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GERALD ENGSTROM JR.,
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CHAIRPERSON

ACPB Meeting Minutes – November 21, 2024

NOTE: The November 21 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, Brian Crawford and Ta-Sean Murdock

Board Members Absent: Jeff LaFontaine, Kate Powers

Albany County Public Works Office: Gopika Muddappa, Senior Planner; Lynn Delaney ACPB Secretary, Zachary Smetana, Albany County Office of Management and Budget (via Teams); Christine Breton, Albany County Comptroller's Office.

Guests: Joe Hens, Ingalls and Associates (for Case #'s 04-2411040584 & 04-2411040595).

Minutes: Lynn Delaney, Secretary

Call to Order: Gerry Engstrom called the meeting to order at 3:33pm.

Vote for Meeting Minutes:

May 16, 2024 and October 17, 2024 - Due to the absence of Kate Powers and Jeff LaFontaine, the Board was unable to vote on the May 16, 2024 and the October 17, 2024 Meeting Minutes. They have been posted in DRAFT form on the ACPB webpage.

Ta-Sean Murdock 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 by Gerry Engstrom.

ACPB 11/21/24 Meeting Minutes (cont.)

Case #: **01-2411040591**

Project Name: **Ordinance 17.53.24**

Applicant: Albany Common Council

Project Location: City of Albany

Municipality: City of Albany

Parcel Size: N/A N/A

Zoning: N/A

Tax Map Number: N/A

Referring Agency: City of Albany Legislative Board

Considerations: Amendment of zoning ordinance Chapter 111 revising requirements for caberet and accessory entertainment.

Action Type: **Amendment of Zoning Ordinance**

Juris. Determinant: N/A

Potential Impacts: N/A

Staff Notes: This is an ordinance amending Part 3 (Cabarets) of Chapter 111 (Amusements), Part 35 (Board of Zoning Appeals) of Chapter 42 (Departments and Commissions), and Chapter 375 (Unified Sustainable Development Ordinance) of the code of the City of Albany in relation to revising requirements for caberet and accessory entertainment.

Case #: **01-2411040592**

Project Name: **Ordinance 27.91.24**

Applicant: Albany Common Council

Project Location: City of Albany

Municipality: City of Albany

Parcel Size: N/A N/A

Zoning: N/A

Tax Map Number: N/A

Referring Agency: City of Albany Legislative Board

Considerations: Amendment of zoning ordinance 27 that allows beneficiaries of Albany's affordable housing requirement and increase height requirement.

Action Type: **Amendment of Zoning Ordinance**

Juris. Determinant: N/A

Potential Impacts: N/A

Case #01-2411040591 and Case #01-2411040592 were both pulled from the Agenda at the request of the Applicant and therefore not reviewed at this meeting.

Case #: **07-2411040590**
Project Name: **Broadview FCU ATM Expansion**

Applicant: Broadview FCU
Project Location: 4 Century Hill Drive
Municipality: Town of Colonie
Parcel Size: 1.25 acres
Zoning: COR — Commercial Office Residential District
Tax Map Number: 9.4-1-8.9
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the renovation of the existing credit union branch location. Work includes the addition of one drive-up virtual teller machine (VTM) and the removal of the drive up window teller.

Action Type: **Site Plan Review**

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

Staff Notes: Proposed use will remain the same. Intended site development includes renovations to the interior bank/office spaces, and a reconfiguration of the Drive Through to add an additional ATM with overhead canopy extension. Site is currently occupied by a single story branch bank with window teller & ATM drive through, with a portion of the bank also currently used as office tenant space. Parking areas surround the perimeter of the bank, with lawn spaces buffering the parking to adjacent roadways (Century Hill Drive and Route 9) to the north and east, as well as adjacent commercial properties (6 Century Hill Drive –

Office Building and 982 Loudon Road - Tuscan Sun at Kimberley's) to the west and south. The proposed use of the site is the same as the existing use and will not impact traffic to or from the site. Existing water, sewer and solid waste facilities will be used, and the proposed improvements will not impact any of these services. Project is anticipated to be constructed in the Fall 2024 – Winter of 2025 and will be constructed in a single phase.

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 #:

07-2411040596

Project Name:

Office Building & Parking Garage

Applicant:

Starlite Associates LLC

Project Location:

85 Coliseum Drive, Cohoes

Municipality:

Town of Colonie

Parcel Size:

7.24 acres

Zoning:

COR — Commercial Office Residential District

Tax Map Number:

19.2-1-65

Referring Agency:

Town of Colonie Zoning Board of Appeals

Considerations:

Area variance for the construction of 4-story building totaling 136,400 SF, 4-level 34,100 SF parking garage and 185 surface parking spaces.

Action Type:

Area Variance **see note on page 6*

Juris. Determinant:

State Road

Potential Impacts:

Rte 9 New Loudon Road, NYS DEC Regulated Freshwater Wetlands

Staff Notes:

The proposed construction of a new 136,400 SF four-story building with a footprint of 34,000 SF is not compliant with the maximum allowed 30,000 SF building footprint in the Commercial Office Residential (COR) district as per the Town of Colonie Land Use Law. The proposed construction of four-story multi-level parking structure in the COR zoning district is not an allowed use per the Land Use Law. A total of 4.5 acres of land is to be disturbed as per the Short Environmental Assessment Form (SEAF). This proposal will require a site plan review if the variances are approved by the Town Zoning Board of Appeals.

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: 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 should be required prior to final approval.

Case #: **10-2411040582**
Project Name: **Convenience Store**

Applicant: Guilderland Food Mart, Inc
Project Location: 456 State Route 146
Municipality: Town of Guilderland
Parcel Size: 0.44 acres
Zoning: General Business (GB)
Tax Map Number: 38.20-1-19
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit and area variance to permit the conversion of automobile repair space to an expansion of an existing convenience store.

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

Juris. Determinant: State Road, County Road
Potential Impacts: State Route 146, CR 202 School Road

Staff Notes: The applicant seeks special use permit and an area variance for the proposed conversion of automobile repair space to an expansion of an existing convenience store and for an addition to the building that will encroach in a side yard setback and a buffer to a residential district. The current side setback requirement is 15 feet. The proposed encroachment is only 2.3 feet which is an approximate 15% of relief that is sought by the Applicant from the current setback requirements. In doing so, the Applicant will eliminate an existing encroachment into the setback caused by the existing shed which is currently positioned at over 50% of the setback. The site is pre-existing nonconforming with the

building and a majority of the land situated within the 75' buffer already. Any continued encroachment is mitigated by its pre-existing status, installation of stockade fencing, and increased greenspace. Less than one acre of land is to be disturbed as per the Short Environmental Assessment Form (SEAF). The store consists of existing water and waste water utilities. The site is located adjacent to National Register Building Listings, Mynderse-Frederick House. Work will include painting building exterior, small expansion at the rear of existing building, interior removals and renovation, minor site parking changes, slight increase in the greenspace and wood stockade fence extension.

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 #: 13-2411040594
Project Name: Stein Ground Mounted Solar

Applicant: Julie Stein (Empire Solar)
Project Location: 290 Cass Hill Road
Municipality: Town of New Scotland
Parcel Size: 105.00 acres
Zoning: RF- Residential Forestry
Tax Map Number: 105.-1-5
Referring Agency: Town of New Scotland Planning Board

Considerations: Site plan review for the proposed installation of two 18.4 KW ground-mounted solar arrays for on-site consumption.

Action Type: Site Plan Review

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District

Staff Notes: This is an application proposing the installation of two 18.4 KW ground-mounted solar arrays with 80 panels in total for on-site consumption at the property. The two arrays will connect to the existing house and accessory agricultural structure separately. Small-scale ground mounted solar systems on lots greater than three acres are permitted in the Residential Forestry zoning district with site plan review pursuant to Article V Section 190-58 of the zoning law. The solar panels are to be

located rear of the home screening the installation for any visual impact. Less than one acre of land is to be disturbed 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.

The Board removed Case # **04-2411040584**, Brooke Lamparello Minor Subdivision & Variance, from the group of Defers to discuss separately (see the next case listed below).

*Case # **07-2411040596**, The referral form submitted with the application packet was marked for both area and use variance and same was stated in the Variance appeal application. It was brought to Gopika's attention on the day of the meeting that the referral form was incorrectly marked for use variance and that the proposed parking garage is connected to the proposed office building, therefore the use is allowed in a Commercial Office Residential (COR) zone. The board was made aware of the changes during the meeting and the application was reviewed for area variance only and not use variance as the proposed parking is allowed.

Brian Crawford made a motion to accept the Staff Opinion for Case #'s **07-2411040590; 07-2411040596; 10-2411040582; & 13-2411040594.** The motion was seconded by Ta-Sean Murdock and was also approved by Gerry Engstrom.

<u>Case #:</u>	<u>04-2411040584</u>
Project Name:	Brook Lamparello Minor Subdivision & Variance
Applicant:	Brooke Lamparello
Project Location:	51 Martin Drive
Municipality:	Town of Bethlehem
Parcel Size:	4.30 acres
Zoning:	RLI
Tax Map Number:	108.00-2-9.3
Referring Agency:	Town of Bethlehem Planning & Zoning Board of Appeals

Considerations: Minor Subdivision of 4.3 acres to create two single family residential lots and area variance from minimum highway frontage for both proposed lot 1 & lot 2.

Action Type: Subdivision Review, Area Variance

Juris. Determinant: State Route, Agricultural District
Potential Impacts: SR 32 Feura Bush Road

Staff Notes: The applicant proposes to divide the 4.3+/- acre parent parcel and create a new parcel for a single-family dwelling. After the land division, the parent parcel will be reduced to 2.1+/- acres and the proposed parcel will be 2.2+/- acres. The proposed parcel will have access to the existing water line available on Martin Drive and an on-site wastewater disposal system will be constructed. The project is located outside of any known environmentally sensitive areas. Area Variance from minimum highway frontage for both proposed lot 1 & lot 2 is also requested. Lot 1 is 10' short of required 50' of highway frontage. Lot 2 is 50' short of required frontage. Martin Drive is a dead end that is not paved for the entire frontage of #51. Definition of highway frontage in town code is not met. Less than one acre of land is anticipated to be disturbed as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Modify local approval to include
1. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties.

Joe Hens, of Ingalls and Associates spoke to the Board about this project. The Board switched the decision to a "Modify" so they could add a requirement about a shared access agreement (noted above as Modify #1). With that Modification added, Ta-Sean Murdock made a motion to accept the Staff Opinion for Case #04-2411040584. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Case #: 04-2411040595
Project Name: Wiggand & Grady Subdivision

Applicant: James Grady, Wiggand LLC
Project Location: Hartman Road, Vagele Ln, Glenmont Road
Municipality: Town of Bethlehem
Parcel Size: 84.30 acres
Zoning: Residential A (RA)
Tax Map Number: 98.00-2-2, 98.13-1-19, 98.00-2-4, 98.00-2-5
Referring Agency: Town of Bethlehem Planning Board

Considerations: Subdivision review for the proposed 82-unit conservation subdivision associated with town roads, driveways and associated utilities including water, sanitary sewer, and, stormwater features.

Action Type: Subdivision Review

Juris. Determinant: State Road
Potential Impacts: Interstate Highway 87

Staff Notes: The proposed conservation subdivision will involve the construction of approximately 4,550 LF of Town roads and 600 +/- LF of private road. The conservation plan shows a substantial reduction in road length and related utilities when compared to the 8,000+ LF of roads depicted on the conventional plan. The proposed roadways will be constructed in accordance with the Town of Bethlehem highway standards. Water supply and sewer collection will be provided through connections to the existing municipal facilities located along Vagele Lane. The total number of buildable units shown on Conventional Plan is eighty-two (82) units. The project is anticipating approval under design as a conservation subdivision pursuant with chapter 128-51 E (1) of the Town of Bethlehem's Zoning Law. Per the code a Tier 1 incentive allows for an increase of twenty percent (20%) maximum unit density with the permanent preservation of at least fifty percent (50%) of the gross land area as open space. Additionally, Tier 2 incentive allows for an increase of fifteen percent (15%) maximum unit density for the dedication of not less than ten (10) contiguous acres of land for public use for trails, active or passive recreation, or waterfront access. With the allowances, a conservation subdivision has the ability to create up to one hundred and ten (110) dwelling units. However, to minimize density related impacts to adjacent properties the applicant has chosen to wave all potential density bonuses and limit the proposed conservation subdivision to eighty-two (82) dwelling units. The current plans that are within this submission are a continuation of the previous application to the Town for a conservation subdivision from 2020 before the moratorium on subdivisions was adopted. A detailed Traffic Impact Evaluation was conducted by VHB Engineers in a letter report dated July 31, 2023 and last updated October 25, 2024. The report concluded that there will be no significant adverse impacts from the new subdivision and that the only mitigation recommended included new stop signs for an all-way controlled intersection for the three (3) legs at Vagele Lane, Wiggand Drive and East Wiggand Drive. A Phase 1 archaeological survey was conducted as requested by the New York State Office of Parks Recreation and Historic Preservation to determine the presence or absence of archaeological sites or other cultural resources in the

project's area of potential effect. Results of the Phase 1 archaeological survey, conducted by Stony Creek Archeology found that the project does not contain any archaeological sites or other cultural resources. The project has been modified to include a mix of different housing options including single-family, two-family, and multifamily dwellings that complies with the new Neighborhood Residential land use. The purpose of mixing different styles of dwellings is to create a diverse community within the subdivision. The proposed open space includes 92% of the total wetlands, 98% of the total steep slope areas, and 36.9 acres of developable lands. Due to the conservation subdivision design wetland impacts and tree clearing will be greatly minimized compared to the conventional subdivision plan. A total of 32.4 acres of land is to be disturbed as per the Full Environmental Assessment Form (FEAF). The Town of Bethlehem Sewer District main extension is proposed as part of this project to provide sanitary sewer service to the proposed 82 residential units. A Sewer District Extension will be required. Stormwater runoff will be directed to on-site stormwater management areas designed per the NYSDEC Design Manual 2024. A Stormwater Pollution Prevention Plan (SWPPP) was submitted with the application packet.

Staff Opinion:

Modify local approval to include

1. Review by Albany County Department of Health for water supply, waste water discharge and other necessary permits should be required.
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-0-24-001, effective January 3, 2024) for construction activities that disturb more than one acre of land should be required prior to final approval.
3. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.
4. The local fire department should be notified to evaluate the proposed 20' wide porous stone emergency access drive for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.
5. Proposed Lot 37 appears to be impacted by the forested wetland as shown in the site plan set. The applicant should consider alternative design to eliminate placing a dwelling in that area and avoid potential wetland impact.

6. Proposed parcel 30, 31, 57, and 58 appears to be encroaching Wetland B, Wetland C and Wetland H-1 as shown in the site plan. The applicant should consider alternative layout.

7. The Town should require the applicant to implement physical buffer (such as a split rail fence) to delineate the buildable area from the wetlands especially for lots that consist large areas of wetland encroachment to limit the wetland disturbance and prevent further development.

Advisory Note:

1. The Town should consider a box culvert and/or squash pipe under the land for Wetland C and the access road.

A representative from Ingalls Engineering, Joe Hens, spoke about the project. The Board had concerns regarding the Wetlands and wanted a physical buffer to delineate the buildable area for residents (noted above as Modify #7). They also requested an Advisory Note be added for the applicant to consider other drainage options (noted above as Advisory Note #1).

With those additions, Brian Crawford made a motion to accept the Staff Opinion for Case #04-2411040595. The motion was seconded by Ta-Sean Murdock and was also approved by Gerry Engstrom.

Case #:

07-2411040588

Project Name:

Federal Express Site Improvements

Applicant:

Johnnie Golsby, Federal Express

Project Location:

590 Broadway

Municipality:

Town of Colonie

Parcel Size:

21.48 acres

Zoning:

Industrial

Tax Map Number:

44.14-3-30

Referring Agency:

Town of Colonie Planning Board

Considerations:

Site plan review for the proposed installation of 8' high security fence around operational portion of facility.

Action Type:

Site Plan Review

Juris. Determinant:

Municipal Boundary, State Road

Potential Impacts: Intermunicipal Boundaries of Town of Colonie and Village of Menands, SR 32 Broadway

Staff Notes: The applicant proposes site security measures and controlled access features at their facility. Additional site improvements are proposed to provide parking for trucks trailers and the pavements stripping of employee and customer parking spaces. No expansion of the existing development area or new impervious surface is proposed. The subject facility and property is located partly within the Town of Colonie and Village of Menands. Town of Colonie Planning Department and Building Department are the lead agencies for the proposed development. The portion of the site in Town of Colonie is zoned Industrial and the portion in Village of Menands is zoned Broadway Business District. The FedEx building and yard is located 670' west of Broadway and has one principal driveway to Broadway. The property contains 30.98 acres of which 8.2 acres is developed by the facility. 8' high chain link fence with 3 strands of barbed wire on top to encompass the operations portion of the site is to be installed. A total of 213 parking spaces including 7 handicap spaces are proposed. A total of 9 acres is to be disturbed as per the Short Environmental Assessment Form (SEAF).

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 should be required prior to final approval.
2. Notification of the application should be sent to the Village of Menands, including all required notices pursuant to GML §239-nn.

Ta-Sean Murdock made a motion to accept the Staff Opinion for Case **#07-2411040588**. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Case #: 07-2411040589
Project Name: **Fusco Office/Warehouse Buildings**

Applicant: Dana Fusco
Project Location: 5,9,11 Runway Avenue
Municipality: Town of Colonie
Parcel Size: 4.10 acres
Zoning: ABA
Tax Map Number: 18.-3-32.6, 18.-3-32.4, 18.-3-38
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review to redevelop vacant parcels into two new warehouse buildings, parking lot, landscaping, lighting, stormwater management and utility connections.

Action Type: **Site Plan Review**

Juris. Determinant: County Property/Facility
Potential Impacts: Albany International Airport Control Tower

Staff Notes: The applicant is proposing to redevelop the site with two warehouse buildings, one 45,000 SF and other 52,500 SF. Each of the buildings is proposes to be divided into four tenant spaces, with a 2,000 SF office area in the front and loading docks/overhead doors in the rear. The two buildings will be arranged side-by-side, perpendicular to Runway Avenue, with the overhead doors and loading docks facing the interior of the site and the parking areas and office entrances on the opposite sides. Stormwater will be managed on-site via infiltration and/or bio retention practices which comply with the Town and NYSDEC regulations. The Town SEAMAB granted a watercourse area variance on January 25, 2023 and August 6, 2024 to allow the proposed disturbances within the protected watercourse area. The project will be built in single phase. Approximately 9.2 acres will be disturbed as per the Short Environmental Assessment Form (SEAF).

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 should be required.
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-0-24-001, effective January 3, 2024) for construction activities that disturb more than one acre of land should be required prior to final approval.

Ta-Sean Murdock made a motion to accept the Staff Opinion for Case #07-2411040589. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Case #:	<u>10-2411040581</u>
Project Name:	All American Tree Service 4 Lot Minor Subdivision
Applicant:	Stephen Walrath Land Surveying & Land Planning
Project Location:	3852 Western Turnpike
Municipality:	Town of Guilderland
Parcel Size:	242.00 acres
Zoning:	Residential Agricultural (RA3)
Tax Map Number:	25.00-1-30
Referring Agency:	Town of Guilderland Planning Board
Considerations:	Four-lot minor subdivision of the existing 242 acres into 3.81, 6.78, 5.78 and 224.14 acres.
Action Type:	Subdivision Review
Juris. Determinant:	State Road, Agricultural District
Potential Impacts:	Route 20 Western Turnpike
Staff Notes:	The applicant is proposing a 4 lot subdivision of 242 acres of land located in the Rural Agricultural (RA3) District. Lots 1-3 will be located on the north side of Western Turnpike (NYS Route 20). Lot 1 will measure 3.81 acres. Lot 2 will measure 6.78 acres. Lot 3 will measure 5.78 acres. All lots will consist of private wells and septic systems. Lot 4 consisting of 224.14 acres is located on the south side of Western Turnpike. A total of 1.4 acres is to be disturbed as per the Short Environmental Assessment Form (SEAF). The project site contains an area designated as sensitive by the NYS Office of Parks, Recreation and Historic Preservation as per the SEAF. All new stormwater discharge will be directed towards an existing vegetative swale along the front of the property. All the proposed lots will be used for residential purposes.

Staff Opinion:

Modify local approval to include

1. Review by the Albany County Department of Health for the proposed wells and septic systems on all three lots 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. 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 should be required prior to final approval.

Ta-Sean Murdock made a motion to accept the Staff Opinion for Case #**10-2411040581**.
The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Case #: **10-2411040593**

Project Name: **Solar Energy System**

Applicant: Ecolegacy Values LLC

Project Location: 6283-6285 Farm Lane

Municipality: Town of Guilderland

Parcel Size: 128.00 acres

Zoning: Rural Agricultural-3 District (RA3)

Tax Map Number: 50.00-3-2

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit and area variance for the proposed development of 7.8MW major solar energy system.

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

Juris. Determinant: Agricultural District

Potential Impacts: Agricultural District

Staff Notes:

This project will consist of two solar arrays. One will be a 5 MWAC post-driven, single-axis tracker solar array. The second will be a 2.8 MWAC ground mount fixed-tilt solar array. Each array will include the construction of a 15-20 foot wide access road, new above and below-ground utility lines, transformer/inverter pads, and a 7-foot high fence per national electric code. A local pollinator mix will also be utilized within the fenced-in area. Sheep grazing will also be utilized by the system owner. At the end of the systems life cycle, the arrays will be decommissioned and the land will be restored back to its original condition. These project sites will be gated and locked throughout their lifespans and access will be granted only to authorized personnel, the systems will also be operating 24 hours a day. O&M will take place through the systems lifecycle. This should include a crew of 2-3 people to ensure the system runs appropriately and that the fenced-in area is mowed 2-3 times per year. The only deliveries that are expected will be for equipment such as utility poles, panels, racking, transformers, inverters, switchgear, and other construction related materials. This application was previously reviewed by the Albany County Planning Board in April 2024 (10-2403040456) for 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 . 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. 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.'

Gerry Engstrom had to recuse himself from Case #**10-2411040593** due to a conflict of interest, therefore the Board did not have a quorum to review this project. The Town of Guilderland has the option of moving forward without comments from the ACPB. They also have the option to resubmit this Case for review next month when the ACPB would hopefully have additional Board Members in attendance.

Case #: **13-2411040586**
Project Name: **Lands of Coughtry Estate**

Applicant: John Demis
Project Location: 134 Hilton Road
Municipality: Town of New Scotland
Parcel Size: 50.30 acres
Zoning: R-2
Tax Map Number: 73.-1-19
Referring Agency: Town of New Scotland Planning Board

Considerations: Four-lot subdivision to create three new lots with approximately 3.2 acres each.

Action Type: **Subdivision Review**

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District

Staff Notes: The applicant proposes to subdivide the existing 50.3 acres into four lots. Proposed Lot 1 is to be 3.217 acres, Lot 2 is to be 3.290 acres, Lot 3 is to be 3.273 acres and Lot 4 is to be 40.5 acres. Lot 4 consists of existing house, well, pond, shed and Coughtry Homestead ruins. The proposed three parcels on the west are undeveloped. The new lots will be serviced with on-site wells and on-site sewage disposal systems.

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.

Brian Crawford made a motion to accept the Staff Opinion for Case #**13-2411040586**. The motion was seconded by Ta-Sean Murdock and was also approved by Gerry Engstrom.

Case #: **15-2411040585**
Project Name: **Campanaro Subdivision**

Applicant: Raymond Campanaro
Project Location: 119 CR 354 Potter Hollow
Municipality: Town of Rensselaerville
Parcel Size: 7.32 acres

Zoning:	Hamlet
Tax Map Number:	180.-2-33
Referring Agency:	Town of Rensselaerville Planning Board
Considerations:	Subdivision of the existing 7.32 acres into Lot 1 with 4.70 acres and Lot 2 with 2.61 acres.
Action Type:	Subdivision Review
Juris. Determinant:	County Road
Potential Impacts:	County Route 354
Staff Notes:	The applicant proposes to subdivide the parcel into two parcels. Lot 1 will consist of 4.704 acres along with the existing one-story house, shed, garage and the driveway. Lot 2 will consist of 2.611 acres along with proposed driveway, septic field and a house.
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 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.

Ta-Sean Murdock made a motion to accept the Staff Opinion for Case #**15-2411040585**. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Unfinished Business:

- a. We have received the signed agreement from the Town of Colonie and the Albany County Executive's office, so all the non-referral items are now in effect for Colonie. The Town of New Scotland has indicated that they will be dropping off their signed copy to our office soon.
- b. Reminder to submit any information about trainings that you have taken this year that would qualify to meet the 4 hour annual training requirement to Gopika as soon as possible.

New Business –

- a. The next meeting of the ACPB will be on Thursday, December 19, 2024 and the deadline for municipalities to submit referral items for review will be on Monday, December 9, 2024. Please let us know as soon as possible if you think you may have a conflict.
- b. The 2025 Meeting Dates have been published and will be added to the ACPB webpage. Please note, that the June 2025 meeting will be held on Wednesday, June 18, 2025 due to Thursday the 19th being the Juneteenth Holiday. All other meetings will be held on the 3rd Thursday of the month as listed in our Bylaws.
- c. Gopika is interviewing candidates for a paid, part time Planning Intern for the January-May semester. She has had a mix of undergrad and grad students and hopes to have a decision by early next week.

Adjourn: Gerry Engstrom made a motion to adjourn at 4:24pm.