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GERALD ENGSTROM JR.,
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CHAIRPERSON

ACPB Meeting Minutes – December 19, 2024

NOTE: The December 19, 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, Jeff LaFontaine and Ta-Sean Murdock

Board Members Absent: 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: Karen White (Guilderland Comprehensive Plan), James White, Michael Costabile (McKownville Fire Station project), Jake Eisland, Alyssa Kamara (City of Albany Ordinance), Robin Gray (Guilderland Comprehensive Plan), Cynthia Elliott (Lands of MacMillen Estate), Dan Hershberg, Hershberg and Hershberg & Ken Kovalchik, AICP Town of Guilderland Town Planner.

Minutes: Lynn Delaney, Secretary

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

Vote for Meeting Minutes:

May 16, 2024 – Brian Crawford made a motion to approve the May 16, 2024 Meeting Minutes. The motion was seconded by Jeff LaFontaine and was also approved by Gerry Engstrom.

October 17, 2024 - Ta-Sean Murdock made a motion to approve the October 17, 2024 Meeting Minutes. The motion was seconded by Jeff LaFontaine and was also approved by Brian Crawford.

November 21, 2024 - Ta-Sean Murdock made a motion to approve the November 21, 2024 Meeting Minutes. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom.

Brian Crawford 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 Ta-Sean Murdock and was also approved by Jeff LaFontaine and Gerry Engstrom.

ACPB 12/19/24 Meeting Minutes (cont.)

Case #: **01-2412040609**
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 in relation to incentivizing the construction of affordable and inclusionary housing.

Action Type: **Amendment of Zoning Ordinance**

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

Staff Notes: This is an ordinance amending Chapter 375 of the City of Albany Unified Sustainable Development Ordinance (USDO) in relation to incentivizing the construction of affordable and inclusionary housing. The ordinance seeks to increase the number of potential beneficiaries of the USDO's affordable housing incentive by removing certain restrictions to its use and reducing the number of required off-street parking. This would allow smaller-scale developers to provide small-scale affordable housing in a greater number of areas in the City, promoting inclusive housing. Additionally, changes would be made to ease the review process for certain projects which requires City's Department of Planning and Development.

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 #: 07-2412040600
Project Name: Fallon Wellness Pharmacy

Applicant: Erika Fallon
Project Location: 303 Troy Schenectady Road, Latham
Municipality: Town of Colonie
Parcel Size: 0.56 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 19.20-2-67
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the second-story building addition to the existing one-story building and site improvements.

Action Type: Site Plan Review

Juris. Determinant: State Road
Potential Impacts: 2 Troy Schenectady Road

Staff Notes: The applicant proposes to construct a second story to the existing building; the second story addition will encompass approximately 1,650 square feet. This building will be utilized for pharmaceutical sales and supplies. The interior of the building will have the sales area at the first floor and the second floor will be utilized for the pharmaceutical laboratory. The pharmacy clients and employees can access the site by driving in from the Sylvan Avenue access drive and parking in the existing parking lot which will be reconfigured to provide a total of 14 parking spaces. The access points to the building will also be reconfigured to provide handicap access as shown on the Site Plans. The parcel currently consists of one-story commercial building, 1.5 story residential home & one garage. Less than one acre of land disturbance is anticipated to be disturbed. Stormwater from the existing site is tributary to an existing closed drainage system that traverses the subject parcel and the proposed stormwater runoff will be directed to the existing closed drainage system. The proposed project, upon approval, will commence with the installation of the Erosion & Sediment Control systems as per the Erosion Plan. Once these systems are installed the contractor will proceed with the removal of the existing asphalt pavement and installation of the subbase and asphalt pavement for the expanded parking areas. The Contractor will also be working on the addition second story to the existing building.

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 #: 07-2412040613
Project Name: Warehouse Storage Space - Emmons Metro

Applicant: Emmons Metro, LLC
Project Location: 11 Arch Street (2 Guy Lane)
Municipality: Town of Colonie
Parcel Size: 4.06 acres
Zoning: Industrial (IND)
Tax Map Number: 20.20-2-25
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for the construction of a new 22,900 SF building with a 25-foot front yard setback for warehouse storage space.

Action Type: Area Variance

Juris. Determinant: State Road, Municipal Boundary
Potential Impacts: SR 787, Intermunicipal Boundaries of Town of Colonie and Village of Green Island

Staff Notes: The proposed construction of a new 22,900 SF building with a 25-foot front yard setback is not compliant with the required 50-foot minimum allowed front yard setback in an Industrial (IND) zoning district as per the Town of Colonie Land Use Law. Hence, the applicant requests an area variance.

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 #: 07-2412040616
Project Name: **Single Family Dwelling - Area Variance**

Applicant: Vision Planning Consultants, LLC
Project Location: 17 & 19 Canal Street
Municipality: Town of Colonie
Parcel Size: 0.10 acres
Zoning: Single-Family Residential (SFR)
Tax Map Number: 32.8-4-2
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for the construction of new single-family dwelling with a 6' front yard setback and 7' rear yard setback. The two parcels are to be merged to create a single 3,799 SF parcel.

Action Type: **Area Variance**

Juris. Determinant: State Highway
Potential Impacts: Interstate Highway 787

Staff Notes: The proposed merger of two lots to create a single 3,799 SF lot for the future construction of a single-family dwelling with a 6' front yard setback and 7' rear yard setback is not compliant with the 18,000 SF minimum lot size, 40' minimum front yard setback and 25' minimum rear yard setbacks required in a Single-Family Residential (SFR) zoning district and is not compliant with the requirement to maintain continuous minimum lot width between front lot line and front building setback line as per Town of Colonie Land Use Law.

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

Advisory Note:
1. The Town Zoning Board should consider the precedent setting nature of allowing significant changes to the Town Code in the Single-Family Residential (SFR) zoning district.
2. The Town should consider discouraging this type of variance applications which create small lots with narrow walkways.

Brian Crawford asked that an additional advisory be added asking the town to consider discouraging variances with lots that are this small with narrow walkways (noted above as Advisory #2).

Case #: 11-2412040603
Project Name: Knox Solar Law Amendment

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

Considerations: Amendment of recently passed solar law to clarify application of the law on approved projects.

Action Type: Amendment of Local Law

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

Staff Notes: The Town of Knox proposes to amend recently passed solar law to clarify that it does not affect projects which were either already approved by the building department or the planning board. Solar Energy System installations for which Planning Board approval or a valid building permit has been issued before November 1, 2024, shall not be required to meet the requirements of the Solar Energy System Law of the Town of Knox, as amended by Local Law No. 1 of 2024. The purpose of Local Law No. 1 were the following; 1. Supporting energy independence and community resiliency by taking advantage of a safe, abundant, renewable, and non-polluting energy resource;
2. Accommodating solar energy systems while balancing the potential impact on the environment, neighbors, and the community;
3. Establishing provisions for the placement, design, construction, and operation of such systems to be consistent with the Town of Knox Comprehensive Plan, as may exist and as may be amended from time to time; and
4. Furthering the health, safety, and welfare of the public. This was reviewed by the Albany County Planning Board in September 2024 (11-2409040557) and 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 #: **13-2412040599**
Project Name: **Coggins Small Scale Solar**

Applicant: Cristin Coggins (Plug PV, LLC)
Project Location: 1771 Delaware Tpke, Delmar
Municipality: Town of New Scotland
Parcel Size: 4.40 acres
Zoning: RA- Residential Agricultural
Tax Map Number: 106.-4-9
Referring Agency: Town of New Scotland Planning Board

Considerations: Site plan review for the installation of a small scale 8.5KW ground-mounted solar array.

Action Type: **Site Plan Review**

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

Staff Notes: Site plan review for the proposed small-scale 8.5KW ground-mounted solar array comprised of 20 panels and micro-invertors. Small-scale ground mounted solar arrays are allowed in the RA- Residential Agricultural district on lots greater than 3 acres with site plan review per Article V Section 190-58 of the Town's zoning code. The parcel consists of existing driveway and dwelling.

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 #: 13-2412040604
Project Name: Lands of Daniels

Applicant: Jason Peterson (Bethlehem Land Surveying)
Project Location: 81 Hilton Road
Municipality: Town of New Scotland
Parcel Size: 31.91 acres
Zoning: R2- Residential Conservation
Tax Map Number: 73.-1-14
Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision of 31.91 acres into proposed Lot 1 with 11.17 acres, Lot 2 with 7.54 acres and Lot 3 with 13.2 acres.

Action Type: Subdivision Review

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District

Staff Notes: The existing property consists of 31.91 acres with existing two-story wood frame residence, one wood frame barn, one wood frame garage, driveway access to Hilton Road and two sheds. The proposed subdivision of the property will consist of Lot 1 with 11.17 acres along with the existing residence and amenities, Lot 2 with 7.54 acres and Lot 3 with 13.20 acres. Lot 2 and 3 will be vacant and developed in the future. No land disturbance is expected 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 #: 13-2412040614
Project Name: Solar Array - Area Variance

Applicant: Thomas Frederick
Project Location: 83 Springfield Drive
Municipality: Town of New Scotland
Parcel Size: 6.80 acres
Zoning: MDR
Tax Map Number: 61.-3-38.1

Referring Agency:	Town of New Scotland Zoning Board of Appeals
Considerations:	Area variance requesting 15' of relief from the required 40' setback from the property line in the front.
Action Type:	Area Variance
Juris. Determinant:	Municipal Boundary
Potential Impacts:	Intermunicipal Boundaries of Town of New Scotland and Town of Guilderland
Staff Notes:	The applicant requests for an area variance to allow a 29.75 KW ground mounted solar array to be located 25' from the front property line whereas 40' is required. The relief is requested primarily due to the utility easement present that would prohibit installation in or across the gas line easement.
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 should consider screening the proposed solar array using vegetative buffer to reduce visual impact. 2. The Town should ensure that the proposed size of the solar array meets the Town's solar requirements.

The Board asked that an Advisory Note be added asking the Town to ensure that this Solar Array meets the Town's solar requirements (noted above as Advisory Note #2)

<u>Case #:</u>	<u>15-2412040598</u>
Project Name:	Criswell Minor Subdivision
Applicant:	Mark Criswell
Project Location:	89 County Route 362, Preston Hollow
Municipality:	Town of Rensselaerville
Parcel Size:	29.00 acres
Zoning:	A/RR- Agricultural/ Rural Residential
Tax Map Number:	180.-2-20.2
Referring Agency:	Town of Rensselaerville Planning Board

Considerations: Minor subdivision of the existing 29 acre lot into Lot 1 with 12.8 acres and Lot 2 with 16.4 acres.

Action Type: **Subdivision Review**

Juris. Determinant: Agricultural District, County Road
Potential Impacts: County Route 362, FEMA floodzone, NWI Wetlands

Staff Notes: The applicant proposes to subdivide the existing 29 acres for residential development into Lot 1 with 12.8 acres and Lot 2 with 16.4 acres. The SEQR status of the proposed subdivision is an unlisted action with negative declaration as marked on the referral form.

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 #: **15-2412040601**
Project Name: **Grinmanis Acreage Variance**

Applicant: Michael Grinmanis
Project Location: 399 County Route 10, Middleburgh
Municipality: Town of Rensselaerville
Parcel Size: 0.27 acres
Zoning: RC3- Resource Conservation 3
Tax Map Number: 124.-1-15
Referring Agency: Town of Rensselaerville Zoning Board of Appeals

Considerations: Area variance to build a new cabin and demolish the existing trailer.

Action Type: **Area Variance**

Juris. Determinant: County Road
Potential Impacts: County Route 10

Staff Notes: The applicant proposes to demolish the existing uninhabitable single wide trailer to build a new cabin. The proposed building will have the same footprint as the previous single wide trailer. The applicant seeks an area variance for the acreage with 14' of relief in order to obtain the building permit for three proposed cabin.

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

Advisory Note: 1. The Town should ensure that a demolition review for the existing trailer is provided by the applicant to ensure no hazardous materials are present on site.
2. Review by the Albany County Department of Health to reevaluate the existing septic system for the proposed new cabin and other necessary permits should be required.

The Board asked to add Advisory notes to indicate that there should be a demolition review as well as a review from the Dept. of Health for evaluation of the septic system (noted above as Advisory Notes #1 & #2).

Case #: 16-2412040597
Project Name: Carport - Area Variance

Applicant: Mark Gillenwalters
Project Location: 184 Helderberg Parkway
Municipality: Village of Voorheesville
Parcel Size: 21.99 acres
Zoning: Residence "A"
Tax Map Number: 72.10-1-14.31
Referring Agency: Village of Voorheesville Zoning Board of Appeals

Considerations: Area variance for the construction of a two-vehicle carport in the front yard. Proposed carport will cover an existing paved area and will be behind the existing barn.

Action Type: Area Variance

Juris. Determinant: State Road
Potential Impacts: 85A Helderberg Pkwy, FEMA Floodzones, NYSDEC Regulated Wetlands

Staff Notes: The applicant proposes to build a 20'X20' two-vehicle detached carport on the existing asphalt paving. Wood, Vinyl and shingles are to be used for the proposed carport.

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.

Ta-Sean Murdock made a motion to accept the Staff Opinion for Case #01-2412040609, 07-2412040600, 01-2412040613, 07-2412040616, 11-2412040603, 13-2412040599, 13-2412040604, 13-2412040614, 15-2412040598, 15-2412040601 & 16-2412040597. The motion was seconded by Brian Crawford and was also approved by Jeff LaFontaine and Gerry Engstrom.

Case #:

10-2412040608

Project Name:

McKownville Fire District New Fire Station

Applicant:

McKownville Fire District

Project Location:

1250 Western Avenue

Municipality:

Town of Guilderland

Parcel Size:

0.73 acres

Zoning:

Business Non-Retail Professional District (BNRP)

Tax Map Number:

52.20-4-66

Referring Agency:

Town of Guilderland Planning Board

Considerations:

Site plan review for the demolition of an existing volunteer fire station (6,338 sq. feet) that was constructed in the late 1960s and re-build a new volunteer fire station (12,375 sq. feet) at the same location.

Action Type:

Site Plan Review

Juris. Determinant:

State Road

Potential Impacts:

Route 20 Western Avenue

Staff Notes:

The proposed project consists of the demolition of an existing volunteer fire station (6,338 sq. feet) that was constructed in the late 1960s and re-build a new volunteer fire station (12,375 sq. feet) at the same location. The first floor of the new fire station will include four apparatus bays, a lobby/public entrance, multipurpose room, storage space, office, locker room, radio room/day room, kitchen, bathrooms, decontamination/laundry, mechanical work rooms, janitor closet, stairs, and an elevator. The second floor will include a lobby, conference room, training room, chiefs office, members room, kitchen, pantry, bathrooms, patio, storage space, and mezzanine. The new firehouse will be

approximately the same distance from Western Avenue and the adjacent property to the Southeast. The project currently calls for ~11' movement to the Northwest (Brookwood Ave) and a ~33' movement to the Southwest. This landscaping will be composed of only native Albany Pine bush species and shrubs and flowers will be on all sides and adjacent to the structure, similar to the current landscaping but with only native species. It is anticipated that new drainage infrastructure will be installed onsite, and it is currently anticipated that stormwater management will be achieved through a newly constructed stormwater detention basin or an underground detention vault system. The new fire station will accommodate events such as polling during elections, additional equipment storage and other modification to facilitate health and safety of the members. The Proposed Action includes site work to rehabilitate and reconstruct the existing parking lot and the installation of new concrete walkways and landscaping. The proposed parking lot will consist of approximately +/- 27 parking spaces including 2 ADA accessible spaces and will be located behind the proposed building to the south. The Site has the following utilities available: electric, lighting, gas, water, and sanitary sewer. The proposed building will connect to the existing utilities currently serving the Site. A total of approximately ≤ 0.7 acres will be physically disturbed during construction. The project will be constructed in a single phase, which is anticipated to be approximately 12 months in duration. As per the SEQR Notice of Determination, the District BOC has considered the Proposed Action and its potential impacts on the environment and has found that it will not result in any significant adverse environmental impacts that would require the preparation of a Draft Environmental Impact Statement.

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.

Advisory Note:

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

The Board discussed adding an Advisory Note asking the Town to ensure a demolition review is conducted (noted above as Advisory Note #1). Guests James White and Michael Costabile representing the McKownville Fire Station spoke briefly about the project.

Brian Crawford made a motion accept the Staff Opinion for Case #10-2412040608. The motion was seconded by Jeff LaFontaine and was also approved by Ta-Sean Murdock and Gerry Engstrom.

Case #: **10-2412040602**

Project Name: **Guilderland Comprehensive Plan Update**

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: Adoption of draft comprehensive plan update for the Town of Guilderland.

Action Type: **Adoption of Comprehensive Plan**

Juris. Determinant: N/A

Potential Impacts: N/A

Staff Notes: The proposes action is the adoption of the Guilderland Comprehensive Plan. The Town has updated its comprehensive plan to reflect the needs of today and identify a vision for the future. The document provides a framework and recommendation for the Town for a range of topic areas including agriculture, business, employment and fiscal resources, environment, climate change and resiliency, neighborhoods and housing, parks recreation, open space and historic resources, transportation and mobility, and governance. Commencing in November 2022 the Comprehensive Plan Update Committee (CPUC), composed of 9 volunteers appointed by the Town Board, met 15 times to prepare the Draft Comprehensive Plan Update. Over the past 2 years, with the assistance from Town staff and consultant (MJ Engineering), the CPUC held public visioning sessions, workshops, open houses and a public hearing. The CPUC received thousands of comments over the past

2 years that were synthesized into the Draft Comprehensive Plan Update that was voted on and forwarded to the Town Board at the CPUC's October 29, 2024 meeting. At their November 19th meeting the Town Board declared itself as lead agency and directed the Planning Department to conduct a SEQR coordinated review as part of the adoption of the Comprehensive Plan Update.

Staff Opinion:

Modify local approval to include

1. Notification of the adoption of the comprehensive plan should be sent to all adjacent municipalities pursuant to GML §239-nn.

Advisory Note:

1. There is public concern over infrastructure, increased traffic, potential over-development with an emphasis on Western Avenue, stormwater concerns with an emphasis on Route 20 Fuller Road intersection and potential school tax implications/shortfalls for Guilderland's Central School District. The Town should consider addressing these concerns prior to final approval of the comprehensive plan update.

Guests Karen White and Robin Gray spoke about their concerns over some portions of the Draft Comprehensive Plan and the process by which decisions of what to include were made. Ken Kovalchik, Town of Guilderland Town Planner addressed the Board about some of the citizen concerns and the processes that are used to make decisions about the Comprehensive Plan. He said that the Town is currently seeking funds to conduct a comprehensive drainage study to address the stormwater issues and mentioned that the Town is still accepting public comments for the Draft Comprehensive Plan.

The Board wanted to add an advisory note outlining the public concerns that were brought up at the meeting and asking the town to consider these issues prior to the final approval of the Comprehensive Plan (listed above as Advisory Note #1).

Brian Crawford made a motion to accept the Staff Opinion for Case # 10-2412040602. The motion was seconded by Ta-Sean Murdock and was also approved by Jeff LaFontaine and Gerry Engstrom.

Case #:

04-2412040611

Project Name:

Pitt Ohio - Non-conforming expansion - Use Variance

Applicant:

Terminal Properties of NY, LLC

Project Location:

37 Frontage Road, Glenmont

Municipality:

Town of Bethlehem

Parcel Size:

19.97 acres

Zoning:	Rural Light Industrial
Tax Map Number:	87.03-1-9.2
Referring Agency:	Town of Bethlehem Zoning Board of Appeals
Considerations:	Use variance to expand the trucking terminal at 37 Frontage Road. Current use is a pre-existing non-conforming use.
Action Type:	Use Variance
Juris. Determinant:	State Road
Potential Impacts:	Route 9w
Staff Notes:	The applicant proposes the redevelopment of existing truck terminal. Partial demolition of existing building and demolition of existing fuel island and canopy. The existing onsite maintenance garage shows several locations of structural damage and unsafe conditions. Some of these damages are due to the layout of the existing building. A complete removal and slightly larger replacement is being proposed to allow for continued operations under similar conditions as the following: a. The total # of doors remains the consistent (3 Total) b. The Location stays consistent with a slightly larger footprint in order to separate bays and increase the overall length, allowing for full truck access within the building. The footprint increases from approximately 3,240 sf (5,040 sf to 8,280 sf.). The existing fuel island onsite is dated and in need of replacement. A complete removal and replacement is proposed with the conditions as following: 1. The fuel island canopy and tank being proposed approximately 150' northeast of the current location. The structure is proposed at the rear of the building for operational purposes and to shield the facility from view at the front of the property 2. The above ground tank will be replaced with a double wall underground storage tank 3. The overall canopy footprint is being reduced by 445 sf (1,785 sf to 1,340 sf) 4. Location possibly adjusting to end of terminal. The existing site layout is being adjusted to better align with our safety requirements and meet our proficiency needs. The existing site mixes employee and truck traffic and will be better aligned with the conditions below: a. The employee parking location adjusts outside of daily trucking operations to provide added Safety. The total number of defined employee spaces will increase from 45 to 82. b. The total number of docks spaces decreases from 78 to 62, with the dock wing removal

- c. The total Onsite Trailer Spaces increases from 35 to 97
 - d. The total number of defined Tractor Spaces increases from 50 to 58
 - e. The Overall impervious area onsite Increases 1.1 Acres (6.5 Ac to 7.6).
- Total site acreage is 20.0 acres. A total of 11 acres of land is to be disturbed as per the Short Environmental Assessment Form (SEAF). All proposed stormwater will be captured and routed through onsite drainage channels that were established during the time of original development.

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. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations and that the underground storage tank (UST) systems meet both state (6 NYCRR Part 613) and federal (40 CFR 280) regulations should be required.
3. The applicant should be required to install catch basins that capture, filter and contain oils and fuel from both the fuel island and trucks that could introduce petroleum runoff.

Advisory Note:

1. The Town should ensure that a demolition review for the existing building, fuel island and canopy is provided by the applicant to ensure no hazardous materials are present on site.

Jeff LaFontaine made a motion to accept the Staff Opinion for Case # 04-2412040611. The motion was seconded by Ta-Sean Murdock and was also approved by Brian Crawford and Gerry Engstrom.

Case #: 04-2412040612
Project Name: Senior Housing
Applicant: WAWEB LLC

Project Location: 152 Rockefeller Road
Municipality: Town of Bethlehem
Parcel Size: 16.70 acres
Zoning: Multi-Family Residential (MR)
Tax Map Number: 86.00-1-2
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review to construct a 3 story, age restricted multifamily building with 90 units, associated parking, outdoor amenities, and stormwater management areas. The development will be accessed from Rockefeller Road.

Action Type: Site Plan Review

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District

Staff Notes: The Applicant proposes demolishing an existing one-family dwelling and outbuildings for redevelopment of the property with two (2) three-story buildings which will be 39 feet in height. The age-restricted multi-family dwelling would consist of 90 market-rate senior apartments and ancillary structures including 104 surface parking spaces, 11 banked parking spaces, 36 garages, exterior lighting fixtures, stormwater management facilities and recreational amenities. The proposed exterior accessory uses are surface parking, garages, recreational uses such as patios, walking trails, pickle ball and bocce ball court and gardening boxes. The interior accessory uses, all limited to residents and their guests, may include meeting or multipurpose rooms with warming kitchen facilities, lobby areas, mail rooms or areas, self-service laundry facilities, exercise rooms, game rooms, a small office space for social service delivery and for apartment management. The 90 apartment units are in the form of 36, 1 bedroom and 54, 2 bedroom apartments arranged in two buildings containing 45 units each. A total of 5.4 acres is to be disturbed as per the Full Environmental Assessment Form (FEAF).

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. 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. The proposed design appears to encroach significant portion of the wetlands identified as Wetland A on the Wetland Delineation Map. The

applicant should consider alternative layout to reduce potential impact.
4. Due to the potential wetland impact Town of Bethlehem should consider reducing the project size to avoid wetland impacted areas.

Advisory Note:

1. The Town should ensure that a demolition review for the existing one-family dwelling is provided by the applicant to ensure no hazardous materials are present on site.

Dan Hershberg of Hershberg and Hershberg spoke to the Board regarding this project. The Board had numerous concerns related to the wetland disturbance. After much discussion the Board added a modification addressing this issue (noted above as Modify #4).

Ta-Sean Murdock made a motion to accept the Staff Opinion for Case #04-2412040612. The motion was seconded by Brian Crawford and was also approved by Jeff LaFontaine and Gerry Engstrom.

Case #:	<u>05-2412040607</u>
Project Name:	Tutay Subdivision
Applicant:	Stanley & Maria Tutay
Project Location:	524 Copeland Hill Road
Municipality:	Town of Coeymans
Parcel Size:	68.66 acres
Zoning:	R/A: Residential/Agricultural
Tax Map Number:	130.-2-3.1
Referring Agency:	Town of Coeymans Planning Board
Considerations:	Four-lot subdivision to divide 68.88 acres into Lot 1 with 58.83 acres, Lot 2 with 2.72 acres, Lot 3 with 5.14 acres and lot 4 with 1.97 acres.
Action Type:	Subdivision Review
Juris. Determinant:	State Road, County Road
Potential Impacts:	SR 32 Indian Fields Road, CR 108 Copeland Hill Road
Staff Notes:	The applicant proposes a four-lot subdivision to divide 68.88 acres into Lot 1 with 58.83 acres, Lot 2 with 2.72 acres, Lot 3 with 5.14 acres and

lot 4 with 1.97 acres. No land disturbance is expected as per the Short Environmental Assessment Form (SEAF). No other developments are proposed at this time.

Staff Opinion:

Modify local approval to include

1. Review by New York State Department of Transportation for new or modified access to a state highway for the proposed lot 1 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 for proposed lots 2 and 3.

Ta-Sean Murdock made a motion to accept the Staff Opinion for Case #05-2412040607. The motion was seconded by Jeff LaFontaine and was also approved by Brian Crawford and Gerry Engstrom.

Case #: 05-2412040610
Project Name: **Pelow Subdivision and Lot Line Adjustment**

Applicant: Alexander Pelow
Project Location: 39 Cedar Grove Road
Municipality: Town of Coeymans
Parcel Size: 4.31 acres
Zoning: R/A: Residential/Agricultural
Tax Map Number: 131.-3-19.11, 131.-3-19.12
Referring Agency: Town of Coeymans Planning Board

Considerations: Subdivision review and lot line adjustment to create Lot 1 with 1.85 acres and Lot 2 with 2.46 acres.

Action Type: **Subdivision Review**

Juris. Determinant: County Road
Potential Impacts: CR301 Cedar Grove Road

Staff Notes: This project is composed of both a subdivision of the property located at Tax Parcel 131.-3-19.12 and lot line adjustment with the Tax Parcel 131.-3-19.11 which is currently 2.05 acres and is to be 1.96 acres after the proposed adjustment. The subdivision will create Lot 1 with 1.85 acres consisting existing multi-unit dwelling, private well and septic and Lot 2

with 2.46 acres consisting existing barn and garage. No land disturbance is expected 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 Lot 1 and Lot 2 due to the proposed use of shared driveway.

Brian Crawford made a motion to accept the Staff Opinion for Case #05-2412040610. The motion was seconded by Jeff LaFontaine and was also approved by Ta-Sean Murdock and Gerry Engstrom.

Case #: 07-2412040605
Project Name: Lands of Ferraro

Applicant: Jeff Ferraro
Project Location: 358 Watervliet Shaker Road & 1 East Hill Blvd
Municipality: Town of Colonie
Parcel Size: 6.97 acres
Zoning: SFR — Single Family Residential District
Tax Map Number: 32.3-2-1, 32.3-4-15
Referring Agency: Town of Colonie Planning Board

Considerations: Subdivision of the combined 6.98 acres into four lots for single-family residential development. Parcels at 1 East Hill Blvd and 358 Watervliet Shaker Road are to be merged.

Action Type: Subdivision Review

Juris. Determinant: State Road
Potential Impacts: 155 Watervliet Shaker Road, NWI Wetlands

Staff Notes: This is a subdivision review proposing 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. The proposed subdivision will consist of four (4) lots. The four (4) lots will be used for single family homes site and approximately 67% of lot #1A lands will be deed restricted. Lot 1A will consist of 4.4 acres, Lot 1 will consist of 1.42 acres, Lot #360 will consist of 0.59 acers and Lot #358 will consist of 0.55 acres. 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 density per code allowed is 13 lots on the 6.97 acres at 2 units per acre whereas a density of 0.58 units per acre is proposed. There are federal jurisdictional Army Corp or Engineer (ACOE) wetlands within the project and there will be no impacts to the remaining wetlands based upon the proposed subdivision or grading of the site except the isolated wetland as identifies by ACOE. A total of 3.8 acres of land is to disturbed per the Short Environmental Assessment Form (SEAF) and private on-site detention basins will be installed and discharged to creek on-site. The project will utilize the existing water and sewer systems within this area for the proposed subdivision. As per the letter from Office of Parks, Recreation and Historic Preservation (OPRHP), 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 should be required prior to final approval.
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. Review by the Albany County Department of Health for water supply, waste water discharge and other necessary permits should be required.
4. The Town of Colonie should consider change in configuration/orientation of the building layout on Lot 7 to avoid steep slopes and provide a buffer area to the proposed stormwater retention pond.

The Board added a Modification asking the Town to consider the configuration of the building on Lot 7 (noted above as Modify #4).

With that addition, Ta-Sean Murdock made a motion to accept the Staff Opinion for Case #07-2412040605. The motion was seconded by Brian Crawford and was also approved by Gerry Engstrom and Jeff LaFontaine.

Case #: 13-2412040606
Project Name: **Lands of MacMillen Estate**

Applicant: Cynthia Elliot
Project Location: Rte. 85A
Municipality: Town of New Scotland
Parcel Size: 91.94 acres
Zoning: RH- Residential Hamlet/RA- Residential Agricultural
Tax Map Number: 82.-3-14.1
Referring Agency: Town of New Scotland Planning Board

Considerations: Two-lot subdivision of 91.94 acre farm estate into Lot 1 with 45 acres and Lot 2 with 47 acres.

Action Type: **Subdivision Review**

Juris. Determinant: Agricultural District, County Road, State Road
Potential Impacts: 85A New Salem Road, CR 307 Picard Road

Staff Notes: The applicant proposes the two-lot subdivision of the existing 91.94 acres into Lot 1 with 45 acres and Lot 2 with 47 acres which will consist of existing structure for the purposes of settling the farm estate. The center line of the small run-off stream, for approximately 2000' will be used as the new property line. No land disturbance is expected as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Modify local approval to include
1. Review by New York State Department of Transportation for new or modified access to a state highway for the proposed lots should be required.

The applicant, Cynthia Elliott spoke to the Board about this project and the access via the State Road to the proposed lots.

Ta-Sean Murdock made a motion to accept the Staff Opinion for Case # 13-2412040606. The motion was seconded by Brian Crawford and was also approved by Jeff LaFontaine and Gerry Engstrom.

Case #: 13-2412040615
Project Name: Solar Array - Site Plan Review

Applicant: Thomas Frederick
Project Location: 83 Springfield Drive
Municipality: Town of New Scotland
Parcel Size: 6.80 acres
Zoning: MDR
Tax Map Number: 61.-3-38.1
Referring Agency: Town of New Scotland Planning Board.

Considerations: Site plan review for the installation of 29.75 KW ground mounted solar array for on-site consumption.

Action Type: Site Plan Review

Juris. Determinant: Municipal Boundary
Potential Impacts: Intermunicipal Boundaries of Town of New Scotland and Town of Guilderland

Staff Notes: The applicant proposes the installation of 29.75KW ground mounted solar array in the front yard of the property for the purpose of on-site consumption. Less than one acre of land disturbance is anticipated during the installation.

Prior to reviewing this case, Gerry Engstrom stated that he needed to recuse himself.

However, before reviewing the application, Board members realized that we saw this project for an Area Variance review earlier in the meeting and asked Gopika Muddappa, Senior Planner, why it was also on the agenda for Site Plan Review. Gopika stated that the Town was informed at the time of referral submission that the Albany County Planning Board typically does not review both zoning actions and planning actions at the same time. The Town Code Enforcement Officer requested that both the referrals to be on the December agenda. The ACPB decided to review and vote on just the area variance application and not the site plan review application. The Board strongly recommends that all variance requests such as the setback requirements requested in the case review 13-2412040614 should be assessed to evaluate zoning compliance of the proposed project before reviewing for site plan.

Unfinished Business:

1. The Albany County Planning Board has hired an intern for the Planning Dept. Savannah Werblow is a senior at Siena College and she will be working with Gopika 10-15 hours per week starting in early January.
2. There will be an all-day Planning and Zoning training in Saratoga on Wednesday, February 5th. Any Board member interested in attending should reach out to Gopika and she will register you. In addition, the Dept. of State is offering 2 more webinars related to Planning and Zoning in January that would count toward your required training hours. These webinars are free and you can register yourself if you'd like to attend. Gopika will resend the information to all the Board members after the meeting.

New Business:

1. The next meeting of the ACPB will be on Thursday, January 16, 2025 and the deadline for municipalities to submit referral items for review will be on Monday, January 6, 2025. Please let us know as soon as possible if you think you may have a conflict.
2. We will need to appoint a Vice Chairperson in early 2025. The Vice Chairperson, in the absence of the Chairperson, shall preside at all regular meetings, adjourned meetings, and special meetings of the Board. This will be discussed in more detail when we have the whole board in attendance.
3. Planning and Zoning Boards typically have a policy in place for Public Comments. The question was asked "Does the Albany County Planning Board want to put something in place in 2025"? 2, 3 or 5 minutes seems to be the norm in our area. One suggestion that came up at a training recently is to have a 2 or 3 minute time limit per person with the opportunity for commenting a second time for 2 minutes after all other guests have spoken on the subject but prior to the vote. Gerry Engstrom stated that he thinks we should put something in place, but would like to discuss this when we have the full Board present.
4. Gerry Engstrom wanted to clarify, on the record, that a meeting date of the Albany County Planning Board may only be changed if the Chairperson approves. This is outlined in Article VII, Section 2 of the Albany County Planning Board Bylaws and reads as follows: *The Chairperson of the Board shall have the authority to reschedule a regular meeting due to a lack of quorum or call special meetings as needed. The Chairperson shall also be empowered to cancel a meeting of the Board.*

Adjourn: Jeff LaFontaine made a motion to adjourn at 5:12pm.