



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

ACPB Meeting Minutes – May 16, 2024

NOTE: The May 16, 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, Brian Crawford and Jeff LaFontaine.

Board Members Absent: none

Albany County Public Works Office: Gopika Muddappa, Senior Planner; Lynn Delaney ACPB Secretary; Zachary Smetana, Albany County Dept. of Management and Budget, Ex Officio, James Mearkle, Traffic Engineer; David Reilly, Commissioner Albany County Dept. of Management and Budget (arrived at 3:50).

Guests: 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:

April 2024 – Brian Crawford made a motion to accept the April 18, 2024 meeting minutes. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom.

Gerry Engstrom announced that the County Legislature has decided to replace Board Member Travon Jackson with Ta-Sean Murdock. Ta-Sean will be at the June 2024 meeting.

Jeff LaFontaine 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 May 16th, 2024 Meeting Minutes cont.

Case #: **07-2405040483**

Project Name: **JC Smith Addition**

Applicant: Jeff Smith

Project Location: 12 Railroad Avenue

Municipality: Town of Colonie

Parcel Size: 1.33 acres

Zoning: Industrial

Tax Map Number: 53.10-4-9

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the construction of 19'x80' canopy attached to the rear of the existing building and 60'x80' pole barn storage building.

Action Type: **Site Plan Review**

Juris. Determinant: Municipal Boundary

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

Staff Notes: The applicant proposes to construct a 19'x80' canopy attached to the rear of the building and 60'x80' pole barn storage to store existing materials and equipment. The site currently consists of 10,624 SF. The parking is located in the front along Railroad Avenue and the rear yard is completely fenced in gravel pavement where larger material and equipment are stored outside. The proposed gross floor area will increase by 4,800 SF, from 10,624 SF to 15,424 SF with the addition of pole barn storage. No land disturbance is anticipated during the proposed action.

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 #: 04-2405040490
Project Name: **Three G Glenmont Management LLC - Area Variance**

Applicant: Three G Glenmont Management LLC
Project Location: 797 Route 9W, Glenmont
Municipality: Town of Bethlehem
Parcel Size: 0.89 acres
Zoning: Rural Hamlet
Tax Map Number: 109.00-1-26
Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Area variance to allow a 6' fence in the front yard where 4' is allowed.

Action Type: **Area Variance**

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

Staff Notes: The applicant proposes to replace an existing 6' fences with a new 6' vinyl fence to match the pre-existing fence in the front yard of the property. The maximum height permitted in the front yard is 4' and therefore the applicant requires an area variance from 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.

Case #:	<u>07-2405040489</u>
Project Name:	Rosewood Plaza Landscaping
Applicant:	Matthew Flavery
Project Location:	501 New Karner Road
Municipality:	Town of Colonie
Parcel Size:	5.89 acres
Zoning:	NCOR — Neighborhood Commercial Office Residential District
Tax Map Number:	29.2-1-35.1
Referring Agency:	Town of Colonie Planning Board
Considerations:	Site plan review for the proposed change of tenant and addition of EV Charging Station.
Action Type:	Site Plan Review
Juris. Determinant:	County Road
Potential Impacts:	CR 155 New Karner Road
Staff Notes:	This is an application for change of tenant and addition of EV charging stations. No other changes are proposed at this time.
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 #: 07-2405040487

Project Name: **National Grid**

Applicant: Niagara Mohawk Power Corp.

Project Location: 154 Wolf Road

Municipality: Town of Colonie

Parcel Size: 0.78 acres

Zoning: COR — Commercial Office Residential District

Tax Map Number: 30.4-1-2

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the modification of existing gas infrastructure located at existing gas regulation station.

Action Type: **Site Plan Review**

Juris. Determinant: State Road

Potential Impacts: Wolf Road

Staff Notes: The applicant proposes the refurbishment of an existing gas regulator station/public utility facility involving installation of a 16" ANSI Class 600 above grade PRCV-STHI VRG ASM Control Value with Double Acting Actuator set to 225 psig with a 10" VRG bypass. All associated 16" piping and fitting within the station will also be replaced from the BHE/National Grid demarcation point to the downstream tie-in point within the station fence. A 4.5'x1' cabinet will be placed near the VRG controls along with 16'6"x10'6" open sided equipment cover will be installed above the VRG. Less than one acre of land disturbance is expected to occur during the proposed action as per the Short Environmental Assessment Form (SEAF). The proposed action is a Type II action and therefor does not require further SEQRA review.

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 #: 07-2405040482
Project Name: Dollar Tree Dumpster

Applicant: Loudonville Associates
Project Location: 484 Albany Shaker Road
Municipality: Town of Colonie
Parcel Size: 0.81 acres
Zoning: NCOR — Neighborhood Commercial Office Residential District
Tax Map Number: 43.13-1-13
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for dumpster enclosure expansion to existing Dollar Tree facility.

Action Type: Site Plan Review

Juris. Determinant: County Road
Potential Impacts: CR 151 Albany Shaker Road, CR 154 Osborne Road

Staff Notes: The applicant proposes to expand existing dumpster enclosure to accommodate the required dumpster for the operation of the store. The expansion is designed to match the construction of the existing enclosure. No land disturbance is anticipated during the expansion.

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 #: 18-2405040481
Project Name: **Local Law No. 2 of 2024 - Fences**

Applicant: Town of Westerlo
Project Location: Town of Westerlo
Municipality: Town of Westerlo
Parcel Size: NA NA
Zoning: NA
Tax Map Number: NA
Referring Agency: Town of Westerlo Legislative Board

Considerations: Local law amendment of Article 12 of Town of Westerlo Code entitled "Supplementary Regulations" to include rules, regulations, policies, and code for the construction and maintenance of fences throughout the Town.

Action Type: **Amendment of Local Law**

Juris. Determinant: NA
Potential Impacts: NA

Staff Notes: The Town of Westerlo proposes to amend the Article 12 of the Town's Code entitled 'Supplementary Regulations' and add Section 12.130, which will establish rules, regulations, policies and code for the enforcement of the construction and maintenance of Fences throughout the Town. All fences that include but not limited to an barrier or other upright structure may not be places or remain within 5' from the face of any occupied building on an abutting property. Any change to fence in existence on or before January 1, 2024 are required to be in conformance with this provision.

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 #: 12-2405040484
Project Name: Major subdivision of No. 1 Broadway

Applicant: Harmony Prima Lofts, LLC
Project Location: 1 Broadway
Municipality: Village of Menands
Parcel Size: 9.85 acres
Zoning: BBD - Broadway Business District
Tax Map Number: 66.5-3-13.1, 66.5-3-13.2
Referring Agency: Village of Menands Planning Board

Considerations: Subdivision review to allow 26 garages to be on a separate parcel. Area variance is required from setbacks and lack of street frontage. Access is provided by an ingress/egress easement.

Action Type: Subdivision Review, Area Variance

Juris. Determinant: Municipal Boundary, State Road
Potential Impacts: Intermunicipal Boundaries of Village of Menands and City of Albany, Historic District, Broadway 32

Staff Notes: The applicant proposes to replace surface parking spaces with 26 garages with a separate parcel for the garage for financing purposes. The proposed lot has an area of 10,247 SF. The easterly line of the proposed lot is coincident with easterly line of the existing parcel 1 Broadway. An area variance was granted for the rear offset from the garages. Additional variances will be required for street frontage. An easement for ingress and egress providing access to the 10,000 SF parcel designed as Lot No. 1 on the subdivision map will have to be expanded to provide access to the garages. Less than one acre of land disturbance is anticipated during the expansion.

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

Brian Crawford made a motion to accept the Staff Opinion for the following cases: 07-2405040483, 04-2405040490, 07-2405040489, 07-2405040487, 07-2405040482, 18-2405040481 & 12-2405040484. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom

Gerry Engstrom needed to recuse himself from Case #05-2405040491, *Tier 3 Solar Energy System*, due to a conflict of interest. The Board did not have enough voting members in attendance to review and vote on this project. Gopika Muddappa, Senior Planner, will reach out to the Town of Coeymans Planning Board to see if they are willing to wait until our June Meeting for the review or if they will move ahead with the project without review by the ACPB. The ACPB apologized to the Town of Coeymans for the inconvenience.

Case #: **05-2405040491**
Project Name: **Tier 3 Solar Energy System**

Applicant: NY USLE Miller Road 1 LLC
Project Location: Miller Road
Municipality: Town of Coeymans
Parcel Size: 51.11 acres
Zoning: R-A - Residential/Agricultural
Tax Map Number: 144.-1-4.5
Referring Agency: Town of Coeymans Planning Board

Considerations: Site plan review and special use permit for the installation of 1.2 MW AC community solar farm.

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

Juris. Determinant: Agricultural District

Case #: **07-2405040492**
Project Name: **Bank of America**

Applicant: Bank of America (CBRE)
Project Location: 1425 Central Avenue
Municipality: Town of Colonie
Parcel Size: 20.70 acres
Zoning: HCOR — Highway Commercial Office Residential District
Tax Map Number: 42.3-1-1
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the proposed development of approximately 5,200 SF bank with associated car parking, utilities, lighting, landscaping, and other site appurtenances.

Action Type:	Site Plan review
Juris. Determinant:	State Road, Municipal Boundary
Potential Impacts:	Route 5 Central Avenue, Intermunicipal Boundaries of Town of Colonie and Village of Colonie.
Staff Notes:	This is an application for a new ground-up Bank of America financial center in the location that is currently a parking space for Colonie Center Mall. Project development will include construction of the new one-story building, on-site utilities, vehicular driveway with paved parking, pedestrian sidewalks and landscaping. Less than one acre of land is to be disturbed.
Staff Opinion:	Modify local approval to include 1. Notification of the application should be sent to the Village of Colonie, including all required notices pursuant to GML §239-nn.

Jeff LaFontaine made a motion to accept the Staff Opinion for Case #07-2405040492.
The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

<u>Case #:</u>	<u>07-2405040478</u>
Project Name:	A+ Meditrans Service Facility
Applicant:	Rejha Group Company
Project Location:	38 Karner Road
Municipality:	Town of Colonie
Parcel Size:	6.60 acres
Zoning:	IND — Industrial District
Tax Map Number:	29.3-2-45
Referring Agency:	Town of Colonie Planning Board

Considerations:	Site plan review to redevelop the site to include a new 24,000 SF structure, fueling canopy, new paving and fencing.
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Action Type:	Site Plan Review
Juris. Determinant:	Municipal Boundary
Potential Impacts:	Intermunicipal Boundaries of Town of Colonie and Village of Colonie

Staff Notes:	The applicant is proposing to re-develop the site with a new 24,000± SF structure, including a two-story office to the West, garage space for fleet vehicle maintenance to the East, car wash space to the North, and an
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adjacent fueling canopy to the East. Paving will be expanded to support employee parking to the West/ front and fleet parking to the East/ rear. Fencing will be updated to secure the fleet portion to the rear of the site. A second entrance will be added at Karner Road near the Northwest corner of the site. A total of 390± parking spaces (including employee and fleet) is proposed to support the business operations of A+ MediTrans' service facility. All building and parking setbacks are in compliance with Town of Colonie Industrial Zoning requirements. The site is currently vacant with fencing, deteriorated paved and gravel areas, and an existing warehouse structure measuring approximately 8,100± SF. The front 45±% is developed, while the back 55±% is wooded.

Staff Opinion:

Modify local approval to include

1. Notification of the application should be sent to the Village of Colonie, including all required notices pursuant to GML §239-nn.

Gerry Engstrom made a motion to accept the Staff Opinion for Case #07-2405040478.

The motion was seconded by Brian Crawford and was also approved by Jeff LaFontaine.

Case #:

10-2405040486

Project Name:

Marian Court Two-lot Minor Subdivision

Applicant:

Stacey Zyskowski

Project Location:

2 Marian Court, Altamont

Municipality:

Town of Guilderland

Parcel Size:

3.20 acres

Zoning:

Single-Family Residential Districts (R20)

Tax Map Number:

37.15-2-9

Referring Agency:

Town of Guilderland Planning Board

Considerations:

Two lot minor subdivision of 3.2 acres into Lot 1 consisting 1.07 acres with existing single-family dwelling and accessory structures and Lot 2 consisting 2.2 acres.

Action Type:

Subdivision Review

Juris. Determinant:

Municipal Boundary, Agricultural District

Potential Impacts:

Intermunicipal Boundaries of Town of Guilderland and Village of Altamont, FEMA Floodzones,

Staff Notes: The applicant proposes to subdivide the parcel into two lots. Lot 1 will consist of 1.07 acres with existing single-family dwelling. Lot 2 will consist of 2.2 acres. A driveway and house location is proposed on Lot 2.

Staff Opinion: Modify local approval to include
1. Notification of the application should be sent to the Village of Altamont, including all required notices pursuant to GML §239-nn.

Jeff LaFontaine made a motion to accept the Staff Opinion for Case #10-2405040486.
The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Case #: **10-2405040480**
Project Name: **Special Use Permit Amendment for a Deli**

Applicant: Z&Z Real Estate Inc.
Project Location: 1666 Western Avenue
Municipality: Town of Guilderland
Parcel Size: 0.38 acres
Zoning: Local Business District (LB)
Tax Map Number: 52.14-2-19
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit amendment for a deli for occupancy by a fast food restaurant.

Action Type: **Special Use Permit**

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

Staff Notes: The applicant proposes to redevelop the existing building with a fast food restaurant with dine-in and for takeout deliveries which was previously occupied by a deli restaurant. This is an allowed use with a special use permit. Stormwater runoff will remain as it currently exists and no other site changes are proposed.

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

Brian Crawford made a motion to accept the Staff Opinion for Case #10-2405040480. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom.

Gerry Engstrom needed to recuse himself from Case #11-2405040488, *Reservoir Road Solar*, due to a conflict of interest. The Board did not have enough voting members in attendance to review and vote on this project. Gopika Muddappa, Senior Planner, will reach out to the Town of Knox Planning Board to see if they are willing to wait until our June Meeting for the review or if they will move ahead with the project without review by the ACPB. The Albany County Planning Board apologized to the Town of Knox for the inconvenience.

Case #:	<u>11-2405040488</u>
Project Name:	Reservoir Road Solar Array
Applicant:	Reservoir Road Solar 1, LLC
Project Location:	Reservoir Road (68 Sturgess Rd)
Municipality:	Town of Knox
Parcel Size:	300.30 acres
Zoning:	Residential
Tax Map Number:	47.-1-27
Referring Agency:	Town of Knox Planning Board
Considerations:	Site plan review for the installation of 5 MW AC ground mounted solar array with approximately 14,000 panels mounted on a fixed tilt structure.
Action Type:	Site Plan Review
Juris. Determinant:	State Road

Case #: 15-2405040485
Project Name: Maranga Subdivision

Applicant: Glen Maranga
Project Location: 546 Huntersland Road (546 CR 10)
Municipality: Town of Rensselaerville
Parcel Size: 38.00 acres
Zoning: RC3- Resource Conservation 3
Tax Map Number: 124.-1-23.1
Referring Agency: Town of Rensselaerville Planning Board

Considerations: Subdivision review of 38.30 acres into Lot 1 with 7.352 acres and Lot B with 30.889 acres.

Action Type: Subdivision Review

Juris. Determinant: County Road
Potential Impacts: CR 10 Huntersland Road, NWI Wetlands

Staff Notes: The applicant proposes to subdivide the parcel into two lots. Lot 1 with 7.352 acres consists of existing pond, mobile home and garages. Lot 2 with 30.889 acres is currently vacant and a dwelling unit and septic field is proposed. 50' right-of-way for ingress and egress is proposed for both the proposed lots..

Staff Opinion: Modify local approval to include

1. Review by the Albany County Department of Health for the proposed septic on Lot 2 and other necessary permits should be required.
2. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties, due to the proposed 25' easement for ingress/egress and utilities.
3. Notification of the application should be sent to the Town of Berne, including all required notices pursuant to GML §239-nn.

Gerry Engstrom made a motion to accept the Staff Opinion for Case #15-2405040485.
The motion was seconded by Brian Crawford and was also approved by Jeff LaFontaine.

Case #: 16-2405040479
Project Name: Atlas Copco Building Expansion

Applicant: Atlas Copco Compressors Inc.
Project Location: 46 School Road
Municipality: Village of Voorheesville
Parcel Size: 44.50 acres
Zoning: Industrial
Tax Map Number: 61.18-2-4.1
Referring Agency: Village of Voorheesville Planning Board

Considerations: Site plan review and special use permit for the proposed new 63,000 SF building addition on the east side of the existing building, a new truck access drive and grading/drainage improvements. An area variance is requested for relief from maximum non-residential building footprint and building height.

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

Juris. Determinant: Municipal Boundary
Potential Impacts: Intermunicipal Boundaries of Town of New Scotland and Village of Voorheesville, NWI Wetlands, FEMA Flood zone (Black Creek)

Staff Notes: The applicant is proposing a 64,438 SF building addition on School Road in the Village of Voorheesville. The property is currently developed and includes an existing 101,000 SF industrial warehouse building, two test buildings, paved parking areas, service/storage areas and driveway access on to School Road. The property is currently Zoned I Industrial and the existing land use is allowed subject to a special use permit from the Village Planning Board. The project will include a new building expansion on both the north and east sides of the existing building. The building will require two area variances from the Village of Voorheesville Zoning Board of Appeals. The first variance requested will be for the maximum total building footprint to be 165,438 SF when 20,000 sf is required, and the second variance will be for the maximum building height to be 60 feet when 40 feet is required. The site has approximately 550 feet of frontage on School Road and over 2,400 feet of frontage along the Norfolk Southern Rail Company. Access to the site is provided by an existing private road which begins at School Road and terminates approximately 1,000 feet within the property. The private road includes a gated entrance for site security which is proposed to be relocated approximately 150 feet closer to School Road. A new truck access road is proposed on the east side of the proposed building addition that will

connect the existing private road to the north side of the property which currently is a dead end. The new road will provide complete vehicular access around the building for both trucks and emergency vehicles. The road will also be separated from the existing parking area for employees behind the building, providing a safe walking route for employees to enter and exit the building. The existing parking area has approximately 245 spaces for both employees and visitors, and no additional parking spaces are needed as part of the building expansion project. The total proposed lot coverage for the 44.50 acre site is 12 acres or 27%, and the overall site disturbance for the expansion project is approximately 3.80 acres. Approximately 0.40 acres of existing wetlands are anticipated to be disturbed as per the project narrative. The letter from New York State Parks, Recreation and Historic Preservation states that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

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. 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.
3. Notification of the application should be sent to the Town of New Scotland, including all required notices pursuant to GML §239-nn.
4. The local fire department should be notified to evaluate with an emphasis on building height and for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.
5. All variance requests such as building footprint and building height requirements should be assessed to evaluate zoning compliance of the proposed project before granting the final site plan approval.
6. The Village of Voorheesville should require noise attenuation to the greatest extent possible by the applicant.

Advisory Note:

1. The Albany County Planning Board advises that the proposal should be sent back for review if there are substantial changes to the concept plan which would be considered site plan amendment as per GML 239.

The Board reviewed the Site Plans. Gerry Engstrom said he had concerns about the noise. Brian Crawford mentioned the height of the proposed expansion and said that he doesn't think the local fire dept. has a ladder truck. Gerry also mentioned that there are wetlands surrounding this site.

The Board decided to add a few modifications to address those concerns (noted above as modification #4, 5 & 6. They also asked for an advisory note reminding the Village that if substantial changes are made, they would need to submit a site plan amendment as per GML 239 (noted above as Advisory Note #1).

With those additions, Brian Crawford made a motion to accept the Staff Opinion for Case #16-2405040479. The motion was seconded by Jeff Lafontaine and was also approved by Gerry Engstrom.

Unfinished Business: none

New Business:

1. Dave Reilly, Commissioner of Management and Budget for Albany County stated that the replacement for former Board Member Beth Lacey has been selected and he hopes the Legislature will be able to have her paperwork processed in time for the next meeting.
2. The next meeting of the Albany County Planning Board will be on Thursday, June 20, 2024 at 3:30pm in Voorheesville. The deadline for municipalities to submit projects for review will be on Monday, June 10, 2024 at 3:30pm.

Adjourn: Jeff LaFontaine made a motion to adjourn at 4:08pm.