



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 – April 18, 2024

NOTE: The April 18, 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 and Jeff LaFontaine (left at 5:50pm).

Board Members Absent: Beth Lacey

Albany County Public Works Office: Gopika Muddappa, Senior Planner; Lynn Delaney ACPB Secretary; Zachary Smetana, Albany County Dept. of Management and Budget, Ex Officio.

Guests: Anthony Brankman, Town of Colonie Resident to speak in opposition of Watervliet Shaker Subdivision; Owen Hooper, Representative for Carson Power; Dan Landon, Council Representation for Diversified Auto; Joe Hans, Engineer representing Diversified Auto; Karen White, Save the Pinebush, in support of the Town of Guilderland Moratorium; Susan Quine Laurillard, Albany County Legislator for the Town of Colonie; Brian Lemanski resident of Colonie to discuss the 2 Vly Rd Stewarts cases; and Dan Hershberg of Hershberg and Hershberg.

Minutes: Lynn Delaney, Secretary

Call to Order: Gerry Engstrom called the meeting to order at 3:32 pm.

Vote for Meeting Minutes:

February 2024 – Brian Crawford made a motion to accept the February 15, 2024 meeting minutes. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

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 Brian Crawford and was also approved Gerry Engstrom and Jeff LaFontaine.

There were a few cases that needed to be pulled from this list and voted on separately.
07-240404465; 10-2404040468; 07-2404040464 & 07-2404040477.

ACPB Meeting - April 18th, 2024 (cont.)

Case #: 01-2403040441
Project Name: **Conversion of Townhouse**

Applicant: Robert L. Flansburg
Project Location: 341 Madison Avenue
Municipality: City of Albany
Parcel Size: 0.08 acres
Zoning: MU-NC (Mixed-Use, Neighborhood Center zoning district)
Tax Map Number: 76.32-3-48
Referring Agency: City of Albany Planning Board

Considerations: Special use permit for the conversion of Townhouse consisting two (2) dwelling units, to a Townhouse consisting of three (3) dwelling units.

Action Type: **Special Use Permit**

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

Staff Notes: The applicant proposes to convert the basement of the existing building into a dwelling unit. The existing building is a two-unit apartment building with dwelling units on first and second floor. A special use permit is required to convert the existing two-unit townhouse into a three-unit townhouse. All three units will have 1212 SF each.

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 #:	<u>01-2403040449</u>
Project Name:	Conversion of Hotel to Multi-Unit Dwelling
Applicant:	A2 Sun Holdings LLC
Project Location:	1383 Washington Avenue
Municipality:	City of Albany
Parcel Size:	2.3 acres
Zoning:	MU-CU (Mixed-Use, Community Urban)
Tax Map Number:	53.00-1-21
Referring Agency:	City of Albany Planning Board
Considerations:	Site plan review for the conversion of the ±17,784 SF Hotel to Multi-Unit Dwelling consisting of ninety-nine (99) dwelling units.
Action Type:	Site Plan Review
Juris. Determinant:	State Road
Potential Impacts:	I-90, SUNY UAlbany
Staff Notes:	The applicant proposes the conversion of an existing ninety-nine (99) room hotel into ninety-nine (99) student housing units. Work is limited to the installation of kitchenettes in all units and limited site improvements. No land disturbances are 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 #:	<u>04-2404040462</u>
Project Name:	Amendment & Adoption of Local Zoning Law
Applicant:	Town of Bethlehem
Project Location:	General Commercial & Mixed Economic Development Zoning Districts
Municipality:	Town of Bethlehem
Parcel Size:	N/A N/A
Zoning:	General Commercial/Mixed Use
Tax Map Number:	N/A
Referring Agency:	Town of Bethlehem Legislative Board
Considerations:	Amendment of Town of Bethlehem Chapter 128-99 Schedule of Uses to allow "Day Care Centers" in the General Commercial and Mixed Economic Development zoning district.
Action Type:	Amendment of Local Law
Juris. Determinant:	N/A
Potential Impacts:	N/A
Staff Notes:	The Town of Bethlehem proposed to the amendment to Zoning Law 128-99 Schedule of Use Table to allow "Day-care center" in the General Commercial zoning district through site plan review, and as a primary use in the Mixed Economic Development zoning district. Day-care centers are not entirely permitted in all of our commercial zoning districts (i.e. General Commercial and Mixed Economic Development). This limits the opportunity for child care facilities to operate in the Town – especially in commercial zoning districts that currently contain undeveloped land with access to infrastructure – major roadways, and public water and sanitary sewer facilities.
Staff Opinion:	Defer to local consideration 1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Case #: 04-2403040435
Project Name: **CapCom Signage**

Applicant: Tina Arcuri - Coastal Sign Services Inc.
Project Location: 384 Bender Lane, Glenmont
Municipality: Town of Bethlehem
Parcel Size: 1.06 acres
Zoning: Commercial Hamlet
Tax Map Number: 97.12-1-1
Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Area variance to update signage to reflect new branding from CapCom to Broadview with internally lit channel letters.

Action Type: **Area Variance**

Juris. Determinant: State Road
Potential Impacts: Route 9W

Staff Notes: An area variance is required to install a new signage including 12" internally illuminated letterset whereas in the Commercial Hamlet district signs may be lit by external means only.

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

Case #: 04-2403040436
Project Name: **Two-Car Garage with In-Law Apartment**

Applicant: Matthew and Jaime Meyer
Project Location: 16 North Street, Delmar
Municipality: Town of Bethlehem
Parcel Size: 1.148 acres
Zoning: Commercial Hamlet
Tax Map Number: 85.12-1-20
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review for the proposed 25x24 two-car garage at the end of the driveway with a one-story 960SF in-law apartment behind the garage.

Action Type: **Site Plan Review**

Juris. Determinant: Albany County Rail Trail
Potential Impacts: Albany County Rail Trail

Staff Notes: The applicant proposes to construct a new two-car garage at the end of the existing driveway and a one-bedroom in-law apartment located behind the garage which was destroyed by a falling tree three years ago. The paved driveway accommodates 2 cars and after the garage is added, there will space for potentially a maximum of 4 cars. The construction will include a 24 ft. x 24 ft. two-car garage and a one-story, one bedroom, 30 ft. x 32 ft. (960 square feet) in-law apartment to be occupied by the in-laws. The apartment will have a separate entrance with a gradual incline leading up to the exterior entrance. In addition, there will be an interior door from the garage to the apartment with two to three steps depending upon grading. The apartment shall use town water and sewer in compliance with the Building Department's approval of the building permit. Less than one acre of land disturbance is anticipated during the 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 #: 07-2404040463

Project Name: **Cooling Tower**

Applicant: 946 Loudon LLC

Project Location: 950 Loudon Road

Municipality: Town of Colonie

Parcel Size: 4022 acres

Zoning: HCOR — Highway Commercial Office Residential District

Tax Map Number: 9.4-3-1.3

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review to install an adiabatic cooler at the rear of the property on a concrete pad.

Action Type: **Site Plan Review**

Juris. Determinant: State Road

Potential Impacts: 9 New Loudon Road

Staff Notes: The applicant proposes to install an adiabatic cooler on a concrete pad approximately 9'x18' which will minimally reduce the impervious area of the existing greenspace on site. The existing and proposed parking spaces count will remain unchanged at 185 spaces including 9 handicap parking spaces. The site contains one two-story building which has multiple tenants. The building is located centrally on the site and has parking on all side except the south where the site access from New Loudon Road exists. The proposed site coverage statistics will not change significantly from the existing conditions. Approximately 486 SF of green space shall be removed and replaced with the concrete pad and grass.

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 #: 07-2403040461
Project Name: **3-Unit Apartments & Office Building**

Applicant: Dominick Arico (Agent for Armin Hrelja)
Project Location: 45/47 Kunker Avenue
Municipality: Town of Colonie
Parcel Size: 0.55 acres
Zoning: HCOR — Highway Commercial Office Residential District
Tax Map Number: 19.18-3-12, 19.18-3-11
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for the proposed construction of a three-unit apartment building and a separate office building.

Action Type: **Area Variance**

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

Staff Notes: The proposed construction of 3,000SF three-unit apartment building and a separate 1,200SF office building located on a parcel in HCOR — Highway Commercial Office Residential District proposes three residential units where a maximum of two are allowed, proposes 10,200 SF of total density where a maximum of 9,900 SF is allowed and proposes 1,200 SF of commercial density where 2,040SF is required as per the Town of Colonie Land Use Law. Other site modifications include parking area, garage space, landscaping as drainage improvements.

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 #: 10-2404040467
Project Name: 1651 Western Ave - Signage

Applicant: Action Sign Co.
Project Location: 1651 Western Ave
Municipality: Town of Guilderland
Parcel Size: 4.13 acres
Zoning: Transit Oriented District (TOD)
Tax Map Number: 52.01-1-8.1
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Area variance for the replacement of existing signage for Homewood Suites larger than the area permitted by a previously granted variance.

Action Type: Area Variance

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

Staff Notes: The applicant requests a variance to facilitate the installation of an updated logo for the Homewood Suites building. The changes are proposed to maintain modern and consistent aesthetic in line with the latest brand standards mandated by the Hilton Corporat office. The existing signages include channel letters on building mounted signs and 48"x57" monument sign. The existing channel letters are to be replaces with new 30" channel letters, the existing monument sign is to be replaced with new 48"x57" face replacement, new 1'6"x3' custom Homewood Plaque and Tru Plaque 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 #:	<u>10-2403040454</u>
Project Name:	Local Law No. 3 of 2024 - Regulating Short Term Rentals
Applicant:	Town of Guilderland
Project Location:	Town of Guilderland
Municipality:	Town of Guilderland
Parcel Size:	N/A
Zoning:	N/A
Tax Map Number:	N/A
Referring Agency:	Town of Guilderland Legislative Board
Considerations:	The Town of Guilderland Town Board is considering amending Chapter 280 of the Town Code by adding Subsection AA in Section 240(Supplemental Regulations) adopting guidelines for short-term rentals (rentals less than 30 days).
Action Type:	Adoption of Local Law
Juris. Determinant:	N/A
Potential Impacts:	N/A
Staff Notes:	The Town Board of Town of Guilderland has determined that short-term rentals should be regulated to promote compatibility with the privacy, community character, and ambience currently enjoyed in the residential neighborhoods of the Town. The Town Board also recognizes that short-term rentals can attract visitors to the Town, support local businesses, and provide additional income to the Town residents. The Town Board issues these regulations to protect against potential adverse effects while allowing short-term rentals under appropriate circumstances. This section is adopted pursuant to New York Municipal Home Rule Law. The local law includes short-term rental standards compliance requirements, enforcement, penalty for offenses, and severability.
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 #: 10-2403040456
Project Name: **Farm Lane Minor Subdivision**

Applicant: Ecolegacy Values LLC
Project Location: 6283-6285 Farm Lane
Municipality: Town of Guilderland
Parcel Size: 68.45 acres
Zoning: Rural Agricultural-3 District (RA3)
Tax Map Number: 50.00-3-2
Referring Agency: Town of Guilderland Planning Board

Considerations: 3-lot minor subdivision of 68.45 acres of land located in the Rural Agricultural (RA3) District and 60.53 acres in the RO40 District . Lot 1 would consist of 16.02 acres and Lot 2 will consist of 52.43 acres. Lot 3 will consist of 60.53 acres in the RO40 District. A change in zone was approved by the Town Board in December 2023 to rezone a portion of the parcel from the Residential Overlay (RO40) District to the Rural Agricultural (RA3) District.

Action Type: **Subdivision Review**

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District

Staff Notes: The applicant is proposing a 3-lot minor subdivision of 68.45 acres of land located in the Rural Agricultural (RA3) District. Lot 1 would consist of 16.02 acres and Lot 2 will consist of 52.43 acres. Lot 3 will consist of 60.53 acres in the RO40 District. A change in zone was approved by the Town Board in December 2023 to rezone a portion of the parcel from the Residential Overlay (RO40) District to the Rural Agricultural (RA3) District. A proposal for 5MW AC Community Solar Ground Mounted Single-Axis Tracker array and 2.8 MW AC Ground Mounted Fixed-Tilt Solar array site plan, special use permit and area variance application will follow in the event the minor subdivision is approved. This application was reviewed by Albany County Planning Board in July 2023 for rezoning of the parcel from Residential Overlay (RO40) District to the Rural Agricultural (RA3) District. 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.'

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 #: 13-2404040469
Project Name: **Adoption of Local Law - Town of New Scotland**

Applicant: Town of New Scotland
Project Location: Town of New Scotland
Municipality: Town of New Scotland
Parcel Size: N/A N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: Town of New Scotland Legislative Board

Considerations: Adoption of local law to establish zoning regulations for battery storage systems and facilities.

Action Type: **Adoption of Local Law**

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

Staff Notes: The Town of New Scotland proposes to adopt a local law amending Chapter 190 of the Code of the Town of New Scotland to establish regulations regarding Battery Energy Storage Systems. This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life in the Town of New Scotland by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

1. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;
2. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
3. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other natural resources; and
4. To create synergy between battery energy storage system development and;

- a. Promoting and managing new development in the Town's rural areas to protect resources and unique rural identity, create new places, and balance cost of providing public services;
- b. Ensuring growth occurs in a manner that preserves the quality of life and character of the community;
- c. Enhancing the character of existing neighborhoods and historic hamlets;
- d. Preserving and protecting key natural resources as well as protecting farmland and supporting an agricultural economy;
- e. Ensuring the availability of public facilities, infrastructure and services that adequately serve the present and future needs of New Scotland.
- f. Utilize energy-efficient and renewable energy technologies and attract alternative energy solutions to reduce greenhouse gas emissions.

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 #:

18-2404040470

Project Name:

Moore Variance

Applicant:

Michael Moore

Project Location:

743 CR 403

Municipality:

Town of Westerlo

Parcel Size:

2 acres

Zoning:

Residential

Tax Map Number:

174.-2-11.3

Referring Agency:

Town of Westerlo Planning Board

Considerations:

Area variance to allow construction of three-car garage for residential use.

Action Type:

Area Variance

Juris. Determinant:

County Road

Potential Impacts:

County Route 403

Staff Notes:

The applicant seeks the relief of 35 feet from the required 50 foot side yard set back. The applicant proposes to build a 30'x40' three-car garage for residential purposes. The property consists of existing house, shed, well and driveway.

- Staff Opinion:** Defer to local consideration
1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.
- Advisory Note:**
1. The Albany County Planning Board advises that a site plan prepared by licensed professionals that are not hand drawn should be required to review the proposal for site plan.

Brian Crawford requested an advisory note be added to let the applicant know that a detailed site plan will be needed when this project returns for Site Plan review (noted above as Advisory Note # 1).

Case #: 14-2403040438
Project Name: **Grace United Methodist Church**

Applicant: Grace United Methodist Church
Project Location: 16-20 Hillcrest Drive, Ravenna
Municipality: Village of Ravenna
Parcel Size: 4.8 acres
Zoning: Single-Family Residence (R-1)
Tax Map Number: 156.-5-38.1
Referring Agency: Village of Ravenna Planning Board

Considerations: Minor subdivision of the parcel into Lot A consisting 1.53 acres and Lot B consisting 3.13 acres.

Action Type: **Subdivision Review**

Juris. Determinant: State Road
Potential Impacts: US Route 9W

Staff Notes: The applicant proposes to subdivide the parcel into Lot A and Lot B. Proposed Lot A would consist of 1.53 acres with existing 1-story dwelling and Lot B would consist of 3.13 acres with existing church. Both the parcels will have existing asphalt driveway.

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 Applicant/Town should note that the proposed Lot A with 1.53 acres and Lot B with 3.13 acres do not add up to the existing 4.8 acres and that there is slight discrepancy in the numbers.
2. The Albany County Planning Board advises that in the future if the applicant decides to separate the residence from the Church a shared access agreement for the parking should be considered.

Brian Crawford requested an advisory be added to indicate the potential need for a shared access agreement (noted above as Advisory Note #2).

Travon Jackson made a motion to accept the Staff Recommendation of Defer to Local Consideration for the following cases: 01-2403040441, 01-2403040449, 04-2404040462, 04-2403040435, 04-2403040436, 07-2404040463, 07-2403040461, 10-2404040467, 10-2403040454, 10-2403040456, 13-2404040469, 18-2404040470, & 14-2403040438. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom and Brian Crawford.

The Board then reviewed the few cases that were pulled from the Defers to discuss further. The 2 Stewarts cases at the same address was discussed first. Gopika explained that two separate boards submitted this case, Planning Board and Legislative Board and they wanted two separate decision letters from the ACPB.

Case #: 07-2404040464
Project Name: **Lands of Stewart's**

Applicant: Stewart's Shop Corp.
Project Location: 409 Vly Road, 1218 Troy Schenectady Road
Municipality: Town of Colonie
Parcel Size: 0.53, 0.68 acres
Zoning: Single Family Residence (SFR)
Tax Map Number: 18.-1-71, 18.-1-1
Referring Agency: Town of Colonie Planning Board

Considerations: Change of zoning of a portion on a lot with Single Family Residence (SFR) zone to Commercial Office Residential (COR) zone.

Action Type: **Rezoning**

Juris. Determinant: State Road
Potential Impacts: 7 Troy Schdy Road

Staff Notes: The applicant proposes to change the zoning of a portion of the parcel on 409 Vly Road from Single Family Residential (SFR) zone to Commercial Office Residential (COR) to allow for construction and expansion of the existing use. The property on 409 Vly Road consists of two-story wood frame house which is to be demolished and the property is to be subdivided into two halves consists 0.219 acres and 0.273 acres. The portion of the parcel with 0.219 acres is to be conveyed to Stewart's for parking expansion. The existing screening between COR zone and SFR zone is to remain. As per the project narrative, the adjoining properties may be negatively impacted due to noise and increased vehicular movement. Currently, vehicles park on the driveway leading to Stewart's and adjacent property. The relocation of the driveway will allow for several more parking spaces and is anticipated to ease congestion both within the site and on Vly Road.

Staff Opinion: Modify local approval to include

1. Notification of the application should be sent to the County of Schenectady, including all required notices pursuant to GML §239-nn.
2. The Town should require the applicant to submit a complete traffic study before granting final approval as it is a very high traffic intersection.
3. The Town should require the applicant to submit a screening plan incorporating vegetative buffer for the adjoining Single Family Residential (SFR) properties.

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.
2. The Albany County Planning Board advises that the Town of Colonie should clarify what future use is proposed via deed restrictions.
3. The Town should also consider incorporating ADA compliance sidewalk into the plaza via the proposed driveway.

Albany County Legislator, Susan Quine Laurillard and Town of Colonie resident Brian Lemanski asked to speak to the Board regarding this project. She said that many residents have expressed concerns about the rezoning of a single family residential property to commercial property. Specifically, the precedent setting nature of such a rezone and what could happen in the future with this location. Also, how enforceable is the green space buffer that the applicant states they will provide. Brian Lemanski added concerns about noise level and traffic flow (has the traffic study been done?). The Board reviewed the plans submitted along with viewing the site via Google Earth to discuss the project. They had concerns regarding traffic, and screening for the neighboring properties and determined that some Modifications needed to be added to address these issues (noted above).

With the modifications added, Travon Jackson made a motion to accept the Staff Opinion for Case #07-2404040464. The motion was seconded by Jeff LaFontaine and was also approved by Brian Crawford and Gerry Engstrom.

Case #: 07-2404040477
Project Name: **Rezoning of 409 Vly Road**

Applicant: Stewart's Shop
Project Location: 409 Vly Road
Municipality: Town of Colonie
Parcel Size: 0.219 acres
Zoning: Single Family Residential (SFR)
Tax Map Number: 18.-1-71
Referring Agency: Town of Colonie Legislative Board

Considerations: Rezoning of a portion of 409 Vly Road from Single Family Residential (SFR) to Commercial Office Residential (COR) and merge the parcel with 1218 Troy Schenectady Road.

Action Type: **Rezoning**

Juris. Determinant: State Road
Potential Impacts: 7 Troy Schdy Road

Staff Notes: It is proposed that 0.255 acres of the parcel on 409 Vly Road which is currently 0.53 acres be converted from Single Family Residential (SFR) to Commercial Office Residential (COR) to merge the portion with 1218 Troy Schenectady Road where Stewart Shop exists. The rezonig will allow relocation of existing shared driveway entrance to the south to align with Vly Pointe Drive.

Staff Opinion: Modify local approval to include

1. Notification of the application should be sent to the County of Schenectady, including all required notices pursuant to GML §239-nn.
2. The Town should require the applicant to submit a complete traffic study before granting final approval as it is a very high traffic intersection.
3. The Town should require the applicant to submit a screening plan incorporating vegetative buffer for the adjoining Single Family Residential (SFR) properties.

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.
2. The Albany County Planning Board advises that the Town of Colonie should clarify what future use is proposed via deed restrictions.
3. The Town should also consider incorporating ADA compliance sidewalk into the plaza via the proposed driveway.

Albany County Legislator, Susan Quine Laurillard and Town of Colonie resident Brian Lemanski asked to speak to the Board regarding this project. She said that many residents have expressed concerns about the rezoning of a single family residential property to commercial property. Specifically, the precedent setting nature of such a rezone and what could happen in the future with this location. Also, how enforceable is the green space buffer that the applicant states they will provide. Brian Lemanski added concerns about noise level and traffic flow (has the traffic study been done?). The Board reviewed the plans submitted along with viewing the site via Google Earth to discuss the project. They had concerns regarding traffic, and screening for the neighboring properties and determined that some Modifications needed to be added to address these issues (noted).

With the modifications added, Travon Jackson made a motion to accept the Staff Opinion for Case # 07-2404040477. The motion was seconded by Jeff LaFontaine and was also approved by Brian Crawford and Gerry Engstrom.

Case #: 07-2404040465
Project Name: **Speedway Canopy**

Applicant: 7-Eleven Inc.
Project Location: 719 Loudon Road (713 Loudon Rd)
Municipality: Town of Colonie
Parcel Size: 0.46 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 31.6-2-20
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review to add temporary lighting to the Speedway canopy.

Action Type: **Site Plan Review**

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

Staff Notes: 7-Eleven Inc. is proposing to add temporary lighting to the Speedway branded gas station. The canopy was recently demolished due to its deteriorating condition. To create safe operating conditions, lighting needs to be added to the location. Two existing light poles will remain. 4 new light poles will be constructed at the previous canopy column locations. 4 new intercoms at dispensers, 2 new fire extinguishers at dispensers, a new E-Stop on building exterior, and 1 new E-Stop behind the sales counter will be installed.

Staff Opinion: Modify local approval to include
1. A certified light plan should be required from the applicant.
2. The applicant should be required to provide back and side shielding to eliminate light trespass on adjacent properties.

The Board had concerns regarding the lighting and determined that a certified light plan with back and side shielding should be required (noted above as Modify # 1 & 2).

Brian Crawford made a motion to accept the Staff Opinion for Case # 07-240404046 . The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom and Jeff LaFontaine.

Case #: 10-2404040468
Project Name: **Minor Subdivision - The 1700 PUD**

Applicant: 1700 South LLC
Project Location: 6270 Johnston Road Rear
Municipality: Town of Guilderland
Parcel Size: 20.8 acres
Zoning: Planned Unit Development (PUD)
Tax Map Number: 52.03-2-8
Referring Agency: Town of Guilderland Planning Board

Considerations: Four-lot minor subdivision of 21.4 acres of land into Lot 1 with 4.55 acres, Lot 2 with 0.71 acres, Lot 3 with 6.88 acres and Lot 4 with 9.21 acres.

Action Type: **Subdivision Review**

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

Staff Notes:

The applicant is proposing a 4 lot subdivision on 25.9 acres of land located in a Planned Unit Development (PUD). Lot 1 will consist of 4.55 acres and contains 2 3-story multi-family unit buildings. Lot 2 will consist of 0.71 acres. Lot 3 will consist of 6.88 acres. Lot 4 will consist of 9.21 acres. The PUD was approved in February 2015 and allowed for the construction of 9 multi-family buildings, mixed use office/retail building and club house. The purpose of the subdivision is to create multiple parcels for financing purposes. No land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). The project site has existing stormwater management areas that receive and provide water quality treatment and attenuation for the runoff prior to conveyance to the existing Joeseeph Terrace stormwater system.

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:

1. The Town should consider the impacts of Planned Unit Development (PUD) on future submissions for site specifically to address Johnston Road frontage traffic, stormwater and emergency access.
2. A Stormwater Pollution Prevention Plan (SWPPP) should be required for all future developments on the proposed parcel.
3. The Albany County Planning Board advises that no additional stormwater should be directed into the existing stormwater system crossing Johnston Road.
4. The Patricia Lane appears to be gated as indicated in the site plan and the parcel appears to be land locked. The applicant should be required to provide clarification on access to the four proposed lots.

The Board determined that some Advisory Notes needed to be added related to Stormwater, traffic and emergency access (noted above).

Travon Jackson made a motion to accept the Staff Opinion for Case #10-2404040468. The motion was seconded by Brian Crawford and was also approved by Jeff LaFontaine.

Case #: 04-2403040445
Project Name: **Diversified Auto Vehicle Distribution Center**

Applicant: Diversified Automotive Inc.
Project Location: 296 Creble Road, Selkirk
Municipality: Town of Bethlehem
Parcel Size: 79 acres
Zoning: Rural Light Industrial
Tax Map Number: 120.00-5-21, 120.00-5-23.14, 121.00-2-1.1, 120.00-5-23.2
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review for the proposed development of an operations center with 200 SF guard house, 2,598 SF fuel island and 95,000 SF vehicle processing facility. Existing houses on adjoining three parcels are to be demolished.

Action Type: **Site Plan Review**

Juris. Determinant: County Road
Potential Impacts: CR 55 Creble Road, Agricultural District, FEMA Floodzone (Vlomen Kill)

Staff Notes: The proposed vehicle distribution facility, consisting of vehicle distribution and ancillary functions such as business operations, motor vehicle processing, parking and refueling, is an allowed use within this zoning district with Site Plan Approval as a "Distribution Center". Phase 1 proposes improving the property for the distribution center and the creation of the distribution center's operations hub used to support the applicant's fleet of trucks involved in automotive distribution. This phase includes the new construction of a gated entrance, guardhouse, and an uncovered fuel island with an above ground 15,000-gallon diesel fuel tank to service the trucks. Phase 1 also includes the demolition of the existing 2,360 SF residence and garages on the former Dorsey property and proposes the repurposing of an existing 6,000 SF metal hangar (60' x 100' x 27' height) for DAI operations. The repurposed hangar and guardhouse will require new bathrooms and an associated septic system for sanitary sewage disposal. The project is located within the existing municipal water service area. A new 8" HDPE water service connection and "hotbox" for back flow prevention will be installed from the existing water line at Creble Road. A landscaped berm will be installed along the northern property line, south of Creble Road and an existing residence, for visual screening and noise abatement. Phase 2 requires the construction of the ±95,000 SF Vehicle Distribution Center (VDC) building. This building will be 42 feet in height (45 feet maximum height allowed in RLI zone) and will be used for preparing vehicles received at

the site for distribution by performing tasks such as pre-delivery inspections, accessorizing the vehicles to meet the specifications of vehicles ordered for distribution and printing and attaching Monroney labels to reflect the specifications of the vehicles being distributed. The interior of the building will also contain office space and rest and wellness areas for company employees including its truck drivers. DAI anticipates that in addition to its current 12 employees, it would add approximately 20 additional employees to operate out of the Distribution Center. The western side of the VDC building will include a ±22,000 SF area available for lease and use by third parties that may employ up to an additional 15 people on site. The north-eastern corner of the building will have a ±23,000 SF area for parts warehousing and receiving. Contiguous to the VDC, on the southern end of the building, will be a self-contained car wash and unleaded fuel island that will be used for cleaning and fueling the vehicles upon receipt and prior to distribution. A previously installed septic fill system will be used for sanitary sewer waste disposal. The new water service installed in Phase 1 will be extended to the VDC to meet the water demand. The remaining land will contain a paved area for truck parking, storage of vehicles being distributed, and vehicle maneuvering space. The greenspace areas include, but are not limited to, a ±15 feet western buffer along the boundary with the airport and several landscaped islands throughout the parking field. Additional greenspace is provided along the easterly side of the site where a grass filter strip and stormwater management areas are provided. Snow storage will be provided within these greenspace areas. The proposed parking includes 82 car parking spaces for employee use, 23 truck spaces and additional parking field for vehicle distribution. The entire perimeter of the developed portions of the property will be secured by an 8' high chain-link fence and three strand barbed wire. Per NYSDEC GP-0-20-001, a full Stormwater Pollution Prevention Plan (SWPPP) has been prepared for this proposal. A total of 44 acres is anticipated to be disturbed. A letter from the Federal Aviation Administration (FAA) indicates that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities.

Staff Opinion:

Modify local approval to include

1. Review by the Albany County Department of Health for proposed septic and sanitary for the repurposed hangar and guardhouse as mentioned in Phase 1 and Phase 2 of the development.
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.

3. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations should be required due to the proposed uncovered fuel island with an above ground 15,000-gallon diesel fuel tank to service the trucks.
4. In addition to daily and yearly traffic volumes, hourly volumes for the peak hours 6-8 AM and 4-6 PM should be provided, with directional breakdowns.
5. On account of the crest vertical curve near the site, existing intersection sight distances should be provided and compared to AASHTO "Green Book" recommendations for combination truck vehicles for left turns from stop, right turns from stop, and left turns from the major road.

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.
2. The applicant should be required to take all precautions to the maximum extent possible to buffer the proposed commercial/light industrial use from neighboring residential zones.
3. The following items in the Stormwater Pollution Prevention Plan (SWPPP) should be addressed before granting the final approval, - SWPPP should identify the contractor responsible for permanent stormwater management practices (SMP) (it specifies that the contractor is responsible for temporary Erosion and Sediment Control, but omits information regarding responsibility for permanent SMPs).
 - Appendix F Water quality calculations should be included in the SWPPP.
 - A summary table demonstrating that SMPs conform with sizing criteria should be included.

Dan Landon and Joe Hans both representing Diversified Auto spoke about the project and gave some additional details which answered any questions the Board Members had

Travon Jackson made a motion to accept the Staff Opinion for Case #04-2403040445. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom and Brian Crawford.

Case #: 04-2403040443
Project Name: **Carson Power - River Road Solar Array**

Applicant: Carson Power, LLC
Project Location: 285 River Road, Glenmont
Municipality: Town of Bethlehem
Parcel Size: 91.45 acres
Zoning: Rural Light Industrial
Tax Map Number: 98.00-2-10.22
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review and special use permit for a 10MW solar facility on 91.5 acres in the Rural Light Industrial zone. The 10MW solar array will be made up of two 5 MW arrays side by side on the area of the site on the north side of the Niagara Mohawk power line (52+/- acres).

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

Juris. Determinant: State Road
Potential Impacts: 144 River Road, NWI Wetlands

Staff Notes: The proposal includes the construction of two (2) 5.0 MW AC Ground Mounted Community Solar Arrays (Project). The proposed land use is permitted in the Rural Light Industrial (RLI) district with a Special Use Permit. The project proposes the installation of stationary solar panels on existing grade with disturbance associated with the construction of access roads, equipment pads, electric trenching, and construction of stormwater management practices. Vehicle access to both arrays will be provided via gravel access roads with ingress/egress to River Road. The point of interconnection (POI) to the utility will utilize an existing turnaround on Anders Lane and will be designed in accordance with National Grid requirements. The POI proposes fifteen poles (15) and overhead wiring along the proposed twenty (20-foot-wide) access road. The POI was designed to minimize visual impacts to the surrounding neighbors with reduced tree clearing from that proposed in the NG CESIR study and provides evergreen screening. The project site is generally wooded with brush and wetland areas. Slopes range between mild to steep slopes exceeding 40% with several rock outcrops observed. The project parcel is bisected by an easement granted to Niagara Mohawk in the southern portion. Five (5) federal jurisdictional wetlands and three (3) perennial streams were identified within the project parcel. New York State DEC Natural Heritage Program reviewed the project for listings of rare or state-listed animals and plants and significant natural communities within the New York Natural Heritage

Program database and listed the following species as endangered, threatened, or candidate; Short nose Sturgeon (NYS-endangered), Northern Long Eared bat (NYS-endangered), Monarch butterfly (NYS-unlisted), Side oats gram (NYS-endangered), and Violet wood sorrel (NYS-threatened). A preliminary review using the United States Fish and Wildlife Services (USFWS) Information for Planning and Consultation (IPaC) was completed. According to the IPaC Official Species List the following two species could potentially be impacted by the proposed project: Indian Bat and Northern Long eared Bat. A total of 52 acres is anticipated to be disturbed. Decommissioning of the Solar Panel System will include the disconnection of the System from the electrical grid and the removal of all Solar Panel System components, including: • Photovoltaic (PV) modules, panel racking and supports, • Inverter units, substation, transformers, and other electrical equipment, • Access roads, wiring cables, communication tower, perimeter fence; and, and • Concrete foundations. A Phase 1 archeological investigation was conducted for the River Road Solar project and submitted their findings to SHPO for review. SHPO has reviewed the Phase 1 report and recommended that a Phase 1B Archeological Survey is warranted. After the initial submission a Phase 1B survey was completed by Hartgen Archeological Associates and is included in this revised submission. This field surveillance identified four (4) archaeological sites during the Phase 1B Archeological Field Reconnaissance and recommended these locations either be studied with a Phase II, avoided, or that the original vegetation remains in place. The project will retain the existing vegetation by only cutting and not removing stumps.

Staff Opinion:

Modify local approval to include

1. Review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act for potential wetland disturbance and tree clearing 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 should be required due to the proposed vehicle access via River Road.
3. Review by the NY State Office of Parks, Recreation and Historic Preservation should be required for potential impacts on archeological and historic resources as identified in Phase 1B Archeological Survey where four (4) archaeological sites were determined.

Advisory Note:

1. The Applicant should note that Appendix C (Plans and details) is missing from the Stormwater Pollution Prevention Plan (SWPPP) document.

Gerry Engstrom recused himself from voting on this case due to a conflict of interest with his employer.

Owen Hooper representing Carson Power spoke about the project and preemptively was able to answer some of the questions/concerns that the Board Members had.

Brian Crawford made a motion to accept the Staff Opinion for Case #04-2403040443. The motion was seconded by Jeff LaFontaine and was also approved by Brian Crawford.

Case #: **07-2404040466**
Project Name: **Watervliet Shaker Subdivision**

Applicant: Jeff Ferraro
Project Location: 358 Watervliet Shaker Road
Municipality: Town of Colonie
Parcel Size: 5.96 acres
Zoning: Single Family Residential (SFR)
Tax Map Number: 32.3-2-1
Referring Agency: Town of Colonie Planning Board

Considerations: Subdivision review to merge parcels at 1 East Hill Blvd and 358 Watervliet Shaker Road total 6.98 acres and divide the merge parcel into six lots.

Action Type: **Subdivision Review**

Juris. Determinant: State Road
Potential Impacts: 155 Watervliet Shaker Road

Staff Notes: 358 Watervliet Shaker Road LLC proposes to utilize tax parcels 32.3-2-1 and 32.3-4-15 totaling approximately 7.0 acres and create a single-family subdivision over these lands. Tax parcels 32.3-2-1 and 32.3-4-15 reside at 358 Watervliet Shaker Road and 1 East Hills Blvd respectively. The proposed subdivision will consist of six (6) lots. The six (6) lots will be used for single family homes site. Approximately 42% of the land deed restricted as open space within lot #7. 358 Watervliet Shaker Road has currently a vacant multi-family home on the site and most of the site is Undeveloped. 1 East Hills Blvd, is also a vacant piece of land and was part of the East Hills development. The New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) has reviewed tax parcels 32.3-2-1 and 32.3-4-15. NYSOPRHP Cultural Resource Information System (CRIS) determined the project is located inside an

archaeological sensitivity area. Hartgen Archeological has performed a Phase 1, Phase 2 and Phase 2B study of the site. Hartgen Archeological has determined there is no historically significant artifacts at the site. Upon completion of Hartgen Archeological final report, a copy will be submitted to the Town. The project was reviewed by NYSOPRHP under the CRIS (Survey # 22SR00365).

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.

Advisory Note:

1. The Town should review and consider preserving the historic significance on the property.
2. The Town should consider excluding proposed Lot 1 from development due to the wetlands.

Guest Anthony Brankman is a citizen of the Town of Colonie and is in opposition to the project due to the potential historical significance of the property. He is on the Board of the Historical Society in the Town of Colonie but was not here as a representative of that Board. He spoke at length about his knowledge of the property's previous owners but acknowledged that it is not currently on the National Register and is not certain that it would be eligible. Through some research of his own, he determined through the 1830 Census that the home was owned by the Oathout Family whom he believes were significant to the Capital District.

The Board told Mr Brankman that though they appreciate his passion for this property, because SHPO has stated it doesn't have historical significance, there isn't anything the ACPB can do to prevent this project from going forward. An advisory note was added asking the Town to consider reviewing the historic significance (noted above as Advisory #1).

Travon Jackson made a motion to accept the Staff Opinion for Case #07-2404040466. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom. Jeff LaFontaine had to leave the meeting at 5:50 to attend a 6:00 elsewhere and therefore did not vote for this case or any that followed.

Case #:

01-2403040439

Project Name:

Union Station Redevelopment

Applicant:

575 Broadway Holdings, LLC

Project Location:

575 Broadway

Municipality:

City of Albany

Parcel Size:

76.34 acres

Zoning: MU-DT Mixed-Use Downtown
Tax Map Number: 76.34-3-13.2
Referring Agency: City of Albany Planning Board

Considerations: Site plan review for the conversion of the existing 30,980 SF building to a multi-unit dwelling including 49 dwelling units, commercial and office spaces.

Action Type: Site Plan Review

Juris. Determinant: State Road
Potential Impacts: US Route 9, I-787, Historic District

Staff Notes: Proposed is a historic renovation of the three-story structure at 575 Broadway, built in 1919 as Albany's Union Station. The project features a complete renovation of the interior, resulting in a mixed-use structure that will preserve the landmark's grandeur. The ground floor data center will remain, new commercial spaces will be constructed on the lobby level, and 49 apartments will be constructed on the upper levels. No land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). Site modifications are limited to repairs of existing concrete steps and sidewalks.

Staff Opinion: Modify local approval to include
1. Review by the NY State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources should be required.

Brian Crawford made a motion to accept the Staff Opinion for Case # 01-2403040439.
The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

Case #: 01-2403040442
Project Name: Self Storage

Applicant: BBL Construction Services, LLC
Project Location: 351 Southern Blvd. and 280 Mount Hope Drive
Municipality: City of Albany
Parcel Size: 6.41, 4.40 acres
Zoning: MU-CI(Mixed-Use, Campus / Institutions)& MU-CH(Mixed-Use, Community Highway)

Tax Map Number: 87.05-3-4.1, 87.5-3-5.1
Referring Agency: City of Albany Planning Board

Considerations: Site plan review for the conversion of three existing 105,680 SF buildings into self-storage buildings. An addition of 30,200 SF building is also proposed to be constructed for unconditioned self-storage space.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: Route 9W Southern Blvd

Staff Notes: The applicant proposes to convert (3) existing single story buildings (previous tennis center) on a portion of 351 Southern Blvd AKA 205 Southern Blvd to three story conditioned self-storage space totaling 105,680 +/- SF. The existing buildings overall height will remain unchanged. New entrances will be provided to all three buildings. A row of additional unconditioned storage spaces, 10' +/- in height will be added to the center building on the existing tennis center. On 280 Mount Hope Drive, the applicant proposes to construct 30,200 +/- SF in (10) new buildings varying in size from 2,000 SF to 4,200 SF which will be unconditioned self-storage space. Site modifications include fencing, new paving and storm water management facilities. Suitable landscaping will be provided for both screening and site enhancement. A total of 2.2 acres of land disturbance is anticipated during the proposed action as per the Full Environmental Assessment Form (FEAF). As indicated in the FEAF, the project site is adjacent to Kenwood Cemetery and Academy of the Sacred Heart which is listed on the National or State Register of Historic Places, or that has been determined by the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.

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-0-24-001, effective January 3, 2024) for construction activities that disturb more than one acre of land.
2. Review by the Albany County Department of Health for the proposed new sanitary sewer lateral.

3. Review by the NY State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources as identified in the Full Environmental Assessment Form (FEAF) should be required.

Dan Hershberg of Hershberg and Hershberg spoke to the Board. Brian Crawford made a motion to accept the Staff Opinion for Case #01-2403040442. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

Case #:	<u>10-2404040474</u>
Project Name:	Hiawatha Trails Minor Subdivision
Applicant:	Hiawatha Land Development LLC
Project Location:	6051 State Farm Road
Municipality:	Town of Guilderland
Parcel Size:	19.2 acres
Zoning:	Single-Family Residential Districts (R40)
Tax Map Number:	51.0-1-13
Referring Agency:	Town of Guilderland Planning Board
Considerations:	Three-lot minor subdivision of 19.2 acres into Lot 1 with 9.41 acres, Lot 2 with 6.64 acres and Lot 3 with 3.18 acres.
Action Type:	Subdivision Review
Juris. Determinant:	State Road
Potential Impacts:	155 State Farm Road, NWI Wetlands (Kaikout Kill)
Staff Notes:	The applicant is proposing a 3 lot subdivision on 19.2 acres of land located in the R40 District associated with the previously approved Special Use Permit for a 256 unit residential facility, independent living development (Hamilton Parc). The applicant is proposing separate lots for Phase I and Phase II of the development for financing purposes. Lot 1 will consist of 9.41 acres and contains Phase I of the development which includes the Senior Housing development with approximately 130 units, parking garages, surface parking and other improvements. Lot 2 will consist of 6.64 acres and will be Phase II of the development. Lot 3 will consist of 3.18 acres of land the applicant is proposing to convey to the town for town park purposes and will be incorporated with the 24.5 acres located to the west, which is also proposed to be conveyed to the town and will become a new town park named Kaikout Kill Park totaling

27.7 acres. No land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). Stormwater discharge will be directed to groundwater from porous pavement and infiltration basin as per SEAF.

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.

Travon Jackson made a motion to accept the Staff Opinion for Case #10-2404040474. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Case #:

10-2404040475

Project Name:

Local Law No.4 of 2024 to Implement Moratorium - Town of Guilderland

Applicant:

Town of Guilderland

Project Location:

Town of Guilderland

Municipality:

Town of Guilderland

Parcel Size:

N/A N/A

Zoning:

N/A

Tax Map Number:

N/A

Referring Agency:

Town of Guilderland Legislative Board

Considerations:

Adoption of local law to implement moratorium on certain residential development for a period of six months starting on March 14, 2024.

Action Type:

Adoption of Local Law

Juris. Determinant:

N/A

Potential Impacts:

N/A

Staff Notes:

For a period of six (6) months, starting on March 14, 2024, and subject to any other Local Law adopted by the Town Board during this six (6) month period, except as may be provided in Section 4 below, the following moratorium is enacted: (a) no new application for subdivision approval, country hamlet, or planned unit development involving five or

more single-family lots shall be accepted, processed or approved by the Town; (b) no new application for a special use permit, site plan use, country hamlet, or planned unit development approval involving an apartment building or a multiple-family residential development with 25 or more dwelling units shall be accepted, processed or approved by the Town; and (c) no new application for a special use permit, site plan use, country hamlet, or planned unit development approval involving a residential care facility (assisted living), residential facility (independent living) or residential health care facility (nursing home) with 50 or more dwelling units shall be accepted, processed or approved by the Town. (d) The Town Board may, in its sole discretion, extend this moratorium for six months in whole or in two three-month segments.

Staff Opinion:

Modify local approval to include

1. A notification of the proposed moratorium should be sent to all adjacent municipalities pursuant to GML §239-nn.

Karen White spoke to the Board and requested that the Board approve this moratorium.

Travon Jackson made a motion to accept the Staff Opinion for Case #10-2404040475. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

The next case on the Agenda was HOF Solar from the Town of Bethlehem, but Gerry Engstrom had to recuse himself from this case, therefore the ACPB did not have quorum to vote on it. The Board asked Gopika to call the Town to see if they would be willing to wait until our May meeting to review. Gopika will contact Rob Leslie and will let the Board know.

Case #: 04-2403040447

Project Name: Selkirk Fire District

Applicant: Selkirk Fire District

Project Location: 1160 Route 9W, Selkirk

Municipality: Town of Bethlehem

Parcel Size: 78.3 acres

Zoning: Residential A

Tax Map Number: 121.00-3-23

Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review for the construction of a new 21,800 SF fire station with new driveway entrances to Route 9W, parking lot, stormwater

management facilities and extended municipal sanitary sewer collection line to the site.

Action Type: Site Plan Review

Juris. Determinant: State Road
Potential Impacts: Route 9W, Agricultural District

Staff Notes: The proposal is for the new 21,800 square foot headquarters contains three double-deep bays for housing apparatus, a radio room with a view of the apron, a decontamination/laundry, a clean space to fill and maintain SCBA gear, an ADA compliant bathroom, a community meeting room, and an exercise room. This new headquarters building also allows space for the district offices, which are currently housed in a trailer behind the current Station #1. A new mezzanine provides training space, including a bailout window and confined space extrication. The average height of the new building will be 23 feet. The most important feature this new building has over the older building is improved safety. The volunteer firefighters no longer must put on their turn-out gear along side the trucks as they are pulling out of the station, and the apparatus bay will be equipped with a direct tailpipe exhaust capture system which will improve the air quality in the bay areas. The site will be served by municipal water and municipal sewer. The Fire District is requesting to expand the sewer district by adding the elementary school (already connected to the sewer system) and the proposed site. The site will be served by electrical service that runs along Route 9W. The proposed site provides 74 parking spaces for the public, 3 accessible spaces, plus an additional 30 parking spaces for responders. a garbage dumpster enclosed by a masonry wall will be located towards the rear of the building along the southern property line. The site will also include a diesel fuel tank with dispenser, an emergency generator, a pocket wetland for stormwater retention, and an oil/water separator for the apparatus bay trench drains. The site provides an area for a potential future trailer shed at the rear of the building in the southeast corner.

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.

Advisory Note: 1. The applicant should be required to include the following items in the Stormwater Pollution Prevention Plan (SWPPP) document before granting the final approval: - The SWPPP document should specify who

is responsible for installing Erosion and Sediment Control or for the construction of stormwater management practices.

-SWPPP should include a modeling/analysis report which includes a predevelopment map, post development map, and summary table showing that stormwater management practices conform with sizing criteria.

-Plans indicate that Phase 1 will involve disturbing 4.90 acres. If the disturbance exceeds 5 acres, the applicant should get a written authorization from NYSDEC.

Brian Crawford made a motion to accept the Staff Opinion for Case # 04-2403040447. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

Case #:	<u>10-2404040472</u>
Project Name:	A-Metro Self-Storage
Applicant:	Rick Ramsey
Project Location:	2360 Western Avenue, Altamont
Municipality:	Town of Guilderland
Parcel Size:	3 acres
Zoning:	Local Business District (LB)
Tax Map Number:	39.00-3-58
Referring Agency:	Town of Guilderland Zoning Board of Appeals

Considerations:	Special use permit to demolish the existing Motor Inn and construction of a self-storage facility.
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Action Type:	Special Use Permit
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Juris. Determinant:	State Road
Potential Impacts:	20 Western Avenue

Staff Notes:	The applicant is proposing to redevelop the parcel to construct one 10,000 SF two-story climate control self-storage building and three cold storage self-storage buildings totaling 17,000 SF with associated pavement, utilities, and stormwater management practice for water quality treatment utilizing runoff reduction. Access to the sit will be provided off of Western Tpke. Total project disturbance will be 2.4 acres.
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The parcel is currently occupied by a single-story motel and single-family residence. The existing motel and single-family home will be demolished as part of the redevelopment proposals. There are currently two full access cur cuts with access from Western Tpke. These curb cuts will be closed and two new curbs cuts will be installed to allow one-way circulation around the building. Per Town of Guilderland zoning code, the 20,000 SF facility required 6 parking spaces. The plan proposes 6 parking space - three spaces on the north end of the building at the first-floor access point and three spaces on the south end of the building at the second-floor access point. the proposed facility will connect to the existing water and sewer facilities. The stormwater management plan for the proposed project includes the use of positive surface sheet flow and drainage swales to infiltration basin practices located at the northern end of the site, to meet water quality volume and minimum runoff reduction volume per NYSDEC stormwater regulations. The stormwater management area will detain all runoff volumes up to the 100-year storm and control the release such that the post-development peak discharge rates are less than the pre-development peak discharge rates.

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.
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.

Travon Jackson made a motion to accept the Staff Opinion for Case #10-2404040472. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Case #: 10-2404040473
Project Name: Aaron Lane Minor Subdivision

Applicant: Kyle W. Wright
Project Location: 200-300 Aaron Lane
Municipality: Town of Guilderland
Parcel Size: 4.48 acres
Zoning: Single-Family Residential Districts (R20)
Tax Map Number: 39.00-2-11
Referring Agency: Town of Guilderland Planning Board

Considerations: Subdivision review for the proposed three-lot minor subdivision. Lot 1 will consist of 1.09 acres, Lot 2 will consist of 1.15 acres and Lot 3 will consist of 2.24 acres.

Action Type: Subdivision Review

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

Staff Notes: The applicant is proposing a 3 lot subdivision on 4.48 acres of land located in the Single-family (R20) District. The R20 District requires a minimum 20,000 square feet minimum lot size, which is the equivalent to approximately 0.5 acre. Lot 1 would consist of 1.09 acres and contains a pre-existing single-family dwelling and accessory structure; Lot 2 would consist of 1.15 acres; and Lot 3 would consist of 2.24 acres. Public water and sewer is provided to Lot 1 and will be provided to Lot 2. Lot 3 will have a private well and septic system, which will need approval from the Albany County Department of Health. A shared access and maintenance agreement will be required as a condition of final plat approval for the three lots sharing the driveway access to Route 20.

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 proposed well and septic system on Lot 3 and other necessary permits should be required.

Brian Crawford made a motion to accept the Staff Opinion for Case #10-2404040473.
The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

Case #: 10-2403040453
Project Name: Della Rocca Subdivision

Applicant: Thomas P. Della Rocca
Project Location: 5095 Western Turnpike
Municipality: Town of Guilderland
Parcel Size: 4.7 acres
Zoning: Single-Family Residential Districts (R20)
Tax Map Number: 39.06-3-31
Referring Agency: Town of Guilderland Planning Board

Considerations: Subdivision review of 4.7 acres into six lots with lot sizes range from 30,028 square feet to 46,058 square feet.

Action Type: Subdivision Review

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

Staff Notes: The applicant is proposing a 6-lot subdivision of 4.7 acres of land located in the Single-family (R20) District. The R20 District requires a minimum lot size of 20,000 square feet. Lot sizes range from 30,028 square feet to 46,058 square feet. An existing single-family dwelling is located on Lot 6. Three lots will be accessed from Pinewood Drive and three lots will be accessed from Western Turnpike. Public water and sewer are available for each of the lots. A total of 3.5 acres of land disturbance is indicated per the Short Environmental Assessment Form.

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-0-24-001, effective January 3, 2024) 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 is required.

3. Review by the Albany County Department of Health for water supply, waste water discharge, and other necessary permits should be required.

Travon Jackson made a motion to accept the Staff Opinion for Case # **10-2403040453**.
The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Case #: **02-2403040446**
Project Name: **CM Fox Living LLC Major Subdivision**

Applicant: CM Fox Living LLC
Project Location: 2390 Western Avenue
Municipality: Village of Altamont
Parcel Size: 13.01 acres
Zoning: R-15: Residential
Tax Map Number: 37.14-3-6.1
Referring Agency: Village of Altamont Planning Board

Considerations: Major subdivision of the property into 11 Residential lots where one of the lots has an existing single family house.

Action Type: **Subdivision Review**

Juris. Determinant: State Road
Potential Impacts: 397 Western Avenue, Agricultural District, Floodzone

Staff Notes: The property owner is proposing to subdivide a 13.01-acre parcel (identified as SBL 37.14-3-6.1) into eleven (11) single family residential lots out of which one of the lots will consist of existing single-family home. The property is currently occupied by a single-family residential house, the land is predominantly bush. The proposed lots shall be serviced with public water and sewer from the Village of Altamont and Town of Guilderland respectively. The project proposes a total of 2.93 acres of land disturbance. The applicant's request for three lot-line adjustments and area variance from the minimum frontage requirement of 30 feet for a keyhole lot to permit four proposed keyhole lots with approximately 16 feet of road frontage was approved by the Zoning Board of Appeals which is also the Lead Agency.

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 should be required.
2. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for properties, due to the proposed ingress/egress and utility easement for lots 1-3 and lots 5- 8.
3. 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-0-24-001, effective January 3, 2024) for construction activities that disturb more than one acre of land.

The Board discussed the public opposition for this project. They also spoke about concerns related to possible wetlands. Travon Jackson made a motion to accept the Staff Opinion for Case #02-2403040446. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Case #: 08-2403040450
Project Name: **Stewart's Shops Expansion**

Applicant: Stewart's Shops Corp.
Project Location: 1560 Central Avenue
Municipality: Village of Colonie
Parcel Size: 0.27 acres
Zoning: Commercial A
Tax Map Number: 41.12-1-17
Referring Agency: Village of Colonie Planning Board

Considerations: Site plan review for site modifications including relocation of restricted driveway along with additional new parking spaces, addition of fuel dispenser and incorporating the parcel at 1568 Central Avenue with the existing store at 1560 Central Avenue.

Action Type: **Site Plan Review**

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

Staff Notes:

The applicant proposes to demolish the existing two-story building located at 1568 Central Avenue and incorporate the property with 1560 Central Avenue for the relocation of the restricted driveway and placement of additional parking. An additional fuel dispenser will be added to the parcel. Both the properties are zoned for Commercial A and the proposal is in accordance with the Village Code. The proposal is a TYPE II action as the construction is less than 4,000 SF. Concrete sidewalk and concrete drop curb is proposed along with the new driveway. All storm water on the existing site that is proposed for redevelopment currently flows directly onto the existing parcel occupied by Stewart's Shops. Currently, approximately 0.993 acres of existing impervious cover is present within the contributing watershed area. The proposed plan calls for the removal of the existing structure and all associated impervious surfaces (asphalt, concrete, etc.) located on the parcel that is to be purchased and redeveloped. The proposed plan also calls for the expansion of the existing gasoline canopy, construction of 21 additional parking spaces, and shifting of the Central Avenue driveway entrance to the North. The proposal on site modifications result in an approximate 0.093 acre (4,064± sf) reduction in impervious cover. This equates to an approximate 9.3%± impervious cover reduction.

Staff Opinion:

Modify local approval to include

1. Review and permits by New York State Department of Transportation for the proposed concrete sidewalk and concrete drop curb along with the new driveway via Central Avenue.
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.

Advisory Note:

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

The Board said DOT should be reviewing this (Noted above as Modify 1 & 2). Brian Crawford made a motion to accept the Staff Opinion for Case #08-2403040450. The motion was seconded by Travon Jackson and was also approved by Gerry Engstrom.

Case #:	<u>12-2404040476</u>
Project Name:	Adoption of Local Law Amending the Village of Menands Zoning Map
Applicant:	Village of Menands
Project Location:	Village of Menands (Cemetery Avenue)
Municipality:	Village of Menands
Parcel Size:	11.10, 10.90 acres
Zoning:	R1 (Single-family residential)
Tax Map Number:	44.14-2-1, 44.14-1-1
Referring Agency:	Village Board
Considerations:	Adoption of local law proposing the rezoning of two parcels, Rotterdam-Curry Road and 59 Cemetery Ave, from R1 (Single-family residential) Zoning District to Cemetery Zoning District and Broad Business District (BBD).
Action Type:	Adoption of Local Law
Juris. Determinant:	Municipal Boundaries, State Road
Potential Impacts:	Intermunicipal Boundaries of Village of Menands and Town of Colonie, Historic District, 32 Broadway
Staff Notes:	The Village of Menands proposes the rezoning of two tax parcels currently within the R1 (Single-family residential) Zoning District. The district designation for tax parcel 44.14-1-1, which takes up about 11 acres, is proposed to be changed to the Cemetery Zoning District (C). The parcel is currently owned by the Albany County Rural Cemetery with the current land use being a cemetery as part of the surrounding Albany County Rural Cemetery. No residential uses exist on the subject parcel. The intent of the proposed rezoning is to bring the parcel's zoning in line with the current land use. Tax parcel 44.14-2-1 is currently owned by the Niagara Mohawk Power Corporation and used for electric transmission purposes. Its zoning designation is proposed to be changed to Broad Business District (BBD). A portion of this parcel is already zoned BBD, with the R1 portion of the parcel (west of the railroad tracks) that is proposed to be changed taking up about slightly less than one acre. No residential uses exist on either parcel and the intent of the proposed rezoning is to bring the parcels' land uses into conformance with zoning.
Staff Opinion:	Modify local approval to include 1. Notification of the application should be sent to the Town of Colonie, including all required notices pursuant to GML §239-nn.

2. Notification of the application should be sent to the Albany Rural Cemetery, including all required notices pursuant to GML §239-nn.
3. Review by the NY State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources.

Travon Jackson made a motion to accept the Staff Opinion for Case #12-2404040476. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Unfinished Business: none

New Business:

1. Gopika attended the National Planning Conference last week and stated that she learned a lot and was happy to meet Planners from other areas. .
2. Beth Lacey announced that she will be resigning from the Board and will send an official letter stating that. She has found that she doesn't have the ability to devote the time to the ACPB. There is at least one other person we are aware of who is interested in applying for this position.
3. The next meeting of the ACPB will be on Thursday, May 16, 2024 at 3:30pm in Voorheesville. The deadline for municipalities to submit referrals for review is Monday, May 6, 2024 at 3:30pm.

Adjourn: Travon Jackson made a motion to adjourn at 6:21pm.