicant: Kevin J. & Mary E Gleason
Project Location: 6630 Fuller Station Road
Municipality: Town of Guilderland
Parcel Size: 36.60 acres
Zoning: Agricultural District (A)
Tax Map Number: 38.00-4-11.1, 39.00-1-3
Referring Agency: Town of Guilderland Planning Board

Considerations: Subdivision review for 36.6 acres of land which is currently two lots of land.

Action Type: **Subdivision Review**

Juris. Determinant: State Road
Potential Impacts: US20 Western Turnpike, Wetlands, Historic site

Staff Notes: The applicant proposes to divide the 36.6 acres which is currently two lots land into three lots (Lot No. 1=8.351 acre, Lot No. 2= 20.727 Acres, Lot No. 3 = 14.68 Acres). Lot 1 to be served by Town Water & Sewer, Lot 2 to be served by existing Town Water Service & Septic System, Lot 3 to be served by existing Septic System and proposed Town Water Service from Fuller Station Road. Lot No. 1 will gain access from Western Turnpike. A new driveway will be constructed on Lot 2 & Lot 3 will utilize an existing driveway from Fuller Station Road.

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 #: 13-201203608
Project Name: **Site Plan #127**
Applicant: James Cramer
Project Location: 28 Whitebeck Lane
Municipality: Town of New Scotland
Parcel Size: 1.00 acre
Zoning: Hamlet Expansion
Tax Map Number: 84.-1-9
Referring Agency: Town of New Scotland Planning Board

Considerations: Site plan review for proposed single family dwelling on a lot which was purchased from Albany county land bank. The current existing structure is listed unsafe by the Town of New Scotland and the applicant is looking to demolish the current structure and

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: NY85 New Scotland Road, Conrail

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Staff Notes: The existing building is a two story wood framed building with a full cellar constructed from laid up stone foundation under the main front section with an approximate area of 1000 sqft. The structure in it's current state of dispair is unfit for habitaion and further is considered dangerous to enter. The damage to the front section of the building is such that rehabilitation or repair is not a cost effective option. At the time, the Division of Historic Preservation in the state Office Parks, Recreation, and Historic Preservation (OPRHP), determined that the demolition of the site would have no impact on cultural resources in or eligible for the State or National register. The applicant proposed construction of new single family dwelling purchased from Albany county land bank that was placed on the Town of New Scotland's list of unsafe structures. The building currently has curb box for public water and the Albany County Department of Health approves of the septic system.

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:

Without any questions or comments from the Board, Gerry Engstrom made a motion to accept the Staff Opinion for Referral #'s 04-201203602, 07-201203603, 07-201203604, 07-201203605, 10-20123606, 10-201203607 & 13-201203608. The motion was seconded by Travon Jackson and unanimously approved by the Board.

Case #:	<u>07-201203609</u>
Project Name:	Luizzi Shop Building - Site Work
Applicant:	Lincoln Avenue Development, LLC
Project Location:	950 Fifth Street
Municipality:	Town of Colonie
Parcel Size:	55.40 acres
Zoning:	Industrial
Tax Map Number:	44.10-1-32.1
Referring Agency:	Town of Colonie Planning Board

Considerations: Site plan review for rehabilitation to existing building's floor plan to include an office, breakroom, bathrooms and eight (8) repair bays to service construction equipment and tools.

Action Type: **Site Plan Review**

Juris. Determinant: State Road, Municipal Boundaries
Potential Impacts: NY155 Watervliet Shaker Road, Historical Site, Inter-municipal boundaries between Town of Colonie and City Of Watervliet, Railroad

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Staff Notes: The applicant requests for a site plan review for rehabilitation to existing building's floor plan to include an office, breakroom, bathrooms and eight (8) repair bays to service construction equipment and tools. The number employees anticipated during maximum shift is three.

Staff Opinion: Modify local approval to include
1. Notification of the application should be sent to the City of Watervliet, including all required notices pursuant to GML §239-nn.

Advisory Note:

Without any comments or questions from the Board, Brian Crawford made a motion to accept the Staff Opinion for Referral #07-201203609. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Case #: 07-201203610
Project Name: **Northern Industries - Addition**
Applicant: Theodore Kondoprias, Northern Industries, Inc
Project Location: 121 Cordell Road/115 Cordell Road
Municipality: Town of Colonie
Parcel Size: 0.01 acres
Zoning: Industrial
Tax Map Number: 16.1-1-43.1
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for 600 sqft addition to existing building which includes expansion of back office. No changes to existing access or ingress/egress. Notice has been sent to bordering Schenectady.

Action Type: **Site Plan Review**

Juris. Determinant: Intercounty Boundary
Potential Impacts: Intercounty boundary between Schenectady County & Albany County, Floodzone, Wetlands, Railroad

Staff Notes: The applicant is proposing to construct a one story addition attached to existing building. The total area of physical disturbance is less than one acre (0.0137 acre). The proposed 20'x30' sqft addition will be used as office space and storage space.

Staff Opinion: Modify local approval to include
1. Notification of the application should be sent to Schenectady County, including all required notices pursuant to GML §239-nn.

Advisory Note:

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Without any comments or questions from the Board, Gerry Engstrom made a motion to accept the Staff Opinion for Referral #**07-201203610**. The motion was seconded by Travon Jackson and unanimously approved by the Board.

Case #:	<u>10-201203611</u>
Project Name:	Dunkin Drive-Thru Addition
Applicant:	Westside Donut Ventures, LLC
Project Location:	2060 Western Avenue Guilderland, NY 12084
Municipality:	Town of Guilderland
Parcel Size:	0.49 acres
Zoning:	General Business District (GB)
Tax Map Number:	51.02-2-5.2
Referring Agency:	Town of Guilderland Zoning Board of Appeals
Considerations:	Special use permit to add a drive-thru to an existing Dunkin'
Action Type:	Special Use Permit
Juris. Determinant:	State Road
Potential Impacts:	NY155 State Farm Road, US20 Western Avenue
Staff Notes:	The applicant proposes to add a drive-thru to the existing restaurant to improve service with an outdoor ordering point and pickup window added to the existing building. In addition, Dunkin is proposing to modify parking spaces around the building as needed to ensure ADA compliance. The proposed changes include some minor curb replacement and parking line stripping. The parking lot will be repaired, seal coated and restriped as necessary. The existing access to the site from Western Ave as well as the cross access at the rear of the site will remain unchanged. All existing lighting, utilities, storm drainage that currently service the site will remain unchanged. Hours of operation, number of employees and type of deliveries remain unchanged.
Staff Opinion:	Modify local approval to include 1. The ACPB recommends that the one-way accesses parallel to the drive through be evaluated since the current direction will create more cars passing through the front of the store. 2. The ACPB also recommends that the Town of Guilderland Planning Board consider adding stop signs at the three-way intersection at the propsed trash enclosure.
Advisory Note:	

Without any comments or questions from the Board, Brian Crawford made a motion to accept the Staff Opinion for Referral # **10-201203611**. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

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Case #: **18-201203612**
Project Name: **Barn Side Tower**

Applicant: Aerosmith for AT&T
Project Location: 6419 SR32 Greenville
Municipality: Town of Westerlo
Parcel Size: 1.00 acre
Zoning: Rural Development/Agricultural
Tax Map Number: 164.-1-11.1
Referring Agency: Town of Westerlo Planning Board

Considerations: Special Use Permit for 25 foot tower extension.

Action Type: **Special Use Permit**

Juris. Determinant: State and County Road
Potential Impacts: State Route 32, Agricultural District

Staff Notes: The site consists of a 139 foot tall monopole tower on a 0.23 acre parcel (tax parcel # 164.-1-11.1/1). AT&T proposes to add a 25 foot extension to the tower, co-locate antennas on the monopole tower at 164 feet, and use a 12.5x20 foot lease area within the compound. AT&T will install six NNH4-65C-R6 Panels Antennas, fifteen RRUs, three DC9-48-24-8C-EV Squids, eight DC Power cables and two Fiber cables to the tower. At ground level AT&T will install one 7.3 x 14 foot covered equipment shelter platform, one 6x6 foot walking equipment shelter, one Diesel Generator, one Ice Bridge, one GPS antenna and one new electric meter. This case was reviewed in August 2020 (Case No. 18-200803547). The staff recommendation was:" 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. "

Staff Opinion: Modify local approval to include
1. Notify NYSDOT for an approval for curb cut since it is unclear on the Overall Site Plan provided with the application if there is any access road to the tower.

Advisory Note:

After a brief discussion about the Site Plan, Gerry Engstrom made a motion to accept the Staff Opinion for Referral #**18-201203612**. The motion was seconded by Brian Crawford and unanimously approved by the Board.

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Case #:	<u>03-201203613</u>
Project Name:	John Demis for Helderberg Bluestone (Lot Line Adj)
Applicant:	John Demis for Helderberg Bluestone and Marble, Inc
Project Location:	138 Cole Hill Road East Berne, NY 12059
Municipality:	Town of Berne
Parcel Size:	157.30 acres
Zoning:	Residential/Agricultural/Forestry (RAF)
Tax Map Number:	115.-1-17, 115.-1-18
Referring Agency:	Town of Berne Planning Board
Considerations:	Lot line adjustment between tax parcels 115.-1-17 & 115.-1-18. Parcel 17 would change from 100 acres to approximately 80.5 acres and Parcel 18 would change from 57.3 to 76.8. There will be no change in the usage of either parcel.
Action Type:	Lot Line Adjustment
Juris. Determinant:	County Road, Municipal Boundary
Potential Impacts:	CR2 Cole Hill Road, Inter-municipal boundaries between Town of Berne and Town of Westerlo, Agricultural District, wetlands
Staff Notes:	This is an application for lot line adjustment of tax parcels 115.-1-17 & 115.-1-18. This adjustment will alter the parcel 17 from 100 acres to approximately 80.5 acres and parcel 18 from 57.3 to about 76.8 acres. All existing rights of way will not change from their present use. Tax parcels will continue to use the existing right of way through tax map parcel 115.-1-18 and there will be no changes to the usage for either of the parcels.
Staff Opinion:	Disapprove 1. The Albany County Planning Board found the supporting materials for subdivision review to be unacceptable for review purposes. All future referral applications for a subdivision review are required to include an official drawing or rendering of the proposed site and action prepared by a licensed professional engineer or surveyor. 2. Notification of the application should be sent to Town of Westerlo, including all required notices pursuant to GML §239-nn.
Advisory Note:	

Brian Crawford and Gerry Engstrom commented that the adjoining towns need to be notified.

Without any further comment by the Board, Travon Jackson made a motion to accept the Staff Opinion for Referral #**03-201203613**. The motion was seconded by Gerry Engstrom and unanimously approved by the Board.

Unfinished Business: The Dunsbach Ferry Road Referral was supposed to be on this month's agenda as we were waiting for additional information. The Town has indicated that the materials are not ready but they hope to have it ready for our January meeting.

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New Business: Lynn Delaney, Board Secretary stated that she sent the Board a copy of the 2021 Planning Board Referral Deadlines and Meeting Dates and asked if they are OK to send out to all municipalities. The Albany County Planning Board Webpage will indicate the location of the meetings and/or the call-in information if we are meeting remotely.

The next meeting of the Albany County Planning Board will be held on January 21, 2021 at 3:30PM. If Gov. Cuomo extends the ability to meet remotely for another month, than we will continue to meet via Skype.

Adjourn: Gerry Engstrom made a motion to adjourn at 3:47PM.

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