



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
PLANNING BOARD
449 NEW SALEM ROAD
VOORHEESVILLE, NEW YORK 12186
PHONE (518) 655-7932 FAX (518) 447-7047

GERALD ENGSTROM JR.,
AICP
CHAIRPERSON

TRAVON T. JACKSON
VICE CHAIRPERSON

ACPB Meeting Minutes – January 22, 2024
(Rescheduled from the original date of January 18, 2024)

NOTE: The January 22, 2024 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: Gerry Engstrom, Travon Jackson, Brian Crawford & Jeff LaFontaine.

Board Members Absent: Beth Lacey

Albany County Public Works Office: Gopika Muddappa, Senior Planner; Brent Meredith, Albany County Civil Engineer; Zachary Smetana, Albany County Dept. of Management and Budget, Ex Officio; David Reilly, Commissioner of Albany County Management and Budget; Monica Miranda, Comptroller's Office Ex Officio.

Guests: Richard Rosen, Columbia Development regarding the Regional Cancer Project; Robin Gray, local resident interested in the Regional Cancer Center project and the Guilderland Live Poultry Project.

Minutes: Gopika Muddappa, Senior Planner

Call to Order: Gerry Engstrom called the meeting to order at 3:35 pm.

Vote for Meeting Minutes:

December 2023 – Brian Crawford made a motion to accept the December 21, 2023 meeting minutes. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom and Jeff LaFontaine.

Travon Jackson made a motion to move all referrals 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 Jeff LaFontaine and was also approved by Brian Crawford and Gerry Engstrom.

ACPB January 22, 2024 Meeting Minutes

Case #: **01-2401040396**

Project Name: **810 Madison Ave Demolition**

Applicant: St. Mary & St. George Coptic Orthodox Church

Project Location: 810 Madison Ave

Municipality: City of Albany

Parcel Size: 0.09 acres

Zoning: Mixed-Use, Neighborhood Edge(MU-NE)

Tax Map Number: 65.69-2-70

Referring Agency: City of Albany Planning Board

Considerations: Demolition review of a 2,968± SF building to be used as greenspace for the adjacent church.

Action Type: **Demolition Review**

Juris. Determinant: State Road

Potential Impacts: 20 Madison Avenue

Staff Notes: 810 Madison is a 2-story residential building located next to St. Mary & George Coptic Orthodox Church in the City of Albany, Mixed-Use, Neighborhood Edge zoning. Its structure is primarily made of wood framing, metal siding and is approximately 1,500 SF footprint. The owner's intent is to fully demolish the structure including the foundations and restore the site to usable green space. All utilities to be terminated prior to the demolition of the structure. The contractor plans to have the concrete/CMU foundations processed onsite to be used as backfill of the foundations, which consists of 20% of the building. All ferrous and non-ferrous metals will be separated and recycled, which accounts for about 15% of the building. 65% of the building will be hauled off site as C&D and brought to the land fill. The contractor estimates about 35% of the building will be recycled and/or reused on site. Site restoration plan include, 1.After razing the building, all materials will be sorted and piled onsite to be disposed of according to the demolition debris diversion plan, 2.Foundations to be removed -2' below grade and processed to be used as backfill, 3. Slabs will be broken up to allow for natural drainage, 4. Fill will be imported onto site as needed to bring the site up to the existing site grade. The material will be place in approximately 12" lifts and compacted at each lift, 5. Top soil

will be imported and placed at approximately 2'-3" depth, and 6. Grass seed and hay to be spread over top soiled area.

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 #:

01-2401040397

Project Name:

1076 Broadway Expansion

Applicant:

Sarmar LLC

Project Location:

1076 Broadway and 453 North Pearl Street

Municipality:

City of Albany

Parcel Size:

1.21 acres

Zoning:

Mixed Use Form Bases Warehouse (MU-FW)

Tax Map Number:

65.12-4-20, 65.12-4-22

Referring Agency:

City of Albany Planning Board

Considerations:

Site plan review to build two structures on the existing properties where one structure will be constructed over an existing concrete area and the other structure will be an addition to the existing building.

Action Type:

Site Plan Review

Juris. Determinant:

State Road

Potential Impacts:

32 North Pearl Street, FEMA Floodzones

Staff Notes:

The applicant proposes to build two structures on the existing properties. One structure shall be constructed over an existing concrete area that is 2-story brick building with basement, while the other structure will be an addition to the existing building on site. The new addition will be a total of 2,576 SF. Less than one acre of land disturbance is indicated as per the Short Environmental Assessment Form (SEAF). The proposed building will have storm drains leading to the existing stormwater system in place on site. A total of 22 parking spaces will be available included 5 new parking spaces and one handicap parking space.

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

Case #: 01-2401040398

Project Name: **Albany County Land Bank Demolitions**

Applicant: Albany County Land Bank Corporation

Project Location: 45 Liebel St, 164-166 Livingston Ave, 169 Second St, 251 Third St, 453 Elk St, 403 & 407 First St

Municipality: City of Albany

Parcel Size: 0.56 acres

Zoning: Townhouse (R-2 and R-T)

Tax Map Number: 76.71-3-36, 65.74-1-18, 65.56-5-39, 65.74-1-17, 65.55-2-58, 65.65-2-57, 65.55-6-59, 65.55-6-61

Referring Agency: City of Albany Planning Board

Considerations: Demolition review of eight individual buildings due to significant deterioration.

Action Type: **Demolition Review**

Juris. Determinant: State Road

Potential Impacts: Rte 9 Henry Johnson Blvd

Staff Notes: The existing buildings at 45 Liebel St, 164-166 Livingston Ave, 169 Second St, 251 Third St, 453 Elk St, 403 & 407 First St are proposed to be demolition due to significant deterioration. The Land Bank has determined that the best way to put the property back to productive use and redevelopment is as a vacant lot. The Albany County Land Bank requires that demolition contractors deconstruct or disassemble buildings so that the maximum amount practicable of materials can be recycled or repurposed rather than being landfilled. The aspirational goal for each structure is to divert at least 35% by weight or volume of materials from landfills.

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 #: 01-2401040400
Project Name: Hope House Outpatient Clinic & 7 Supportive Dwelling Units

Applicant: Hope House Inc.
Project Location: 879 Madison Avenue
Municipality: City of Albany
Parcel Size: 0.46 acres
Zoning: Mixed-Use, Neighborhood Center (MU-NC)
Tax Map Number: 64.68-1-41
Referring Agency: City of Albany Planning Board

Considerations: Site plan review and special use permit to allow a medical clinic to occupy +/- 7,036 SF on the first floor of the existing building at the property, and the addition of 7 supportive dwelling units.

Action Type: Site Plan Review, Special Use Permit

Juris. Determinant: State Road
Potential Impacts: 20 Madison Avenue

Staff Notes: The applicant plans to relocate Outpatient Clinic from 747 Madison Ave and renovate building for a new expanded clinic with 7 supportive living apartments. The new facility will expand outpatient services (non-methadone clinic) and have enhanced IT systems to provide faster and more reliable service to support telehealth and other communications. Upon completion of the renovation, the Outpatient Clinic located at 879 Madison Avenue will have a minimum of 4 group rooms that are substantially larger than those available in the current building, additional staff/administration office space, will be handicap accessible and energy efficient. All utilities will be up-to-date including technology that will meet or exceed requirements for telehealth.

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 #: 01-2401040401
Project Name: **Ordinance 76.122.23**

Applicant: Albany Common Council
Project Location: 280 Mount Hope Drive
Municipality: City of Albany
Parcel Size: 3.80 acres
Zoning: Mixed-Use Community Highway (MU-CH)
Tax Map Number: 87.5-3-5.1
Referring Agency: City of Albany Legislative Board

Considerations: Rezoning of the parcel at 280 Mount Hope Drive from Mixed-Use Campus/Institution (MU-CI) to Mixed-Use Community Highway (MU-CH).

Action Type: **Rezoning**

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

Staff Notes: The Albany Common Council proposes an ordinance amending Chapter 375 of the code of the City of Albany Unified Sustainable Development Ordinance (USDO) by changing the zoning classification of the parcel 280 Mount Hope Drive from Mixed Use Campus/Institution (MU-CI) to Mixed-Use Community Highway (MU-CH) and amending the zoning map accordingly. The proposed zoning is more compatible with the adjacent properties.

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 #: 05-2401040402
Project Name: **Rios Area Variance**

Applicant: Anthony Rios
Project Location: 248 Starr Road
Municipality: Town of Coeymans
Parcel Size: 1.10 acres

Zoning: R/A
Tax Map Number: 155.-1-59
Referring Agency: Town of Coeymans Town Board

Considerations: Area variance for the proposed 40x50' garage seeking 22' of relief from side yard whereas 30' is required.

Action Type: Area Variance

Juris. Determinant: County Road
Potential Impacts: CR 102 Starr Road

Staff Notes: The applicant proposes to construct a garage that is 40'x50' and is seeking 22' relief from the required 30' minimum side yard setback. Therefore, an area variance is required. The property consists of existing 1-story dwelling with a wooden deck. The property has an existing driveway that is not paved.

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 #: 07-2401040404
Project Name: VZW Green Meadows

Applicant: Alliance Infrastructure
Project Location: 415A Albany Shaker Road
Municipality: Town of Colonie
Parcel Size: 0.50 acres
Zoning: Single Family Residence (SFR)
Tax Map Number: 43.3-4-79.1
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the proposed communications facility consisting of a 130± ft. monopine tower, base station equipment on a 4.0± ft. x 11.5± ft. concrete pad and "H" frame; and all associated antennas, improvements and access/utilities.

Action Type: Site Plan Review (Open Development Area)

Juris. Determinant: County Road
Potential Impacts: CR 151 Albany Shaker Road

Staff Notes: This project proposes the construction, installation and operation of a new public utility/personal wireless service facility (a "communications facility") on an undeveloped parcel of land owned by James H. Maloy Inc. located in the SFR (Single Family Residential) District. The proposed communications facility would be located within an approximately 50' x 50' fenced compound. The proposed communications facility consists of a 130± ft. monopine¹ tower, base station equipment on a 4.0± ft. x 11.5± ft. concrete pad and "H" frame; and all associated antennas, improvements and access/utilities. An emergency generator is not proposed for the Verizon Wireless installation and the Applicant will not be pursuing barbed wire on the fenced compound. The proposed communications facility is unmanned, and will be visited for routine maintenance purposes approximately 3-4 times per year. The project will not have any impact on existing water and sewage services. The site will be accessed via the existing driveway off Albany-Shaker Road for both emergency and non-emergency use. The project will be constructed in one phase and is anticipated to take approximately two to three months to complete. The existing screening and landscaping will be maintained at the site except at the location of the tower compound and parking area where existing trees will be removed. The tower facility will be a stealth monopine tower that will blend with and be concealed within the existing trees on the site. The proposed installation on a Single Family Residential (SFR) zoning district is an approved use with a special use permit as per the Town of Colonie Land Use Law.

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 #: 07-2401040408
Project Name: Accessory Cooler for Pizza Shop

Applicant: Jalal Barat
Project Location: 821 Loudon Road
Municipality: Town of Colonie
Parcel Size: 0.42 acres
Zoning: Office Residential (OR)

Tax Map Number: 19.19-1-1
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for the proposed addition of a walk-in cooler to the side of the existing building.

Action Type: **Area Variance**

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

Staff Notes: The proposal to construct a 200 SF accessory cooler for an existing pizza shop, located in the Commercial Office Residential (COR) zoning district, has a side yard setback of 5 feet where a minimum of 10 feet is required as per the Town of Colonie Land Use Law.

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 #: **07-2401040415**
Project Name: **Lands of Bourbon Street Bar & Grill**

Applicant: Marc Derusso
Project Location: 2209 Central Avenue
Municipality: Town of Colonie
Parcel Size: 0.93 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 16.7-9-19.1
Referring Agency: Town of Colonie Planning Board

Considerations: Subdivision review to consolidate the two parcels located at 2209 Central Avenue and 1 Homestead Avenue.

Action Type: **Subdivision Review**

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

Staff Notes: The applicant proposed to consolidate the properties at 2209 Central Avenue and 1 Homestead Avenue with the total acreage of 0.93 acres.

The properties currently consist of Restaurant & Bar, residential home (1 Homestead Ave), access drive, and a garage.

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 #: 07-2401040416
Project Name: **Bourbon Street Parking**

Applicant: Bourbon Street Bar & Grill
Project Location: 2209 Central Avenue & 1 Homestead Avenue
Municipality: Town of Colonie
Parcel Size: 0.93 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 16.7-9-19.1, 16.7-9-20
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the proposed demolition of existing single-family home and garage to construct parking lot to support the existing restaurant & bar at 2209 Central Avenue.

Action Type: **Site Plan Review**

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

Staff Notes: This is a site plan review for the demolition of the existing single-family residence and garage on 1 Homestead Avenue and construction of additional parking lot to support the restaurant & bar on 2209 Central Avenue. Both the properties are proposed to be consolidated. With the proposed parking improvements total parking available will be 43 spaces. Less than one acre of land disturbance is 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 Town should ensure that a demolition review is provided by the applicant to ensure no hazardous materials are present on site.

Case #: 10-2401040413
Project Name: Stage One AllStars

Applicant: Stage One AllStars, LLC
Project Location: 1666 Western Avenue
Municipality: Town of Guilderland
Parcel Size: 0.40 acres
Zoning: Local Business (LB)
Tax Map Number: 52.14-2-19
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit for the conversion of a take-out restaurant to a recreational cannabis dispensary.

Action Type: Special Use Permit

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

Staff Notes: The applicant proposes to open a cannabis retail dispensary on 1666 Western Avenue which is currently a take-out restaurant. A special use permit is required under the town code Section 280-52. The store will have approximately 20 employees and no site modification 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 #: 07-2401040411
Project Name: **New Construction - Workforce Education Facility**

Applicant: BBL Construction Services
Project Location: 886 & 892 Watervliet Shaker Road
Municipality: Town of Colonie
Parcel Size: 9.52 acres
Zoning: Office Residential (OR)
Tax Map Number: 30.-2-10.1, 30.-2-11.4
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for the proposed new construction of a 46,000 SF technical and workforce education facility.

Action Type: **Area Variance**

Juris. Determinant: County Road
Potential Impacts: CR 155 Watervliet Shaker Road, Historic District, Agricultural District

Staff Notes: The proposed new construction of a 46,000 SF technician and workforce education facility with an outside area dedicated to training on heavy equipment located in the Office Residential District exceeds the allowed maximum of 30,000 SF footprint and requires an interpretation from the town zoning board on heavy "equipment operation" as an educational use as per the Town of Colonie Land Use Law. The project to be known as the CTW Extension Facility will be developed for Capital Region BOCES for the purpose of providing career and technical education and working training. The porting of the project site located east of South Family Drive include the construction of one single-story building totaling 46,000 SF and 25 parking spaces. The portion of this project located on the west side of the South Family Drive will be used for the construction of the remaining 152 parking spaces required to accommodate BOCES operation. The two lots are proposed to be consolidated.

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 recommends that the Town/applicant include a Stormwater Pollution Prevention Plan (SWPPP) and any other necessary documents to make a full informed decision when the proposed action is sent back for site plan review as per GML 239.

Brian Crawford made a motion to accept the Staff Opinion of Defer to Local Consideration for the following cases – **01-2401040396, 01-2401040397, 01-2401040398, 01-2401040400, 01-2401040401, 05-2401040402, 07-2401040404, 07-2401040408, 07-2401040415, 07-2401040416, 10-2401040413 & 07-2401040411.** The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom and Jeff LaFontaine.

Brian Crawford made a motion to move Case 10-240204012 to the next spot on the agenda. The motion was seconded by Jeff LaFontaine and was also approved by T. Jackson and G. Engstrom.

Case #: **10-2401040412**

Project Name: **Regional Cancer Center**

Applicant: Columbia Development Companies

Project Location: 4 Crossgates Mall Road

Municipality: Town of Guilderland

Parcel Size: 5.66 acres

Zoning: Transit Oriented District (TOD)

Tax Map Number: 52.01-1-6

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Area variance and special use permit for the proposed construction of a 120,000sf medical office with less than the minimum quantity of parking spaces required by Town Code.

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

Juris. Determinant: State Road

Potential Impacts: 20 Western Avenue

Staff Notes: The proposed project is a 120,000 SF three-story Regional Cancer Center Facility which will be occupied by New York Oncology Hematology (NYOH). The facility will include radiation treatment, chemotherapy and comprehensive cancer care. A prescription pharmacy drive thru lane, serenity garden, loading zone for material deliveries, and picnic area are also proposed. There will be three access points to enter the building; two for patients and one dedicated to the Mobile PET CT and staff entry. The facility will be serviced by several CDTA Bus Routes including Bus Routes 10, 117, and 190 on Western Avenue and Buss Routes 10, 12, 114, 117, 155, 190, 712, 763 and 813 via the Crossgates Mall Bus Hub located in the South Lot. Per the town code, parking requirements for the facility in a Transit Oriented District (TOD) are 760 parking spaces whereas 600 parking spaces are provided including 25 handicap parking spaces. This is proposed in an effort to reduce impervious surface and stormwater runoff as mentioned in the project description. As per tje Short Environmental Assessment Form (SEAF), the basins will be conducted on site, potentially to recharge storm water to the

groundwater and overflow will be directed to a 48" CMP storm sewer along the north side of the site. A total of 8.1 acres of land will be disturbed as per the SEAF.

Staff Opinion:

1. This application is being reviewed for area variance only and not special use permit. The Albany County Planning Board recommends that this application should be sent back for a separate special use permit and that all future application be sent for variance review before special use permit/site plan review to assess the zoning compliance of the proposed project.
2. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-20-001, January 29, 2020) for construction activities that disturb more than one acre of land.
3. All variance requests such as parking requirements should be assessed to evaluate zoning compliance of the proposed project as a condition to the approval of special use permit.
4. 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.
5. The local fire department should be notified to evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.
6. Review by the Albany County Department of Health for water supply, waste water discharge, and other necessary permits should be required.

Richard Rosen of Columbia Development asked to speak to the Board about this project.

The Board asked if there is a SWPPP for this project. Gerry commented that the Town of Guilderland indicated that one does not need to be submitted for this project. Richard Rosen stated that a SWPPP is being prepared by Hershberg and Hershberg but has not been submitted to the town yet. Brian said he has concerns about how this project might affect the flooding on Rt. 20 but the SWPPP should clarify how that will be managed. Dan Hershberg of Hershberg and Hershberg, indicated that there will not be any discharge off site with their proposal.

Gerry asked the other board members if they would consider making a decision on the Area Variance today, but table the discussion related to the Special Use Permit to next month when the SWPPP has been completed and there will be a chance to review it prior to the meeting.

Gopika commented that we will not be seeing this for a Site Plan Review based on the Town of Guilderland's review processes. But, we can see it for the Special Use Permit after receiving the SWPPP.

Richard Rosen stated that he understanding the ACPB interest in seeing the SWPPP before making a decision on the Special Use Permit.

Guest Robin Gray attempted to speak to the Board about this project, but was having difficulty with her audio and we were unable to hear her. She did type comments in the chat. She asked about the increase of Traffic on Western Ave. and the fact that the traffic study was completed several years ago. Richard Rosen explained that the traffic impact is less than what was originally proposed when that study was completed and added that the Cancer Center will not be affecting weekend or evening traffic. He also indicated that they will have marked pedestrian paths from the bus stops to the building. Gopika informed her that she can compile her comments and send them to Gopika and they will be take into account for the review of the Special Use Permit.

Travon Jackson made a motion to accept the Staff Opinion for Area Variance only for Case #10-2401040412. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom and Brian Crawford.

<u>Case #:</u>	<u>01-2401040399</u>
Project Name:	Construction of 2-Story Dwelling
Applicant:	Nuchal Arjune, Arjune Design
Project Location:	487 Hudson Avenue, 489 Hudson Avenue
Municipality:	City of Albany
Parcel Size:	0.10 acres
Zoning:	MU-FM (Mixed-Use, Form-Based Midtown)
Tax Map Number:	65.61-2-83, 65.61-2-84
Referring Agency:	City of Albany Planning Board
Considerations:	Development plan review for the proposed construction of 2-story, two-unit detached dwellings, one on each property.
Action Type:	Site Plan Review (Development Plan Review)
Juris. Determinant:	State Property
Potential Impacts:	University of Albany Campus
Staff Notes:	The applicant proposes to construct new two-family two-story dwelling on each parcel 487 Hudson Avenue and 489 Hudson Avenue. A variance has been requested by the applicant for the proposed 2'6" sideyard for

the structure at 487 Hudson Avenue and 2' sideyard for the structure at 489 Hudson Avenue whereas 5' is required. The existing buildings on both the parcels is proposed to be demolished.

Staff Opinion: Modify local approval to include

1. Review by the Albany County Department of Health for water supply, waste water discharge and other necessary permits are required.
2. All variance requests such as sideyard setback requirements for both the properties should be assessed to evaluate zoning compliance of the proposed project as a condition to the approval of development plan review.

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.

Brian Crawford made a motion to accept the Staff Opinion for Case #01-2401040399. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom and Jeff LaFontaine.

Case #: 03-2401040403
Project Name: **Switzkill Road Large Scale Solar Project**

Applicant: TJA Clean Energy, LLC
Project Location: 2198 Switzkill Road, 57 Canaday Hill Road
Municipality: Town of Berne
Parcel Size: 45.94 acres
Zoning: Residential/Agricultural/ Forestry (RAF)
Tax Map Number: 78.-3-16.12
Referring Agency: Town of Berne Planning Board

Considerations: Site plan review, special use permit and area variance for the proposed construction of a ground-mounted solar farm and associated electrical appurtenances.

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

Juris. Determinant: County Road, Agricultural District
Potential Impacts: CR 1 Switzkill Road, CR 9 Canaday Hill Road, Agricultural District

Staff Notes: The proposed project is construction of a ground-mounted solar farm and associated electrical appurtenances at Switzkill Road in the Town of Berne, Albany County, New York. The solar photovoltaic (PV) system is proposed for installation within 21 acres of an approximate 47-acre site.

The site can support 4.25-megawatts AC of generation. Included with the project are appurtenant electrical equipment, and access roads to allow appropriate access during construction and future maintenance activities. There is an existing three phase National Grid feeder running north-south along the east side of Switzkill Road which may need to be upgraded, depending on the study performed by National Grid. This will be the point of interconnection for the solar farm. The interconnection wiring, connecting the solar array to the National Grid point of interconnection along Switzkill Road, will be pole mounted, overhead wiring. Lead agency notice has been sent to the Albany County Planning Board to notify the Town's proposed status as lead agency. An area variance is requested for the proposed 16' side yard setback whereas a minimum of 200' is required to all property lines as the town code Section 157-24(J). A special use permit is also required for the proposed project as per Chapter 157 Article II of the town code. The decommissioning plan includes dismantle and demolition, disposal and recycling, and site restoration and stabilization. A significant portion of the photovoltaic system at the Facility will include recyclable or resalable components, which include copper, aluminum, galvanized steel, electric motors, and PV modules as mentioned in the decommissioning plan. The Agricultural Integration and Grazing Management Plan includes 1. managed grazing system that utilizes sheep to control vegetation growth under and around the solar panels and 2. incorporation of pollinator-friendly vegetation in the Solar Facility to create a suitable habitat for honeybees and other pollinator species. A total of 20.6 acres of land is anticipated to be disturbed during the proposed action. A Storm Water Pollution Prevention Plan (SWPPP) document has been included with the application packet. The Operations and Maintenance Plan includes site monitoring, preventative maintenance & inspection, vegetative management plan, site visits, and other necessary processes and procedures to ensure these operational objectives are achieved.

Staff Opinion:

Modify local approval to include

1. A highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way is required.
2. All variance requests such as setback requirements should be assessed to evaluate zoning compliance of the proposed project as a condition to the approval of site plan review.
3. The Stormwater Pollution Prevention Plan (SWPPP) should indicate appropriate practice for DA-3 and DA-4 in 3.1 A. Table 1; Section 3.1 A.2 should indicate whether the Infiltration Basin meets the Design Manual requirements for size, slope of natural soil, drainage area, bedrock depth and infiltration; Section 3.2 A.10 indicates disturbance over 5 acres of

land disturbance at once and therefore, a permission should be required by NYSDEC for such action; notice of intent item #9 identifies incorrect surface waterbody as the nearest; Appendix C-4 and C-6 should include Proposed Conditions Drainage Plan and should include appropriate RRV calculations with the correct location of the swale.

Advisory Note:

1. The Town should advise the contractor to provide site distance for the proposed work location when submitted for county highway work permit review.

Gerry Engstrom recused himself from this case as it may be a conflict of interest with his employer, NYSERDA. Travon Jackson led the discussion.

Jeff LaFontaine made a motion to accept the Staff Opinion for Case #03-2401040403. The motion was seconded by Travon Jackson and was also approved by Brian Crawford (Gerry Engstrom recused himself from this vote).

Case #:	<u>04-2401040405</u>
Project Name:	South Albany Airport - SRE Building
Applicant:	Peter Loyola
Project Location:	6 Old School Road
Municipality:	Town of Bethlehem
Parcel Size:	66.00 acres
Zoning:	Rural Light Industrial
Tax Map Number:	120.00-5-20
Referring Agency:	Town of Bethlehem Planning Board

Considerations:	Site plan review and special use permit to allow construction of a 38'W x 76'L x 16' H pre-engineered heated snow removal equipment (SRE) building adjacent to the current pole barn. The building will house snow, ice and landscape equipment.
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Action Type:	Site Plan Review, Special Use Permit
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Juris. Determinant:	County Road, Airport
Potential Impacts:	CR 53 Old School Road, South Albany Airport, CR 55 Creble Road, Agricultural District

Staff Notes:	The Applicant is proposing the construction of a 38'W x 76'L x 16'H pre-engineered, heated building adjacent to the current pole barn,
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northwest of the terminal building vehicular parking lot. The building is designed to be large enough to house the airport's snow, ice, and vegetation control equipment along with equipment parts storage. The project also includes an asphalt apron to connect the building to the current driveway and the planting of landscape screening. To meet NYSDOT grant funding requirements, the SRE building will be fitted with a roof mounted, photovoltaic (PV) solar panel system. This PV system will be designed to the Town's requirements for a by-right accessory use, as described in §128-67.2D of the Town Code. Total electrical output from the building mounted solar panels will not exceed 25 kW. Total soil disturbance will be approximately 10,250 SF or 0.24 acres. This project has received an area variance from the Town of Bethlehem zoning board of appeals for location of an accessory structure in a yard setback where a 75' setback is required and 27.5 acres is provided.

Staff Opinion:

Modify local approval to include

1. Review by the FAA and notification to Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact for temporary construction related and structural incursions within the prescribed Runway Approach Surfaces.

Travon Jackson made a motion to accept the Staff Opinion for Case #04-2401040405. The motion was seconded by Jeff LaFontaine and was also approved by Travon Jackson and Brian Crawford.

Case #:	<u>07-2401040406</u>
Project Name:	Multi-Tenant Commercial Building
Applicant:	244 Wolf Road LLC
Project Location:	244 Wolf Road
Municipality:	Town of Colonie
Parcel Size:	0.77 acres
Zoning:	Commercial Office Residential (COR)
Tax Map Number:	30.4-1-11
Referring Agency:	Town of Colonie Planning Board
Considerations:	Site plan review for the construction of 6,400 SF commercial building on the south-east part of the parcel for multi-tenant retail purposes.
Action Type:	Site Plan Review
Juris. Determinant:	State Road, County Road
Potential Impacts:	Wolf Road, I87, CR 154 Albany Shaker Road

Staff Notes:

The proposed project includes the construction of a single-story 6,400 square foot commercial building on the southern part of the parcel, along Wolf Road, it is approximately 124 feet long and 52 feet wide. The new structure will be developed for multiple tenants, consisting of a 1,900 square foot Subway Restaurant with an estimated 30 seats and 4,500 square feet of additional commercial/retail space. There is a proposed ingress and egress point located in the northern portion of the parcel on Wolf Road, the site egress will be limited to right out only based on a determination from NYSDOT. The parking area will accommodate employees and customers for the commercial/retail and Subway uses. The proposed development will provide parking in accordance with the Town of Colonie Zoning Code requirements. The Code requirement for retail stores and shops is 1 space per 200 square feet of gross floor area (23 spaces / 4,500 square feet). A total of 38 spaces are required and 37 are provided, two are handicap accessible. The site is currently vacant and primarily wooded. Two waivers are requested by the Planning Board as a part of the site plan review process. The waiver requests are for parking area interior landscaped islands and parking within 10' of the side or rear property line.

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.

Travon Jackson made a motion to accept the Staff Opinion for Case #07-2401040406. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom and Jeff LaFontaine.

Case #:**07-2401040414****Project Name:****Margarita Mexican Kitchen****Applicant:**

Roy Rojas

Project Location:

710 Loudon Road

Municipality:

Town of Colonie

Parcel Size:

1.20 acres

Zoning:

Commercial Office Residential (COR)

Tax Map Number:

31.6-2-5

Referring Agency:

Town of Colonie Planning Board

Considerations: Site plan review to reuse the building as a restaurant and to use the existing parking lot.

Action Type: **Site Plan Review**

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

Staff Notes: The applicant proposes to reuse the existing building as a restaurant which was previously operated as a restaurant and use the existing parking lot. Site modifications include restriping the parking lot, dumpster area, and a new patio. No changes to ingress or egress is proposed.

Staff Opinion: Modify local approval to include
 1. Review by the Albany County Department of Health for food service and other necessary permits should be required.

Brian Crawford made a motion to accept the Staff Opinion for Case #07-2401040414. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom and Travon Jackson.

Case #: **10-2401040409**
Project Name: **Grant Hill Road 2-Lot Subdivision**

Applicant: Emery & Patty Lemieux
Project Location: Grant Hill Road
Municipality: Town of Guilderland
Parcel Size: 80.50 acres
Zoning: Rural Agricultural -3 District (RA3)
Tax Map Number: 61.00-2-12.1
Referring Agency: Town of Guilderland Planning Board

Considerations: Two-lot minor subdivision of 80.5 acres into Lot 1 consisting 1.9 acres and Lot 2 consisting 78.51 acres.

Action Type: **Subdivision Review**

Juris. Determinant: County Road
Potential Impacts: CR 201 Grant Hill Road, FEMA Floodzone, NWI Wetlands

Staff Notes: The applicant is proposing a 2-lot minor subdivision of 80.5 acres of land (Tax ID# 61.00-2-12.1) located in the RA3 District. Lot 1 would consist of 1.9 acres and would be located on the west side of Grant Hill Road. Lot 2 would consist of 78.51 acres and would be located on the east side of Grant Hill Road. An area variance for lot size reduction would be required on Lot 1. Public water is available along Grant Hill Road. A dwelling and septic area is proposed on Lot 1 as indicated on the site plan.

Staff Opinion: Modify local approval to include
1. Review by the Albany County Department of Health for the proposed septic area and other necessary permits should be required.
2. A highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way is required.

Travon Jackson made a motion to accept the Staff Opinion for Case #10-2401040409. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom and Jeff LaFontaine.

Case #: 10-2401040410
Project Name: **Guilderland Live Poultry**

Applicant: Hiam Corp.
Project Location: 1650 Western Ave
Municipality: Town of Guilderland
Parcel Size: 0.11 acres
Zoning: Local Business (LB)
Tax Map Number: 52.14-4-3
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit for the conversion of a computer repair office to a meat retail occupancy.

Action Type: **Special Use Permit**

Juris. Determinant: State Road

Potential Impacts: 20 Western Avenue

Staff Notes: The applicant proposes to convert the existing computer repair shop into a meat retail shop. The business would sell meat from live poultry and the poultry would be kept within the premises which will include slaughter facility. The premises will also include cleaning room, restroom, counter space for placing orders, grocery store, and waiting room for customers. No modification to the site is proposed.

Staff Opinion: Disapprove
1. The Town Zoning Board of Appeals should consider the land use compatibility of the proposed use of poultry with the adjacent residential properties and the precedent setting nature of allowing such uses.

Advisory Note:
1. Review by the Albany County Department of Health for food service and other necessary permits should be required.
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 should be required.
3. Any necessary permits from New York State Department of Agricultural and Markets for the sale of produce should be required.
4. The Town should require the applicant to provide documents that details the maintenance of the proposed use.

Guest Robin Gray asked to comment on this case as well. She continued to have issues with her connection and we were unable to hear her. She typed her comments concerns for the Board to read. Brian Crawford stated that it sets a precedent. Travon Jackson said that his main concern is the animals on site. Gerry stated that he feels it is too close to residential housing.

Travon Jackson made a motion to Disapprove Case #10-2401040410. The motion was seconded by Brian Crawford and was also disapproved by Gerry Engstrom and Jeff LaFontaine.

Case #: 13-2401040407
Project Name: Lands of Long Lumber

Applicant: Hershberg Engineering
Project Location: 2080 New Scotland Road
Municipality: Town of New Scotland
Parcel Size: 18.44 acres
Zoning: Hamlet District Expansion (HDE)
Tax Map Number: 84.-1-28
Referring Agency: Town of New Scotland Planning Board

Considerations: Site plan review for the construction of a multi-family residential condominium development to include 13 - two story buildings. The project also includes open space, parking, garages, landscaping, storm water management system and a sanitary sewer wastewater disposal system.

Action Type: Site Plan Review

Juris. Determinant: State Road
Potential Impacts: 85 New Scotland Road, FEMA Floodzone, Agricultural District

Staff Notes: The Applicant proposes the following: 1. Develop the land for 50 units which will consist of thirteen buildings. Each buildings will be 2-story with eleven of them 4 unit and two 3 unit. All with a split of 2 and 3 bedrooms. The buildings are intended to be sold as condominiums, 2. Maintain 45% open space, 3. Install a new private road with a sidewalk along both sides. Each unit will have a garage parking spaces. Area Variances are requested for on street parallel parking and bike lanes, 4. Install a new private stormwater management system. This will consist of new collection storm sewer with catch basins and structures and Stormwater Pollution Prevention Plan (SWPPP). This will be privately owned, operated and maintained by the owner, 5. Install a new public water main to serve these units requiring approximately 900 lineal feet of new 8-inch water main and dedicate this to the Town of New Scotland once completed, inspected and accepted, and 6. Install a new private sanitary sewer system to serve these units. This will consist of new collection sewer with a septic tank, collection sewer, manhole structures and package Wastewater Treatment Facility which will discharge to the Vloman Kill. This will be constructed in accordance with all NYSDEC and the Albany County Health Department requirements. The applicant proposes to dedicate this system to the Town of New Scotland once completed, inspected and accepted. The site is currently vacant. Total land disturbance is to be 7.9 acres as per the Full Environmental

Assessment Form (FEAF). A SWPPP document was included in the application packet for review. The Applicant proposes to construct a wastewater treatment facility and establish a new sewer district to serve this development. This application (13-231104367) was previously reviewed by the Albany County Planning Board requesting area variance for the proposed 50 unit condo project that requires street parking and bike lanes on a private street and for site plan review to construct 50 unit condos served by public water and sewer. The ACPB determination was, Modify local approval to include

1. This application is being reviewed for area 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 application be sent for variance review before site plan review to assess the zoning compliance of the proposed project.'

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.
2. Review by the Albany County Department of Health for water supply, waste water discharge and other necessary permits should be required.
3. The local fire department should be notified to evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.
4. The proposed development should require New York State Department of Environmental Conservation approval for a private wastewater treatment facility.

The Board had questions about the wastewater treatment. Dan Hershberg of Hershberg and Hershberg, addressed the Board with an explanation of the discussions that have been had with the Town regarding this process. The Board decided to add a Modification addressing the wastewater facility (noted above at Modification #4)

With the 4th Modification added, Brian Crawford made a motion to accept the Staff Opinion for Case #13-240104047. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom and Jeff LaFontaine.

Unfinished Business:

1. Reminder that all Board members are required to take 4 hours of training per year and to submit the proof of training to Gopika. She has only received Brian Crawford's and needs the other Board Members to submit their training certifications.
2. Gopika is hoping to add some additional training sites to the "approved" list. She asks that Board Members contact her with any sites that you think would meet the Planning Board Member training criteria.
3. Saratoga Planning Conference is being held on 1/31/24. Contact Gopika if you are interested in getting more information.

New Business:

1. The next meeting of the ACPB will be held on Thursday, February 15, 2024 at 3:30 in Voorheesville. The deadline for municipalities to submit referrals for review is Monday, February 5, 2024 at 3:30pm.

Adjourn: Jeff LaFontaine made a motion to adjourn at 4:42pm.