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PLANNING BOARD
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GERALD ENGSTROM JR.,
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TRAVON T. JACKSON
VICE CHAIRPERSON

ACPB Meeting Minutes FINAL – July 20, 2023

NOTE: The July 20, 2023 meeting of the ACPB was held in person at the Albany County DPW office in Voorheesville. The meeting was also available remotely via Microsoft Teams for the public to participate.

Board Members Present: Brian Crawford, Gerry Engstrom, Beth Lacey, Travon Jackson, Jeff LaFontaine

Board Members Absent: None

Albany County Public Works Office: Gopika Muddappa, Senior Planner; Lynn Delaney, Secretary; James Mearkle, Traffic Engineer; Sameer Modasra, Albany County Dept. of Management and Budget, Ex Officio; Anton Konev, Albany County Comptroller's office, Ex Officio.

Guests: Nick Shupp & Loren Pruskowski for Case #10-230704268 (Farm Lane Change in Zoning) and Jake Eisland for Case #01-230704292 & 01-230704293 (Ordinance #'s 12.32.23 & 18.52.23). Dan Hershberg of Hershberg & Hershberg for Case # 01-230704283 (324 State St. Apartment Conversion).

Minutes: Lynn Delaney, Secretary

Call to Order: Gerry Engstrom called the meeting to order at 3:45pm.

Vote for Meeting Minutes: The March 2023, May 2023 & June 2023 Meeting Minutes were approved as follows:

Beth Lacey made a motion to approve the March 16, 2023 Meeting Minutes. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom. Brian Crawford and Travon Jackson did not attend the March 16, 2023 meeting and therefore did not vote.

Travon Jackson made a motion to approve the May 18, 2023 Meeting Minutes. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom. Brian Crawford and Beth Lacey did not attend the May 18, 2023 meeting and therefore did not vote.

Beth Lacey made a motion to approve the June 15, 2023 Meeting Minutes. The motion was seconded by Travon Jackson and was also approved by Brian Crawford and Gerry Engstrom. Jeff LaFontaine did not attend the June 15, 2023 meeting and therefore did not vote.

Gerry Engstrom stated that he wanted to pull 3 cases from the list of referrals with a Staff Opinion of Defer to Local Consideration because there were guests in attendance who were interested in these cases and may want to add additional information. Jake Eisland was representing the City of Albany for Case #01-230704292 & 01-230704293 (Ordinance #'s 12.32.23 & 18.52.23). Nick Shupp & Loren Pruskowski were in attendance to speak about Case #10-230704268 (Farm Lane Change in Zoning).

Travon Jackson made a motion to move all the other cases with a Staff Opinion of "Defer to Local Consideration" to the front of the agenda and to vote on them as a group. The motion was seconded by Beth Lacey and was unanimously approved by the Board.

ACPB July 20, 2023 Meeting Minutes FINAL (cont.)

Case #: **01-230704269**

Project Name: **883 Broadway - Phase 2 Renovation**

Applicant: Chris Maddalone

Project Location: 883 Broadway

Municipality: City of Albany

Parcel Size: 0.59 acres

Zoning: Mixed-Use, Form-Based Warehouse District (MU-FW)

Tax Map Number: 65.16-4-33

Referring Agency: City of Albany Planning Board

Considerations: Site plan review for the conversion of 12,800± sq.ft. first floor to five (5) dwelling units. Floors 2 to 4 contain twenty-five (25) dwelling units.

Action Type: **Site Plan Review**

Juris. Determinant: State Road

Potential Impacts: 32 North Pearl Street

Staff Notes: The applicant proposes to convert the existing office space on the first floor into five single-family apartment units. Floors 2 and 4 will consist a total of 25 single-family units. No land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF). The proposed units will connect to the existing water and waste water utility connections. Site drainage is currently and shall remain sheet drainage to the existing catch basin and dry wall. Site demolition will be limited to removal of two areas of existing pavement for creation of landscaped areas.

Staff Opinion: Defer to local consideration

1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 01-230704272
Project Name: **Modification to Existing Use Variance**

Applicant: Curran South Allen, LLC
Project Location: 60 Fourth Avenue
Municipality: City of Albany
Parcel Size: 0.34 acres
Zoning: Mixed-Use, Form-Based South End (MU-FS)
Tax Map Number: 76.73-2-2
Referring Agency: City of Albany Zoning Board of Appeals

Considerations: Amendment to the existing use variance to allow for Heavy Commercial Services that is less intensive use of the building than the original proposal.

Action Type: **Amendment to Use Variance**

Juris. Determinant: Interstate Highway, State Road
Potential Impacts: I-787, 32 Church Street, FEMA Floodzone

Staff Notes: The applicant proposes to amend the existing use variance to allow less intense use of the property. Use variance would be amended from Light Industrial Manufacturing to Heavy Commercial Services. No land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 01-230704273
Project Name: **61 Dana Ave Garden Level Unit**

Applicant: 13 Leaves, LLC
Project Location: 61 Dana Avenue
Municipality: City of Albany
Parcel Size: 0.04 acres
Zoning: Residential, Townhouse (R-T)
Tax Map Number: 76.23-1-35
Referring Agency: City of Albany Planning Board

Considerations: Special use permit for the conversion of the 3,825± SF townhouse, increasing the total number of dwelling units from two (2) to three (3).

Action Type: **Special Use Permit**

Juris. Determinant: State Road
Potential Impacts: 20 Madison Ave, Historic District

Staff Notes: This is an application for special use permit for the additional dwelling unit in Garden level of existing structure. Less than one acre (0.04 acres) of land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF). The proposed garden unit will connect to the existing water and waste water utility connections. The proposed alterations and renovations are to meet the requirements of USDO.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: **01-230704274**
Project Name: **89 Morris St. Garden Level Unit**

Applicant: 13 Leaves, LLC C/O Kostandin Kacani
Project Location: 89 Morris Street
Municipality: City of Albany
Parcel Size: 0.05 acres
Zoning: Residential, Townhouse (R-T)
Tax Map Number: 76.22-4-37
Referring Agency: City of Albany Planning Board

Considerations: Special use permit for the conversion of the 3,050 SF townhouse, increasing the total number of dwelling units from two (2) to three (3).

Action Type: **Special Use Permit**

Juris. Determinant: State Road
Potential Impacts: 20 Madison Ave, Historic District

Staff Notes: This is an application for special use permit for the additional dwelling unit in Garden level of existing structure. Less than one acre (0.05 acres)

of land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF). The proposed garden unit will connect to the existing water and waste water utility connections. The proposed alterations and renovations are to meet the requirements of USDO.

Staff Opinion:

Defer to local consideration

1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #:

01-230704275

Project Name:

32 Albany Street Demolition

Applicant:

Albany County Land Bank Corp.

Project Location:

32 Albany Street

Municipality:

City of Albany

Parcel Size:

0.03 acres

Zoning:

Residential, Townhouse (R-T)

Tax Map Number:

65.52-2-40

Referring Agency:

City of Albany Planning Board

Considerations:

Demolition of a 1,104± SF building and transfer to Habitat for Humanity Capital District for redevelopment, utilizing City of Albany ARPA funds.

Action Type:

Demolition Review

Juris. Determinant:

State Road

Potential Impacts:

32 North Pearl Street

Staff Notes:

The applicant proposes to demolish the existing building at 32 Albany Street and transfer it to Habitat for Humanity Capital District as a vacant lot in order to build new construction affordable homes and sell to first time home buyers. As per the limited emergency structural stability assessment of the residential building, the structure is in unsafe conditions due to water damage and it is unsafe for emergency service responders, property owners, contractors or other occupants to enter. Less than one acre of land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: **01-230704276**
Project Name: **34 Albany Street Demolition**

Applicant: Albany County Land Bank Corp.
Project Location: 34 Albany Street
Municipality: City of Albany
Parcel Size: 0.07 acres
Zoning: Residential, Townhouse (R-T)
Tax Map Number: 65.52-2-39
Referring Agency: City of Albany Planning Board

Considerations: Demolition of a 2328± SF building and transfer to Habitat for Humanity Capital District for redevelopment, utilizing City of Albany ARPA funds.

Action Type: **Demolition Review**

Juris. Determinant: State Road
Potential Impacts: 32 North Pearl Street

Staff Notes: The applicant proposes to demolish the existing building at 34 Albany Street and transfer it to Habitat for Humanity Capital District as a vacant lot in order to build new construction affordable homes and sell to first time home buyers. As per the limited emergency structural stability assessment of the residential building, the structure is in unsafe conditions due to water damage and it is unsafe for emergency service responders, property owners, contractors or other occupants to enter. Less than one acre of land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 01-230704284
Project Name: **30 Albany Street Demolition**

Applicant: Albany County Land Bank Corp.
Project Location: 30 Albany Street
Municipality: City of Albany
Parcel Size: 0.03 acres
Zoning: Residential, Townhouse (R-T)
Tax Map Number: 65.52-2-41
Referring Agency: City of Albany Planning Board

Considerations: Demolition of a 11,056± SF building and transfer to Habitat for Humanity Capital District for redevelopment, utilizing City of Albany ARPA funds.

Action Type: **Demolition Review**

Juris. Determinant: State Road
Potential Impacts: 32 North Pearl Street

Staff Notes: The applicant proposes to demolish the existing building at 30 Albany Street and transfer it to Habitat for Humanity Capital District as a vacant lot in order to build new construction affordable homes and sold to first time home buyers. As per the limited emergency structural stability assessment of the residential building, the structure is in unsafe conditions due to water damage and it is unsafe for emergency service responders, property owners, contractors or other occupants to enter. Less than one acre of land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 03-230704287
Project Name: **West Woodstock Minor Subdivision**

Applicant: Sunny Acres LLC (John Freewall)
Project Location: West Woodstock Rd
Municipality: Town of Berne
Parcel Size: 57.79 acres
Zoning: Residence/Agricultural/ Forestry (RAF)

Tax Map Number:	114.-2-13
Referring Agency:	Town of Berne Planning Board
Considerations:	Subdivision of 57.79 acres into Lot 1 consisting 18.20 acres, Lot 2 consisting 21.54 acres and Lot 3 consisting 18.05 acres.
Action Type:	Subdivision Review
Juris. Determinant:	Agricultural District
Potential Impacts:	Agricultural District
Staff Notes:	The applicant proposes to divide the 57.79 acres of land into three lots. Lot 1 would be all the land on the east side of the West Woodstock Road with 18.20 acres, Lot 2 would be to the northerly half of the land on the west side of the road with 21.54 acres and Lot 3 would be to the southern half of the land on the west side of the road with 18.05 acres. No land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF).
Staff Opinion:	Defer to local consideration 1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.
Advisory Note:	1. The Albany County Planning Board advises the Town to ensure that the new land owners coordinate their driveway location with the Town of Berne Highway superintendent to avoid any problems constructing their entrance way due to steep slopes.
Case #:	<u>04-230704266</u>
Project Name:	St. Thomas the Apostle Church
Applicant:	Pat Holm
Project Location:	39 Adams Place, Delmar
Municipality:	Town of Bethlehem
Parcel Size:	0.25 acres
Zoning:	Hamlet
Tax Map Number:	85.16-4-18
Referring Agency:	Town of Bethlehem Zoning Board of Appeals

Considerations: Area variance for the proposed freestanding sign with 9' setback whereas 10' is required.

Action Type: Area variance

Juris. Determinant: State Road
Potential Impacts: 443 Delaware Avenue

Staff Notes: As per the Article VI, Supplement Regulations, section 128-59, Signs D, freestanding signs shall be set back a minimum of 10 feet from any highway right-of-way. The applicant proposes to install a freestanding sign that is setback 9 feet from the property line. The sign is proposed to be located at the entrance of the Church parking lot.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 04-230704286
Project Name: Whirlwind Holding Company

Applicant: Whirlwind Holding Company/ Ryan Penno
Project Location: 119-123 Weisheit Road, Glenmont
Municipality: Town of Bethlehem
Parcel Size: 34.20 acres
Zoning: Rural
Tax Map Number: 110.00-1-25.1
Referring Agency: Town of Bethlehem Planning Board

Considerations: Area variance for the installation of small scale ground mounted solar PV System to be located within a front yard.

Action Type: Area variance

Juris. Determinant: Interstate Highway
Potential Impacts: I-87 New York Thruway

Staff Notes: The applicant proposes the installation of a small scale ground mounted solar PV System (9.6KW DC/8.8 KW AC) to be located within a front yard. As per the Town Code Supplementary Regulations, 128-67.2 Solar Photovoltaic (PV) systems, E (3), small-scale ground-mounted solar PV

systems may be located within the side or rear yard. Location in a front yard is prohibited, including location in any front yard of a corner yard. The proposed small scale solar array is proposed to be installed in the front yard.

Staff Opinion:

Defer to local consideration

1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #:

07-230704277

Project Name:

Ace Hardware Store - Outdoor Storage Canopy

Applicant:

Ace Hardware Store

Project Location:

1366 Central Ave (1 Fuller Road)

Municipality:

Town of Colonie

Parcel Size:

1.45 acres

Zoning:

Commercial Office Residential (COR)

Tax Map Number:

42.17-6-31, 42.17-6-28

Referring Agency:

Town of Colonie Planning Board

Considerations:

Site plan review for the construction of a 4,397 SF canopy for outdoor storage of retail items/stocks and consolidation of 1 Fuller Road and 1366 Central Avenue.

Action Type:

Site Plan review

Juris. Determinant:

State Road

Potential Impacts:

5 Central Ave

Staff Notes:

The applicant proposes to construct a canopy for outdoor storage of retail items. The applicant also proposes to merge the parcel at 1 Fuller Road and 1366 Central Avenue. The proposed area consists of existing commercial building, asphalt pavement and miscellaneous other improvements. The proposed project, upon approval, will commence with the clearing of the existing trees and installation of the canopy. Erosion and sediment control systems are to be installed as necessary. Less than one acre of land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: **07-230704279**
Project Name: **Lands of Corporate Woods**

Applicant: Picotte Companies
Project Location: 17, 17A, and 19 Corporate Woods Blvd
Municipality: Town of Colonie
Parcel Size: 14.94 acres
Zoning: Commercial Office
Tax Map Number: 54.3-1-35.7-2, 54.3-1-35.6
Referring Agency: Town of Colonie Planning Board

Considerations: Lot line adjustment to record subdivision with the Town. Administrative action only. No new development is proposed.

Action Type: **Lot Line Adjustment**

Juris. Determinant: State Road, Municipal Boundary
Potential Impacts: I-80 Interstate Highway, Intermunicipal Boundaries of Town of Colonie and City of Albany

Staff Notes: The applicant proposes a lot line adjustment between 17, 17 A and 19 Corporate Circle. Parcels 17 and 17A are currently an office building and parcel 19 is a bank. No land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: **07-230704289**
Project Name: **Lands of O'Reilly Auto**

Applicant: O'Reilly Auto Enterprises, LLC
Project Location: 1927 and 1929 Central Avenue
Municipality: Town of Colonie
Parcel Size: 2.44 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 29.10-1-3, 29.10-1-2
Referring Agency: Town of Colonie Planning Board

Considerations: The applicant proposes to merge the parcels located at 1929 and 1927 Central Avenue for the construction of a new 12,950 SF automotive retail store addition.

Action Type: **Subdivision Review**

Juris. Determinant: State Road
Potential Impacts: 5 Central Ave

Staff Notes: The applicant proposes to merge the parcels at 1929 and 1927 Central Avenue into one lot for the construction of a new 12,950 SF automotive retail store addition to an existing 16,034 SF O'Reilly Auto Parts Building. No land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: **07-230704281**
Project Name: **Lands of Wolf Road Park LLC**

Applicant: Wolf Road Park
Project Location: 1, 5 and 6 Metro Park, 155 Wolf Road
Municipality: Town of Colonie
Parcel Size: 7.41 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 42.2-1-10, 42.2-1-12, 42.2-1-13, 42.2-1-14
Referring Agency: Town of Colonie Planning Board

Considerations: Four lot subdivision from two existing lots with no new construction or modifications.

Action Type: Subdivision Review

Juris. Determinant: State Road
Potential Impacts: Wolf Road

Staff Notes: The applicant proposes to subdivide the two lots into four separate parcels. There is no new construction or modifications to the buildings or site proposed as part of this action. The existing site consists of two lots, 1 Metro Park Road totaling 3.4 +/- acres with two buildings and parking lots surrounding each building and 155 Wolf Road totaling 4.01 +/- acres with two buildings and parking lots also surrounding each building. The proposed Lot 1 will be known as 1 Metro Park Road with 1.62 acres, Lot 2 will be known as 5 Metro Park Road with 1.78 acres, Lot 3 will be known as 155 Wolf Road with 1.93 acres and Lot 4 will be known as 6 Metro Park Road with 2.08 acres. No land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 07-230704290
Project Name: Golden Grain

Applicant: Zafar AK
Project Location: 217 Wolf Road
Municipality: Town of Colonie
Parcel Size: 0.48 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 30.4-1-41
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review to install a 6'x8' outdoor freezer to the existing facility.

Action Type: Site Plan Review

Juris. Determinant: State Road

Potential Impacts: Wolf Road

Staff Notes: This is an application for site plan review to install a 6'x8' outdoor freezer to the existing facility. No land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF). The existing building is used Golden Grain Pizza Parlor.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 10-230704288

Project Name: Primark

Applicant: AJ Signs

Project Location: 1 Crossgates Mall

Municipality: Town of Guilderland

Parcel Size: 8.00 acres

Zoning: Transit Oriented District (TOD)

Tax Map Number: 52.01-1-4.8

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Area variance to install signage exceeding the allowed square foot.

Action Type: Area variance

Juris. Determinant: Municipal Boundaries

Potential Impacts: Intermunicipal Boundaries of Town of Guilderland and City of Albany

Staff Notes: The applicant proposes to install a 16.75'x2.1' set of internally lit channel letters for Primark. This will be a secondary set of channel letters installed on the west facing façade. The sign is 36.4 SF. The total square footage for this tenant will be 78.6 SF. The applicant requests a relief of 28.6 SF.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: **13-230704280**
Project Name: **Lands of Dean Sommer and Holly Cheever**

Applicant: Cynthia Elliot
Project Location: 35 Hurst Road, Hurst Road
Municipality: Town of New Scotland
Parcel Size: 19.21, 40 acres
Zoning: Residential Agricultural (RA)
Tax Map Number: 83.-2-69.1, 83.-2-69.2
Referring Agency: Town of New Scotland Planning Board

Considerations: Lot line adjustment of 7.4 acres between two parcels under same ownership for estate planning.

Action Type: **Lot Line Adjustment**

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District

Staff Notes: This is an application for lot line adjustment between the two lots owned by the same party for estate planning. A total of 7.4 acres is proposed to be merged with the parcel currently consisting 19.21 acres. After the lot line adjustment, parcel with Tax Map ID 83.-2-69.2 is to be 11.81 acres and parcel with Tax Map ID 83.-2-69.1 to be 47.5 acres. No land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: **15-230704278**
Project Name: **Lovelace Subdivision**

Applicant: Darrell and Valerie Lovelace
Project Location: 757 CR 351, Medusa
Municipality: Town of Rensselaerville
Parcel Size: 18.78 acres
Zoning: Agricultural Rural Residential (ARR)
Tax Map Number: 161.-2-18.2
Referring Agency: Town of Rensselaerville Planning Board

Considerations: Minor subdivision of 18.78 acres into Lot 1 consisting 10.80 acres and Lot 2 consisting 7.98 acres.

Action Type: Subdivision Review

Juris. Determinant: County Road
Potential Impacts: County Route 351

Staff Notes: The applicant proposes to subdivide the parcel into two lots. Lot 1 consisting 10.80 acres and Lot 2 consisting 7.98 acres. The purpose of this subdivision is for future residential development. Less than one acre of land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF). Proposed Lot 1 consists of existing well and septic.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Advisory Note: 1. The Albany County Planning Board advises that a County Highway Work permit should be required if the proposed Lots are accessed via County Route 351.

Case #: 15-230704291
Project Name: Gifford Subdivision

Applicant: Douglas Gifford
Project Location: 940 CR 403, Greenville
Municipality: Town of Rensselaerville
Parcel Size: 20.43 acres
Zoning: Agricultural Rural Residential (ARR)
Tax Map Number: 183.-2-11.1
Referring Agency: Town of Rensselaerville Planning Board

Considerations: Minor subdivision of 20.43 acres into Lot 1 consisting 6.05 acres and Lot 2 consisting 14.38 acres.

Action Type: Subdivision Review

Juris. Determinant: County Road, Agricultural District
Potential Impacts: County Route 403, Agricultural District

Staff Notes: The 20.43 acre parcel is proposed to be subdivided into two lots. Lot 1 will be 6.05 acres with existing single family house. Lot 2 will be 14.38 acres of vacant land. No land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF). Lot 1 consist of existing well and septic.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Advisory Note: 1. The Albany County Planning Board advises that a County Highway Work permit should be required if the proposed Lot 2 is accessed via County Route 403.

Case #: **12-230704282**
Project Name: **Local Law #7 - Village of Menands**

Applicant: Village of Menands
Project Location: Village of Menands
Municipality: Village of Menands
Parcel Size: N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: Village of Menands Legislative Board

Considerations: Local law amendment of Chapter 169 related to controlled substance dispensaries.

Action Type: **Local Law Amendment**

Juris. Determinant: N/A
Potential Impacts: N/A

Staff Notes: The Village Board finds that it is in the best interest of the Village of Menands to amend Chapter 169 of the Village Code entitled "Zoning" in order to revise certain provisions related to dispensing controlled substances. Amendment to the Chapter includes the following sections; §169-20 – Broadway Business District (BBD), §169-21 Neighborhood District (T4), §169-22 Village Center District (T5), and §169-94 Definitions.

Staff Opinion:

Defer to local consideration

1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Beth Lacey made a motion to accept the Staff Opinion for Case #'s 01-230704269, 01-230704272, 01-230704273, 01-230704274, 01-230704275, 01-230704276, 01-230704284, 03-230704287, 04-230704266, 04-230704286, 07-230704277, 07-230704279, 07-230704289, 07-230704281, 07-230704290, 10-230704288, 13-230704280, 15-230704278, 15-230704291 & 12-230704282. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Gerry Engstrom then invited Jake Eisland who was representing the City of Albany to speak about the two Cases for Ordinances that were next on the Agenda.

Case #: **01-230704292**
Project Name: **Ordinance 12.32.23**

Applicant: Albany Common Council
Project Location: City of Albany
Municipality: City of Albany
Parcel Size: N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: City of Albany Legislative Board

Considerations: Amendment of zoning ordinance to create maximum dimensional standards for Mixed-Use Neighborhood Center (MU-NC).

Action Type: **Amendment of Zoning Ordinance**

Juris. Determinant: N/A
Potential Impacts: N/A

Staff Notes: The action is a proposed ordinance to amend the dimensional standards which will change the current standard of "N/A" currently listed in the maximum dwelling units for the Mixed Used-neighborhood Center zoning district. The lack of any requirement is contrary to both the Albany 2030 plan, as well as the purpose and intent of the MU-NC

district. "Purpose. The purpose of the MU-NC district is to provide for moderate density housing options among a nexus of locally oriented neighborhood-scale commercial uses providing support services to the surrounding residential neighborhoods. Land uses include a variety of predominantly non-destination and non-auto-oriented retail and commercial establishments, as well as complementary residential uses. A mix of residential and non-residential uses on individual lots is encouraged. Other uses are permitted as shown in Table 375.302.1 (Permitted Use Table)". Since the purpose of the district is to provide for "moderate density housing", there must be a standard applied to the number of dwelling units. The standard of 1 per 150 square feet of gross floor area is consistent with similar zoning districts: R-M and MU-NE.

Staff Opinion:

Defer to local consideration

1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Jake Eisland mentioned that there was an amendment to Table 375.401.2. The last line of Column 3 (MU-NC) labeled "the number of Dwelling Units" was amended from 1 per 750.00SF of gross floor area to 1 per 600SF of gross floor area.

Beth Lacey made a motion to accept the Staff Opinion for Case #01-230704292. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #:

01-230704293

Project Name:

Ordinance 18.52.23

Applicant:

Albany Common Council

Project Location:

City of Albany

Municipality:

City of Albany

Parcel Size:

N/A

Zoning:

N/A

Tax Map Number:

N/A

Referring Agency:

City of Albany Legislative Board

Considerations: Amendment of zoning ordinance to amend the zoning map of the City of Albany to change zoning of the property 27 Main Street from Mixed-Use Neighborhood Center to Light Industrial district.

Action Type: Amendment of Zoning Ordinance

Juris. Determinant: N/A

Potential Impacts: N/A

Staff Notes: The action is a proposed ordinance to amend the zoning map of City of Albany for the property 27 Main Street. The condition of 27 Main Street warrants its demolition. While parking is a permitted accessory use in the I-1 (Light Industrial) district, the division line between the I-1 and the Mixed-Use Neighborhood Center (MU-NC) is immediately before 27 Main Street, forbidding the property's usage for parking. This change will allow 27 Main Street to be used for off-street parking.

Staff Opinion: Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Brian Crawford made a motion to accept the Staff Opinion for Case # 01-230704293. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 10-230704268

Project Name: Farm Lane Change in Zoning

Applicant: Ecolegacy Values LLC

Project Location: 6283-6285 Farm Lane

Municipality: Town of Guilderland

Parcel Size: 128.00 acres

Zoning: Residential Overlay District (RO40)

Tax Map Number: 50.00-3-2

Referring Agency: Town of Guilderland Legislative Board

Considerations: Rezoning of the parcel from Residential Overlay (RO40) District to the Rural Agricultural (RA3) District.

Action Type: Rezoning

Juris. Determinant: Agricultural District

Potential Impacts: Agricultural District

Staff Notes: The applicant proposes to rezone the Residential Overlay (RO40) District to the Rural Agricultural (RA3) District. The rezoning is proposed to allow installation of 5.0 MWAC single axis tracker solar array. The array will include the construction of a 20 foot wide access road, new above and below ground utility lines, transformer/inverter pads, and a 7 foot height fence per the national electric code. The installation will comply with NYS Ag and Markets guidelines for solar energy projects. Currently, the property consists of a single-family dwelling, a barn and seven work sheds. The parcel is used for the production of corn and hay. If the change in zone is approved by the Town Board the applicant will be submitting a special use permit and minor subdivision application for a ground mounted solar facility. Ground mounted solar is a permitted use in the RA3 District, subject to special use permit approval.

Staff Opinion: Defer to local consideration

1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Loren Pruskowski (family owns the property) spoke to the Board about the purpose of rezoning. He stated that the purpose of the rezoning request is to allow the installation of 5.0 MWAC single axis tracker solar array. They are siting the project so the majority of it won't be visible from other homes. There will be a small section that will be visible from a boundary road. Nick Shupp works for the consulting engineering firm on this project.

Gerry Engstrom asked how much ground clearing will be needed for this project. Loren responded that it was minimal and pointed out the areas in question on the Site Plan. He also stated that they plan on having sheep on the property for grazing between the panels.

Brian and Gerry commented to the other Board Members that this is a project that we will see again for Site Plan approval, so the Board only needs to make a decision on the rezoning request at this meeting.

Travon Jackson made a motion accept the Staff Opinion for Case # 10-230704268. The motion was seconded by Jeff LaFontaine and was unanimously approved by the Board.

Case #: 01-230704270
Project Name: **Renovation of 442 Madison Avenue Gas Station**

Applicant: Madison Food Mart, LLC
Project Location: 442 Madison Avenue
Municipality: City of Albany
Parcel Size: 0.33 acres
Zoning: Mixed-Use Neighborhood Center (MU-NC)
Tax Map Number: 76.23-2-25
Referring Agency: City of Albany Planning Board

Considerations: Site plan review for the conversion of 1,550± SF area within the building at the premises from a vehicle servicing area to retail use and the addition of seven (7) parking spaces.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 20 Madison Ave, Historic District

Staff Notes: The applicant proposes the renovation of Auto-Repair (AR) space of the building into additional Convenience Store space. The Existing Convenience (EC) store will stay open during the Phase 1 renovation of the AR of 1,553 square feet. The EC including the bathroom and utility room space is the 515 sq.ft. of the gross floor space. Once Phase 1 is complete, store operations will occur in the Phase 1 space. Phase 2 construction will be renovation of 365 sq. ft. of the EC. Less than one of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). The site is within the Center Square/ Hudson Park Historic District. The applicant requests the City to waive the following requirements: partial waiver of Section 375-403(5)(b)(i) to install only planters, bicycle rack and trash receptacles, but exclude Art & benches; full waiver of Section 375-403(6)(b)(ii) due to expensive and challenging on-site conditions that requires right-of-way to be at least 60 feet from any intersection; waiver of Section 375-405(5)(c)(iv)A.2 as this site is not conducive to this scope, due to its location where a minimum of one tree island containing at least 80 Square feet of land area, which shall include at least one shade tree or larger, shall be provided for every 20 parking spaces; full waiver of Section 375-405(5)(c)(iv)C as egress from the gas pump locations would be obscured by the screening, as there is major vehicle and pedestrian traffic at the intersection whereas a parking area is located within 30 feet of a front lot line, and is not separated from the front lot line by a principal or

accessory structure, the parking area or lot shall be screened from the street by one of the stated mechanisms, located within five feet of the front lot line; full waiver of Section 375-405(6)(c) due to its expensive and challenging on-site conditions whereas no loading space are to be located within any front yard; full waiver of Section 375-406(4)(a)(i) due to the location where at least one shade tree shall be planted per 35 linear feet of street frontage is required; partial waiver of Section 375-406(4)(b)(i) due to the back of the building property lines located between: 1 Dana Ave, 3 Dana Ave and 5 Dana Ave whereas all or part of a principal structure is located more than 20 feet from the lot line, a minimum of 20% of the area between the front lot line and the primary building façade must be landscaped with vegetative cover, shrubs, or trees; full waiver of Section 375-406(4)(b)(i) and Section 375-406(5)(a)(i) due to the location of the existing building's property lines at all North, South, East and West perimeters whereas all or part of a principal structure is located more than 20 feet from the lot line, a minimum of 20% of the area between the front lot line and the primary building façade must be landscaped with vegetative cover, shrubs, or trees.

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 should be required.

Advisory Note:

1. The applicant seeks multiple waivers from the City zoning code. The City of Albany Zoning Board of Appeals should consider the precedent setting nature of allowing significant waivers to the zoning code in the Mixed-Use Neighborhood Center (MU-NC) zoning district.

Beth Lacey made a motion to accept the Staff Opinion for Case # 01-230704270. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom and Jeff LaFontaine. Travon Jackson recused himself from this referral due to a conflict of interest and therefore did not vote.

Case #:	<u>01-230704271</u>
Project Name:	KIPP Capital Region High School
Applicant:	KIPP Tech Valley Charter
Project Location:	400 Northern Boulevard (Inc. 6B-10 Dudley Heights)
Municipality:	City of Albany
Parcel Size:	10.00 acres
Zoning:	Mixed-Use, Neighborhood Edge (MU-NE)
Tax Map Number:	65.11-2-1, 65.11-2-11, 65.11-2-12, 65.11-2-13, 65.11-2-14
Referring Agency:	City of Albany Planning Board
Considerations:	Site plan review and special use permit for the construction of a 108,400± SF school and demolition of adjacent structure at 6B-10 Dudley Heights.
Action Type:	Site Plan Review, Special Use Permit, Demolition Review
Juris. Determinant:	State Road
Potential Impacts:	Route 9
Staff Notes:	This project involves the construction of a new High School building for KIPP adjacent to its primary school and across the street from the middle school. The high school is proposed to be constructed on five (5) existing parcels which are to be consolidated, totaling 10.38 acres of land. Some existing vacant structures, i.e. a funeral home, and two (2) two-family residences will be demolished. The redevelopment includes the new four story high school building with a footprint of 37,400 SF with associated driveways, parking lots, and concrete walks. A total of 3.11 acres of land disturbance is anticipated as per the Full Assessment Form (FEAF). The parcels are located along Dudley Heights with six (6) existing curb cuts. Access to the high school will work with the existing access way to the primary school which is expected to result in the consolidation of curb cuts. One curb cut will be widened to accommodate bus and emergency vehicle access. The parcel is currently serviced by public water and public sewer from the City of Albany Water Board. All improvements proposed will be owned and operated by the landowner with no facilities being conveyed to the City of Albany. The parcel is located within the MU-NE Mixed-Use Neighborhood Edge zoning district. Schools are permitted as a conditional use within the MU-NE district.

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-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.

Advisory Note: 1. The Albany County Planning Board advises that the City should require a demolition review from the applicant to ensure no hazardous materials are present on site.

Gerry Engstrom suggested that an Advisory Note be added requiring a demolition review (noted above as Advisory Note #1). With that note added, Brian Crawford made a motion to accept the Staff Opinion for Case # 01-230704271. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: 01-230704283
Project Name: **324 State Street Apartment Conversion**

Applicant: 324 State St LLC
Project Location: 324 State Street
Municipality: City of Albany
Parcel Size: 0.33 acres
Zoning: Residential, Townhouse (R-T)
Tax Map Number: 76.24-1-35
Referring Agency: City of Albany Planning Board

Considerations: Site plan review and special use permit for the conversion of a 40,740± SF building at the premises to a multi-unit dwelling with 29 dwelling units.

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

Juris. Determinant: State Road
Potential Impacts: 9W Lark Street, Historic District

Staff Notes:

The applicant proposes to convert the existing college building to multi-family residential use. As currently planned the basement floor (Chestnut Street level) will have 5 studios apartments, 3 one bedroom apartments , 2 one bedroom with den apartments, 1,686 SF recreation space, 222 SF bike storage room, tenant storage and pet wash area. As currently planned the first floor (State Street level) will have 3 studios apartments, 2 one bedroom apartments , 2 one bedroom with den apartments, 1 two bedroom apartment, 1 two bedroom with den, a lobby and a mail room. As currently planned the second floor will have 3 studios apartments, 3 one bedroom apartments , 2 one bedroom with den apartments, 1 two bedroom apartment, 1 two bedroom with den and a 978 SF co-work space. As currently planned there will be a total of 29 apartments with a total of 33 bedrooms. No land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF). The project is located in an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. The proposed building will connect to existing water and waste water utility connections.

Staff Opinion:

Modify local approval to include

1. The project is located in an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory as indicated in the Short Environmental Assessment Form (SEAF). Review by the NY State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources should be required.

Advisory Note:

1. The Albany County Planning Board advises the City of Albany to consider the increased demand of parking and the lack of included parking in the project that is reviewed by the City.

The Board commented that they continue to see projects from the City of Albany that do not have any parking.

Dan Hershberg of Hershberg & Hershberg requested the opportunity to speak to the Board regarding this referral. He mentioned that because of the location, it is believed that many of the residents will be utilizing public transportation and may not have a personal vehicle however, they are looking into having parking options (for rent) available for residents who are interested in it.

The Board determined that they will add an Advisory Note mentioning the parking demand for projects in the City (noted above as Advisory Note #1).

With that Advisory Note added, Beth Lacey made a motion to accept the Staff Opinion for Case # 01-230704283. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: **17-230704267**

Project Name: **5 Unit Row Houses**

Applicant: Steven Quick

Project Location: 422-424 5th Avenue

Municipality: City of Watervliet

Parcel Size: 0.22 acres

Zoning: Two-Family Residential (R2)

Tax Map Number: 44.50-2-4.1, 44.50-2-4.3

Referring Agency: City of Watervliet Planning Board

Considerations: Site plan review and use variance to construct a five unit row house. The proposed lots are to be combined.

Action Type: **Site Plan Review, Use Variance**

Juris. Determinant: State Road

Potential Impacts: 32 3rd Avenue, NWI Wetlands

Staff Notes: The applicant proposes to combine parcel 422 and 424 5th Avenue for the construction of five-unit residential building. The proposed building will consist of 10 parking spaces in the front. The proposed two-story 5 unit building is not an allowed use in the Two-Family (R2) district, therefore a use variance is requested. No land disturbances are anticipated as per the Short Environmental Assessment Form (SEAF). The two parcels are currently vacant.

Staff Opinion: Modify local approval to include
1. This application is being reviewed for use variance only and not site plan review. The Albany County Planning Board recommends that this application should be sent back for a separate site plan review and that all future applications be sent for variance review before site plan review to assess the zoning compliance of the proposed project.

Advisory Note: 1. The Town should take pedestrian safety into consideration before approving the concept plan due to the proposed parking that is accessed via Fifth Avenue.

The Board pulled up the drawings for this project. They came into the office late and not all members of the Board had the opportunity to review them prior to the meeting.

Beth Lacey made a motion to accept the Staff Opinion for Case #17-230704267. The motion was seconded by Jeff LaFontaine and was unanimously approved by the Board.

Case #: 07-230704294
Project Name: **O'Reilly Addition**

Applicant: O'Reilly Auto Enterprises, LLC
Project Location: 1927 and 1929 Central Avenue
Municipality: Town of Colonie
Parcel Size: 2.44 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 29.10-1-3, 29.10-1-2
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the construction of a 12,950 SF building addition connecting to the existing 16,000 SF O'Reilly Auto Parts Building on the adjacent parcel.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 5 Central Ave

Staff Notes: The applicant is proposing to construct a new 12,950 SF building addition located at 1927 Central Avenue to the existing 16,000 SF O'Reilly Auto Parts located at 1929 Central Avenue. Both the lots are to be consolidated as part of this redevelopment. The project site is currently 0.873 acres and the existing O'Reilly Auto Parts lot is 1.571 acres. Total area after consolidation will be 2.44 acres. The project site proposes to maintain access to Central Avenue via the existing driveway while upgrading the driveway with new asphalt, curbing and pavement striping. New sidewalks, stormwater management, landscaping and other site appurtenances are proposed. The Town design guidelines

require 1 parking space per 200 SF for retail businesses. The existing O'Reilly Auto Parts was granted parking relief by the Town Zoning Board of Appeals and four land banked parking spots were designated as part of that relief. The current plan proposes to increase parking by 9 spaces to a total of 73 spaces and maintain the existing four land banked spots. A waiver is requested from the Town ZBA to reduce the parking requirement to allow additional greenspaces.

Staff Opinion: Modify local approval to include
1. Review and permits by New York State Department of Transportation for commercial property development plans involving expansion of an existing development on a state highway should be required.

Advisory Note: 1. As per the Short Environmental Assessment Form (SEAF), a total of 0.98 acres of land disturbance is indicated during the proposed action. The applicant should be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) if the disturbance is more than one acre.

Beth Lacey made a motion to accept the Staff Opinion for Case # 07-230704294. The motion was seconded by Travon Jackson and was unanimously approved by the Board.

Case #: **10-230704285**
Project Name: **Settles Hill Road Minor Subdivision**

Applicant: Michael Flucuzzio
Project Location: Settles Hill Rd/Furbeck Rd/Gray Rd
Municipality: Town of Guilderland
Parcel Size: 15.10 acres
Zoning: Rural Agricultural (RA5) District
Tax Map Number: 24.00-1-21.1
Referring Agency: Town of Guilderland Planning Board

Considerations: Subdivision review to divide the parcel into three lots. Lot 1 and 2 will consist of 5.1 acres and Lot 3 will consist of 4.92 acres.

Action Type: **Subdivision Review**

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District

Staff Notes:

The applicant is proposing a 3-lot minor subdivision of 15.13 acres of land located in the Rural Agricultural (RA5) District. The RA 5 District requires a 5-acre minimum lot size. Lot 1 would consist of 5.1 acres; Lot 2 would consist of 5.1 acres and Lot 3 would consist of 4.92 acres. The property is bisected by Settles Hill Road, with approximately 4.92 acres located on the west side of Settles Hill Road and 10.48 acres located on the east/south side of Settles Hill Road. There is no public water and sewer infrastructure in this area of town, therefore, each lot will be serviced private wells and septic systems that will need approval from the Albany County Department of Health. An area variance for lot size is required for Lot 3, with a variance application having been submitted to the Zoning Board of Appeals. All lots will be on private wells and septic systems that will require approval from the Albany County Department of Health.

Staff Opinion:

Modify local approval to include

1. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits for the proposed well and septic system.

Brian Crawford made a motion to accept the Staff Opinion for Case #10-230704285. The motion was seconded by Jeff LaFontaine and was unanimously approved by the Board.

Unfinished Business: The Resolution for non-referral items was passed at the most recent County Legislative meeting. Gopika is awaiting instructions from the County Attorney as to when this change can go into effect and to confirm that she is to notify Municipalities of the change.

New Business: The next meeting of the Albany County Planning Board will be on August 17, 2023 at 3:30pm in Voorheesville. The deadline for municipalities to submit materials to be reviewed at that meeting is August 7, 2023 at 3:30pm.

Adjourn: Beth Lacey made a motion to adjourn at 4:33pm.