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ACPB Meeting Minutes – August 17, 2023

NOTE: The August 17, 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, Beth Lacey, Travon Jackson (arrived 3:45), Jeff LaFontaine

Board Members Absent: Gerry Engstrom

Albany County Public Works Office: Gopika Muddappa, Senior Planner; Lynn Delaney, Secretary; James Mearkle, Traffic Engineer; Zachary Smetana, Albany County Dept. of Management and Budget (part way through the meeting he left and was replaced by Sameer Modasra), Ex Officio; Anton Konev, Albany County Comptroller's office, Ex Officio.

Guests: Dan Hershberg of Hershberg & Hershberg; Bruce Adib-Yazdi for the Freedom Springs Apartments referral.

Minutes: Lynn Delaney, Secretary

Call to Order: Beth Lacey called the meeting to order at 3:40pm.

Vote for Meeting Minutes: Brian Crawford made a motion to accept the July 20, 2023 Meeting Minutes. The motion was seconded by Jeff LaFontaine and was also approved by Beth Lacey (Travon Jackson had not arrived until after this vote was taken).

Jeff LaFontaine made a motion to move all the 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 Brian Crawford and was also approved by Beth Lacey.

ACPB – 8/17/23 Meeting Minutes (cont.)

When the Board discussed the cases with a Staff Opinion of ‘Defer to Local Consideration’, they decided to pull two of them from the group so they could be discussed in more detail. The two cases are Case # 10-230804300 - 713 Route 146 Reconstruction, submitted by the Town of Guilderland and Case #18-230804303 - Area Variance for Trailer submitted by the Town of Westerlo. These referrals were voted on separately from the group.

The Board then reviewed the remaining cases with a Staff Opinion of Defer to Local Consideration.

Case #: **01-230804296**
Project Name: **51 Marshall Project**

Applicant: Nii N Nortey
Project Location: 51 Marshall Street
Municipality: City of Albany
Parcel Size: 0.06 acres
Zoning: Residential, Two-Unit (R-2)
Tax Map Number: 76.61-3-67
Referring Agency: City of Albany Planning Board

Considerations: Special use permit and conditional use permit for the conversion of the ±1,200 SF Dwelling Single-Unit Detached to a Dwelling Two-Unit Detached.

Action Type: **Special use permit**

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

Staff Notes: This is an application to convert the existing single-family building into a two-family detached dwelling. The parcel was zoned for two family dwelling before it was rezoned for single family. The applicant is proposing to use the building as two-family dwelling. No changes to the exterior is proposed.

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 #: 01-230804307
Project Name: **Ordinance 11.32.23 (Amendment)**

Applicant: Albany Common Council
Project Location: 64,67,75,91,93,97 and 105 Colvin Avenue, 924 and 944 Central Avenue
Municipality: City of Albany
Parcel Size: N/A N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: City of Albany Legislative Board

Considerations: Amendment of zoning ordinance proposing to rezone the parcels from Mixed-Use Community Urban (MU-CU) to Mixed-Use Neighborhood Center (MU-NC) and Mixed-Use Community Highway (MU-CH).

Action Type: **Amendment to Zoning Ordinance**

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

Staff Notes: This is an ordinance amending Chapter 375 of the Code of the City of Albany also called as Unified Sustainable Development Ordinance (USDO) changing the zoning classification of 64, 67, 75, 91, 93, 97 and 105 Colvin Avenue from Mixed-Use Community Urban (MU-CU) to Mixed Use Neighborhood Center (MU-NC) and changing 111 Colvin Avenue, 924 and 944 Central Avenue from Mixed-Use Community Urban (MU-CU) to Mixed Use Community Highway (MU-CH). This also includes amending the zoning map accordingly.

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 #: **01-230804309**
Project Name: **Garden Level Unit**

Applicant: 13 Leaves LLC C/O Kostandin Kacani
Project Location: 167 Myrtle Avenue
Municipality: City of Albany
Parcel Size: 0.05 acres
Zoning: R-T (Residential, Townhouse)
Tax Map Number: 76.40-2-33
Referring Agency: City of Albany Planning Board

Considerations: Special use permit and conditional use permit for the conversion of the ±1,121 SF townhouse increasing the total number of dwelling units from two to three.

Action Type: **Special use permit**

Juris. Determinant: County Property
Potential Impacts: County Owned Public Parks & Recreation Areas, Historic District

Staff Notes: The applicant proposes to add an additional dwelling unit in the garden level of the existing structure totaling three dwelling units overall. Less than one acre of land disturbance is anticipated during the proposed actions 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 #: **07-230804302**
Project Name: **2056 Realty LLC Subdivision**

Applicant: 2056 Realty LLC C/O Ryan M. Caponera
Project Location: 2056 Central Avenue
Municipality: Town of Colonie
Parcel Size: 1.34 acres
Zoning: Businesss (B-1)
Tax Map Number: 17.13-1-5
Referring Agency: Town of Colonie Planning Board

Considerations: Subdivision review to merge lot 9 Marilou Street and 2056 Central Avenue. Construction of 3,947 SF of gravel area to park new and used cars is also proposed.

Action Type: Subdivision Review

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

Staff Notes: The applicant proposes to merge the lots 9 Marilou Street and 2056 Central Avenue to enable construction of 3,947 SF gravel area to park new and used cars in conjunction with its operation at 2056 Central Avenue.

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 #: 07-230804305
Project Name: Dumpster Enclosure - Minor

Applicant: Jeffrey Weiss
Project Location: 109-111 Wolf Road
Municipality: Town of Colonie
Parcel Size: 1.60 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 42.1-2-5, 42.1-2-6
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review to place a containment structure to house a trash compactor, recycle bins and grease containment.

Action Type: Site Plan Review

Juris. Determinant: State Road
Potential Impacts: Wolf Road

Staff Notes: The applicant proposes the construction of a 504 SF trash corral also called as garbage/rubbish containment structure to house a trash compactor, recycle bins and grease containment. Less than one acre of

land disturbance is anticipated during the proposed action 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 #:

07-230804310

Project Name:

Stewarts Car Wash

Applicant:

Stewarts Shops

Project Location:

482 Albany Shaker Road

Municipality:

Town of Colonie

Parcel Size:

1.00 acres

Zoning:

Neighborhood Commercial Office Residential (NCOR)

Tax Map Number:

43.13-3-11

Referring Agency:

Town of Colonie Planning Board

Considerations:

Site plan review to demolish existing car wash and rebuild a new slightly larger car wash.

Action Type:

Site Plan Review

Juris. Determinant:

County Road

Potential Impacts:

CR 151 Albany Shaker Road, CR 154 Osborne Road

Staff Notes:

The applicant is proposing to demolish the existing carwash and construct a 1,033 SF one-story touch free automatic car wash in roughly the same location. No changes to curb cuts are proposed. Less than one acre of land disturbance is anticipated during the proposed action as per the Short Environmental Assessment Form (SEAF). The existing mini-mart will remain unchanged. No changes are proposed to the existing driveways.

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 Town should ensure that a demolition review is provided by the applicant to ensure no hazardous materials are present on site.

Case #: **07-230804315**
Project Name: **Rooftop Wireless Service Facility**

Applicant: Cellco Partnership d/b/a Verizon Wireless
Project Location: 125 Wolf Road
Municipality: Town of Colonie
Parcel Size: 4.40 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 42.1-2-7
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance and special use permit for the installation of public utility wireless service facility on the rooftop.

Action Type: **Area Variance, Special Use permit**

Juris. Determinant: State Road
Potential Impacts: Wolf Road

Staff Notes: Cellco Partnership proposes the colocation of a new public utility personal wireless service facility (a communications facility) on the rooftop and interior of and flush-mounted to an existing five-story office building located at 125 Wold Road. The parcel is located in the Commercial Office Residential (COR) District which allows the use of wireless telecommunications with a special use permit and variance as per the Town of Colonie Land Use Law Section 189-5A.

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 #: **10-230804299**
Project Name: **653 Route 146 - Construction**

Applicant: Matthew Graves
Project Location: 653 Route 146 Altamont
Municipality: Town of Guilderland
Parcel Size: 7.10 acres
Zoning: Single Family Residential (R20)
Tax Map Number: 38.00-1-32

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Area variance for the construction of a detached garage exceeding the allowed height.

Action Type: Area Variance

Juris. Determinant: State Road
Potential Impacts: State Route 146

Staff Notes: The applicant proposes to build a two-story detached garage. The proposed project includes a 40'x28' two story detached garage to be built behind and to the right of the existing house. The three-bay garage first floor will have a height of 10.9' to accommodate trucks, tractors and other equipments. The upstairs area will have a pitched roof with its highest point to the color ties being 10.1'. As per the town code no more than 15' in height is allowed whereas the proposed garage is to be 28.8'.

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 #: 10-230804301
Project Name: 1840 Western Ave - Building Conversion

Applicant: Deb Hoelzli
Project Location: 1840 Western Avenue
Municipality: Town of Guilderland
Parcel Size: 0.20 acres
Zoning: Business Non-Retail Professional District (BNRP)
Tax Map Number: 52.09-6-8
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit for the conversion of second floor office space to two rental dwelling units.

Action Type: Special use permit

Juris. Determinant: State Road
Potential Impacts: 20 Western Ave

Staff Notes: The applicant proposes to change the building use from office space to mixed-use. Currently, the second floor is used as office space, same as first floor. The second floor is proposed to be used as dwelling units with kitchen, bath and bedrooms. A total of two dwelling units are proposed.

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 #: 13-230804313
Project Name: Special Use Permit - Choppy & Sons

Applicant: V.M. Choppy & Sons, LLC - Sheet Metal Fabricators
Project Location: 1891 New Scotland Road
Municipality: Town of New Scotland
Parcel Size: 10.00 acres
Zoning: HD-E
Tax Map Number: 84.-2-13.2
Referring Agency: Town of New Scotland Planning Board

Considerations: Special use permit to use the existing site as a building supply facility.

Action Type: Special use permit

Juris. Determinant: State Road
Potential Impacts: 85 New Scotland Road

Staff Notes: The applicant proposes to remodel the first floor interior of existing building to include 2600 +/- SF of show room and retail area, 13,000 +/- SF of metal working area and storage and area, 800 +/- SF of area for powder coating. The existing 2nd floor will be utilized for light storage. VM Choppy, the applicant, plans to offer a variety of services that may include cutting, sawing, bending, welding, and powder coating. The accessibility and visibility in the New Scotland location would benefit their operation. Approximately 85% of sales is to other companies (contractors, installers, etc.) and 15% is to individuals. Site work will include removing overgrown vegetation in retention basin, adding landscaping and changing face of existing monument sign. Less than one acre of land disturbance is anticipated during the proposer actions as per

the Short Environmental Assessment Form (SEAF). Existing trees will be maintained wherever they exist except for clearing the retention basin or to remove dead or dying trees. Trees, shrubs and perennial beds will be used to enhance the visual experience. The existing retention basin is overgrown and it is to be cleared and restored to its original usable state.

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 #:

13-230804314

Project Name:

Special Use Permit - Brett Young Pond

Applicant:

Brett Young

Project Location:

505 New Salem Road

Municipality:

Town of New Scotland

Parcel Size:

64.00 acres

Zoning:

Residential Agricultural (RA)

Tax Map Number:

72.-1-58.1

Referring Agency:

Town of New Scotland Planning Board

Considerations:

Special use permit for a 0.4 acre pond to be constructed on vacant parcel. No dams or dyke are proposed.

Action Type:

Special use permit

Juris. Determinant:

State Road

Potential Impacts:

85A New Salem Road, Agricultural District, NWI and NYSDEC Wetlands

Staff Notes:

The applicant proposes to construct a 0.4 acre pond. The dirt removed for the construction of the pond will be moved 150' across the field and placed around the foundation for the new single family home. A total of 0.9 acres of land disturbance is indicated as per the Short Environmental Assessment Form (SEAF). The pond is proposed on the 7.3 acres of open field as shown in the drawing along with driveway, single-family home and septic leach field for future construction.

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 #: **02-230804298**
Project Name: **Fence Variance**

Applicant: Robert Spring
Project Location: 157 Bozenkill Road
Municipality: Village of Altamont
Parcel Size: 2.90 acres
Zoning: Residential (R-20)
Tax Map Number: 37.09-1-2.2
Referring Agency: Village of Altamont Zoning Board of Appeals

Considerations: Area variance for the installation of six foot tall fencing the front yard.

Action Type: **Area Variance**

Juris. Determinant: County Road, Municipal Boundaries
Potential Impacts: CR 253 Bozenkill Road, Intermunicipal Boundaries of Village of Altamont and Town of Guilderland, Agricultural District

Staff Notes: The applicant is applying for an area variance to construct a 113' length section of 6 foot tall fencing in their front yard which is also the rear yard of 163 Bozenkill Road. There is currently a line of dead arborvitae trees that would be removed prior to the installation of the fence. Due to the drainage on the property, wet conditions are killing off the existing plantation.

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.

Travon Jackson made a motion to accept the Staff Opinion for Case #'s 01-230804296, 01-230804307, 01-230804309, 07-230804302, 07-230804305, 07-230804310, 07-230804315, 10-230804299, 10-230804301, 13-230804313, 13-230804314, & 02-230804298. The motion was seconded Brian Crawford and was also approved by Jeff LaFontaine and Beth Lacey.

Case #:	<u>10-230804300</u>
Project Name:	713 Route 146 - Reconstruction
Applicant:	Robert Kriese
Project Location:	713 Route 146 Altamont
Municipality:	Town of Guilderland
Parcel Size:	2.50 acres
Zoning:	Single Family Residential (R20)
Tax Map Number:	37.04-1-30
Referring Agency:	Town of Guilderland Zoning Board of Appeals
Considerations:	Area variance for reconstruction of a detached garage in a side setback.
Action Type:	Area Variance
Juris. Determinant:	State Road
Potential Impacts:	State Route 146
Staff Notes:	The applicant proposes to replace the existing barn with a garage that is smaller in dimension. The proposed structure is 16'x23' and the existing structure is 30'x50'.
Staff Opinion:	Modify local approval to include 1. The Albany County Planning Board recommends the Town to require official drawing or rendering from the applicant prepared by licensed professionals that are not hand drawn to assess the location and construction of the proposed structure.

This case was pulled from the original list of Defers because the Board did not feel the drawing that was submitted was sufficient. Gopika stated that the Town does not require a drawing from a licensed professional for this type of submission. The Board asked if the Town would require a professional drawing when looking at this for Site Plan approval. Gopika stated that the Town will not require it for that submission either. The Board stated that they do not believe this drawing is sufficient and discussed a possible disapproval vs Defer or Modify.

Lynn Delaney, ACPB Secretary mentioned to the Board that she remembered in the past when something like this happened in the past with a different referral, the Board approved the Area Variance but added a comment that the Board will require a better drawing for the Site Plan review. The Board agreed that this would be an appropriate action to take and wanted to make a modification with wording that stated that a drawing from a licensed professional would be required. Brian Crawford commented that he thought that would be consistent with other decisions the Board has made in the past.

With that modification added (see Modify #1), Brian Crawford made a motion to accept the Staff Opinion for Case #10-230804300. The motion as seconded by Travon Jackson and was also approved by Beth Lacey and Jeff LaFontaine.

Case #:	<u>18-230804303</u>
Project Name:	Area Variance for Trailer
Applicant:	James & Nancy Malphrus
Project Location:	1082 CR 411, Westerlo
Municipality:	Town of Westerlo
Parcel Size:	6.00 acres
Zoning:	Rural development /Agricultural (RD/A)
Tax Map Number:	140.-1-42.38
Referring Agency:	Town of Westerlo Zoning Board of Appeals
Considerations:	Area variance to use the mobile home as storage, seeking relief from zoning code Section 14.50 C.
Action Type:	Area Variance
Juris. Determinant:	County Road
Potential Impacts:	County Route 411, NWI Wetlands
Staff Notes:	The applicant recently replaced a 72'x14' mobile home with a new modular ranch. The applicant is requesting to keep the mobile home to be used as a storage building and seeking relief from zoning code Section 14.50 C where no mobile home shall be used as a storage shed.
Staff Opinion:	Disapprove 1. The Albany County Planning Board recommends the Town to set parameters on decommissioning or repurposing of trailers into storage. The proposed trailer could be potentially used as a second residence on the property which is not an allowed use as per the Town zoning code Section 14.50 C and it does not align with the relief the applicant is seeking.

Advisory Note:

1. The Town Zoning Board should consider the precedent setting nature of allowing the proposed use of mobile home as storage in the Rural Development /Agricultural (RD/A) zoning district.
2. The Albany County Planning Board advises the Town to amend the zoning code to make it acceptable or allowable with conditions if the Town proposes to allow trailers to be used as storage units.

The Board had a lengthy discussion regarding this referral. The main concern was the fact that this isn't an allowable use in the Town and that, if an exception was granted, it could potentially be used as a secondary (even if temporary) residence. Gopika Muddappa originally recommended to the Board that this be a 'Defer to Local Consideration' with an Advisory Note about the precedent setting nature of allowing this use, but the Board felt that a disapproval was necessary in this case.

Brian Crawford made a motion to Disapprove Case #18-230804303 for the reasons listed above (Disapprove #1). The motion was seconded by Travon Jackson and was also approved by Jeff LaFontaine and Beth Lacey.

Case #:**01-230804295****Project Name:****97 Central Avenue Residential Conversion****Applicant:**

MLB Development, LLC

Project Location:

97 Central Avenue

Municipality:

City of Albany

Parcel Size:

0.48 acres

Zoning:

Mixed-Use Form Based Central Avenue (MU-FC)

Tax Map Number:

65.72-3-73

Referring Agency:

City of Albany Planning Board

Considerations:

Site plan review and development plan review for conversion of the existing ±68,892 SF building to a multi-use building, including 47 dwelling units, ±14,500 SF of commercial space, and 22 parking spaces.

Action Type:**Site Plan Review, Development Plan Review****Juris. Determinant:**

State Road

Potential Impacts:

5 Central Avenue

Staff Notes:

Applicant proposes to convert former storage and office space into 47 new apartments including 7-two bedrooms, 3-one bedroom with den, 30-one bedroom and 7-studios apartments. Building will also have

commercial general office space, fitness center, storage space and bicycle storage. The proposal is to convert this building within the MU-FC(Mixed Use-Form Based Central Avenue) Zoning District to Residential - Multi family (47 units) and commercial use (14,500 SF). Less than one acre of land disturbance is anticipated during the proposed action. As per the Short Environmental Assessment Form (SEAF) the project site is located adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. The existing building is a former office building.

Staff Opinion:

Modify local approval to include

1. Review and permits by New York State Department of Transportation for commercial property development plans that involve any change of use or expansion of an existing development on a state highway should be required.

Dan Hershberg of Hershberg and Hershberg spoke to the Board about this project. He stated that there will not be any excavation for this project so there isn't a need for a review from SHPO (which was originally recommended by Gopika Muddappa as Modify # 2). After discussion, the Board agreed that that modification isn't needed.

Travon Jackson made a motion to accept the Staff Recommendation for Case #01-230804295. The motion was seconded by Brian Crawford and was also approved by Jeff LaFontaine and Beth Lacey.

Case #: 01-230804308
Project Name: **56-64 Broad Street**

Applicant: Kenneth Pai-South End Development LLC, Nicholas Costa - Advance Engineering
Project Location: 56-64 Broad Street
Municipality: City of Albany
Parcel Size: 0.13 acres
Zoning: R-T (Residential, Townhouse)
Tax Map Number: 76.65-3-17, 76.65-3-18, 76.65-3-19, 76.65-3-20
Referring Agency: City of Albany Planning Board

Considerations: Site plan review and development plan review for the construction of four townhouses including two floors and basement.

Action Type: Site Plan Review, Development Plan Review

Juris. Determinant: State Road

Potential Impacts: 32 S Pearl Street, Historic District

Staff Notes: The applicant is proposing lot line adjustments and develop the four parcels with four residential townhomes. The four townhomes will be two-stories. Lot #1 would encompass an area of 1,752 SF; Lot Nos. #2& #3 would encompass an area of approximately 1,516 SF each; and Lot #4 would encompass the remaining area of approximately 1,622 SF. The Townhomes will be provided with connection to the municipal sanitary sewer and domestic water that currently exist within the Broad Street corridor. The existing infrastructure has sufficient capacity to provide the demand from the development of the townhomes. The proposed development of the parcels with Townhomes is in harmony with the current development of the neighborhood and in accordance with the Zoning Code of the City of Albany. The parcels are bound by Broad Street on the westerly side; a vacant lot and residential homes on the easterly side; a residential home on the southerly side and a vacant parcel on the north side. The four (4) parcels are owned by the Albany County Land Bank Corporation. Three (3) of the parcels on the easterly side are also owned by the Albany County Land Bank Corporation. The parcels encompass a total area of 5,677 Square Feet (SF). This application (01-230504231) was previously reviewed by the Albany County Planning Board in May 2023 for multiple area variance to allow for front setback on four properties. The ACPB determination was, 'Defer to local consideration'. 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' with an advisory note, '1. The applicant seeks multiple area variances. The City Zoning Board of Appeals should consider the precedent setting nature of allowing significant area variances to the sign code in the Residential Townhomes (R-T) zoning district'. Less than one acre of land disturbance is anticipated during the proposer actions as per the Short Environmental Assessment Form (SEAF). As per the letter from New York State Parks, Recreation and Historic Preservation, no historic properties including archaeological and/or historic resources will be affected by the construction.

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.

Travon Jackson made a motion to accept the Staff Opinion for Case #01-230804308.
The motion was seconded by Jeff LaFontaine and was also approved by Beth Lacey and Brian Crawford.

Case #: 01-230804297

Project Name: **Freedom Springs Apartments**

Applicant: Bruce Adib-Yazdi

Project Location: 64 Colvin Avenue

Municipality: City of Albany

Parcel Size: 7.00 acres

Zoning: Mixed-Use Community Urban (MU-CU), Mixed-Use Community Highway (MU-CH), Land Conservation (LC)

Tax Map Number: 53.74-2-14

Referring Agency: City of Albany Planning Board

Considerations: Site plan review and development plan review for construction of two buildings totaling ±118,598 SF, including 120 units of affordable housing, 4,423 SF of retail commercial space, and 118 parking spaces.

Action Type: **Site Plan Review, Development Plan Review**

Juris. Determinant: State Road

Potential Impacts: 5 Central Avenue

Staff Notes: Applicant proposes to subdivide 944 Central Avenue into two parcels. One will be known as No. 66 Colvin Avenue and would contain the existing building which will be converted to a self storage facility with 502 +/- storage units varying in size from 5 ft. by 5 ft. to 10 ft. x 30 ft. . This lot will have an area of 2.74 +/- acres. This site would have 20 parking spaces including 1 ADA accessible space. The second parcel will be known as 944 Central Avenue and will house a restaurant with associated drive through lanes. The building would be 8,125 +/- SF (5,526 +/- SF enclosed for the restaurant use and +/- 2,599 SF open structure over the drive through lanes) and a canopy covered ordering station area of 2,233 +/- SF will be constructed. This lot will have an area

of 2.53 +/- acres. The restaurant will have 68 +/- interior seats and 16 +/- exterior seating. This site would have 173 +/- parking spaces including 5 ADA accessible spaces. The Applicant also owns No. 64 Colvin Avenue. This is to be developed for affordable housing units in a 5 story building housing with 187 units of 1, 2 & 3 bedroom apartments. The gross building area will be 152,760± SF. This lot will have an area of 3.66 +/- acres. This site would have 161 +/- parking spaces including 12 ADA accessible spaces. This application (01-230304194) was reviewed by the Albany County Planning Board in March 2023 for development plan review for redevelopment of the sites to include a self-storage facility, a restaurant and 5-story building for affordable house units. The ACPB determination was, '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.
2. Review and permits by New York State Department of Transportation for commercial property development 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.
3. Review by the NY State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources should be required. As identified in the FEAF, the project site is located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.'

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.

Bruce Adib-Yazdi asked to speak to the Board regarding this project. He clarified that this is 2 buildings totaling 118,598.00 SF (which is different than what was originally written in the Considerations section of the Draft Staff Recommendations). Gopika Muddappa stated that the wording of “2, 118,598.00 SF buildings” was what was written on the documents submitted from the City of Albany regarding this referral. She noted that she will make the change for our records (noted above).

Dan Hershberg then spoke about the traffic report.

In addition, there was significant confusion about what had been submitted to us for review in the past, which included the potential restaurant, and what was before us today which is only the Apartment portion of the project. Once it was clarified what we were voting on today, the Board agreed to the Modification related to the Dept. of Health (noted above as Modify #1).

Brian Crawford made a motion to accept the Staff Opinion for Case #01-230804297. The Motion was seconded by Jeff LaFontaine and was also approved by Beth Lacey. Travon Jackson had to step out of the room to attend to a personal matter for the review of this case and therefore did not cast a vote.

Case #:	<u>01-230804311</u>
Project Name:	South Albany Scattered Site Redevelopment Project
Applicant:	Zina Lagonegro, Director of Planning & Development, Passero Associates
Project Location:	85-89, 129-133, 137-145, 151, 155 & 159 Broad Street; 134-138 & 145-147 Clinton Street; 10, 23, 33, 38, 44, 47 & 51-53 Second Avenue; 329 South Pearl Street; 1 & 4 Teunis Street; 29, 33-35, 36 & 49-57 Third Avenue
Municipality:	City of Albany
Parcel Size:	acres
Zoning:	Mixed-Use, Form-Based Warehouse District (MU-FW)
Tax Map Number:	76.65-2-61, 76.65-2-60, 76.65-2-59, 76.73-4-10, 76.73-4-11, 76.73-4-12, 76.73-4-14, 76.73-4-15, 76.73-4-16, 76.73-4-17, 76.73-4-18, 76.73-4-21, 76.72-2-55, 76.72-2-53, 76.73-4-38, 76.73-4-37, 76.73-4-36, 76.72-2-70, 76.72-2-69, 76.72-2-57, 76.73-4-28,
Referring Agency:	City of Albany Planning Board
Considerations:	Site plan review and development plan review for the construction of two, three, and multi-unit dwelling structures totaling 108 dwelling units.
Action Type:	Site Plan Review, Development Plan Review
Juris. Determinant:	State Road
Potential Impacts:	787 Interstate Highway, Historic District, FEMA Floodzone.
Staff Notes:	This is a proposal to redevelop approximately 39 vacant parcels in South Albany into a mix of 40 affordable housing duplex, triplex, and multi-family apartment buildings ranging between two and three stories in height for an approximately total of 108 dwelling units throughout the South End-Groesbeckville Historic District. As per the Full Environmental

Assessment Form (FEAF) total acreage of all parcels is approximately 1.9 acres. The proposed parcels are located in an archaeologically sensitive area and lies within the South End-Groesbeckville Historic District (90NR02819). The letter provided by SHPO recommends that a Phase IA Literature Search and Sensitivity Assessment survey is warranted. The SHPO agency also recommended the Phase IA Survey select up to ten of the 39 lots to recommend Phase IB shovel testing based on the following considerations:

1. Dates of construction for buildings on the lot.
 2. An assessment of prior soil disturbance (demolition, recent fill, recent lot use).
 3. An assessment of yard areas in the lots that are outside of demolished building footprints (size, slope, and prior soil disturbance) to determine potential for intact privies, middens, or other features.
- New water and sewer service connections are proposed for the proposed new buildings.

Staff Opinion:

Modify local approval to include

1. As per the Full Environmental Assessment Form (FEAF), total acreage to be disturbed during the proposed project is anticipated to be +/- 1 cumulative acres. 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 should be required.
2. A traffic analysis report should be provided to evaluate the traffic flow and its potential impacts in the area.

Advisory Note:

1. The City should ensure that adequate number of parking spaces are provided for the proposed dwelling units by considering shared parking lots or other alternatives.
2. The Albany County Planning Board advises the City to consider the significant neighborhood population with health and accessibility issues since the proposed dwelling units are multistory buildings.

The Board discussed concerns related to parking and health related accessibility related to this project and asked that Advisory Notes be added addressing both concerns (noted above as Advisory Note #1 & #2).

Travon Jackson made a motion to accept the Staff Opinion for Case #01-230804311. The motion was seconded by Jeff LaFontaine and was also approved by Beth Lacey and Brian Crawford.

Case #: **07-230804304**

Project Name: **Climate Controlled Storage Buildings**

Applicant: Delatour Partners, LLC

Project Location: 188 Troy Schenectady Road, 15 Delatour Road

Municipality: Town of Colonie

Parcel Size: 8.28 acres

Zoning: Commercial Office Residential (COR)

Tax Map Number: 32.1-4-1.1

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the construction of three new storage buildings and lot line adjustment of the two properties.

Action Type: **Site Plan Review**

Juris. Determinant: State Road

Potential Impacts: 2 Troy Schenectady Road

Staff Notes: The applicant proposes to adjust the lot lines at 188 Troy-Schenectady Road and 15 Delatour Road. The lot line adjustment will result in parcel located at 188 Troy Schenectady Road having frontage along Delatour Road. After the lot line adjustment, the parcel at 188 Troy Schenectady Road will be 2.38 acres and the parcel at 15 Delatour Road will be 5.99 acres. The applicant also proposed to construct three new buildings that is 60,000 SF gross floor area. The new buildings will be constructed and offered as climate controlled storage space to the public. The site plan shows a total of 20 parking spaces including three handicap parking spaces. Both the properties are currently vacant. The proposed project upon approval will commence with the clearing of the existing trees and bush and the installation of the Erosion & Sedimentation Control Systems. A total of 1.52 acres of land disturbance is anticipated during the proposed action. As per the Short Environmental Assessment Form (SEAF), the stormwater practices will discharge at a controlled rate into

the closed drainage system by the installation of outlet control structures. The stormwater management will be fully in compliance with the design requirement of the Town and NYSDEC Manual.

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.

Brian Crawford made a motion to accept the Staff Opinion for Case #07-230804304. The motion was seconded by Jeff LaFontaine and was also approved by Beth Lacey and Travon Jackson.

Case #: 07-230804306
Project Name: **Loudon Road Redevelopment**

Applicant: Sudhakar Pillai
Project Location: 1103 Loudon Road
Municipality: Town of Colonie
Parcel Size: 0.53 acres
Zoning: Neighborhood Commercial Office Residential (NCOR)
Tax Map Number: 9.2-1-41
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review to remove existing building and construct a two-story multi-use building.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 9 Loudon Road

Staff Notes: This is a redevelopment of existing residential property proposing to construct a two-story multi-use building and remove the existing 1.5 story building. The proposed building will be on a 3600 SF footprint containing commercial space on the first level and three two-bedroom

apartments on the second level. The gross floor area is 7200 SF. Access to the subject parcel will be from Loudon Road. The parking area will have dedicated parking spaces for the apartment units and commercial space including handicap space. The project proposes to utilize the existing water and sewer that presently services the commercial building. Less than one acre of land disturbance is anticipated during the proposer actions as per the Short Environmental Assessment Form (SEAF). Site improvements include minor grading to accommodate driving and parking. The runoff from the site will remain unchanged and continue to sheet flow to adjacent properties and state right-of-way. This application (07-230304188) was reviewed by the Albany County Planning Board in March 2023 for area variance to the proposed new construction of 7,200 SF mixed-use residential/commercial building. The ACPB determination was, '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.' and an advisory note, '1. The Town should ensure that a demolition review is provided by the applicant to ensure no hazardous materials are present on site.'

Staff Opinion:

Modify local approval to include

1. Review and permits by New York State Department of Transportation for commercial property development 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 should be required.

Brian Crawford made a motion to accept the Staff Opinion for Case #07-230804306. The motion was seconded by Travon Jackson and was also approved by Jeff LaFontaine and Beth Lacey.

Unfinished Business: None

New Business: The next meeting of the Albany County Planning Board will be on Thursday, September 21, 2023 at 3:30 in Voorheesville. The deadline for municipalities to submit referrals for consideration at that meeting is on Monday, September 11, 2023 at 3:30pm.

Adjourn: Travon Jackson made a motion to adjourn at 4:39pm.