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COUNTY EXECUTIVE

COUNTY OF ALBANY
PLANNING BOARD
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CHAIRPERSON

ACPB 2/20/25 Meeting Minutes

NOTE: The February 20, 2025 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: Brian Crawford, Jeff LaFontaine, Ta-Sean Murdock and Kate Powers (arrived at 3:45).

Board Members Absent: None

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

Guests: Jared George, Tri Capital Realty; Michael Costabile and James White, McKownville FD; Peter Sogri and Weston Hilligas, RIC Development (via Microsoft Teams).

Minutes: Lynn Delaney, Secretary

Call to Order: Brian Crawford called the meeting to order at 3:35pm.

Vote for Meeting Minutes: This vote was postponed to the end of the agenda and voted upon at 4:43pm due to Kate Powers arriving at 3:44pm.

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 Board determined that they were removing the Berne Solar Case (#03-2502040661) from the list of Defers to be voted upon together and will discuss it separately. The motion was seconded by TaSean Murdock and was also approved by Brian Crawford (Kate Powers arrived shortly after this vote was taken).

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ACPB 2-20-25 Meeting Minutes (cont.)

Case #: **01-2502040630**

Project Name: **Ordinance 65.111.24**

Applicant: Albany County 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 375 of the code of the City of Albany in relation to requirements for signs.

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 Code of the City of Albany in relation to requirements for signs. This ordinance clarifies existing signage regulations in the Unified Sustainable Development Ordinance (USDO) by removing ambiguities and providing clear methods for calculating sign area across different sign types. While maintaining essential standards, these revisions introduce measured flexibility to better address varying building sizes and street frontages, ensuring that signage is appropriately scaled without compromising the integrity of the city's zoning goals. The sharp increase in area variance requests for signage since 2021, with over 80% approved, points to challenges with the current regulations. The proposed changes aim to reduce the need for variances by addressing common difficulties and misconceptions in the code, creating a more balanced approach that upholds zoning objectives while responding to practical needs.

Staff Opinion: Defer to local consideration

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

Case #: 01-2502040631
Project Name: 230 Myrtle Ave Garden Level Unit

Applicant: 13 Leaves LLC C/O Kostadin Kacani
Project Location: 230 Myrtle Avenue
Municipality: City of Albany
Parcel Size: 0.06 acres
Zoning: R-T(Residential, Townhouse)
Tax Map Number: 76.39-2-3
Referring Agency: City of Albany Planning Board

Considerations: Special use permit for the conversion of the existing ±1,043 SF structure at the property from a two (2)-unit to a three (3)-unit townhouse.

Action Type: Special Use Permit (Conditional Use Permit)

Juris. Determinant: State Road
Potential Impacts: 9W Delaware Avenue, Center Square/Hudson-Park Historic District

Staff Notes: This application seeks to add a third residential dwelling unit, as allowed via special use permit, thereby going from two to three units with each unit occupying the majority of each floor plate, minus the necessary stairwell. Egress is provided for via an exterior rear egress stairwell. These residential dwelling units will be approximately 968 square feet, occupying more than 90% of the residential floor plate, and will be priced at the market rate.

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

Case #: 01-2502040632
Project Name: 232 Myrtle Ave Garden Level Unit

Applicant: 13 Leaves LLC C/O Kostadin Kacani
Project Location: 232 Myrtle Avenue
Municipality: City of Albany
Parcel Size: 0.06 acres
Zoning: R-T (Residential, Townhouse)
Tax Map Number: 76.39-2-2

Referring Agency:	City of Albany Planning Board
Considerations:	Special use permit for the conversion of the existing ±894 SF structure at the property from a one (1)-unit to a three (3)-unit townhouse.
Action Type:	Special Use Permit (Conditional Use Permit)
Juris. Determinant:	State Road
Potential Impacts:	9W Delaware Avenue, Center Square/Hudson-Park Historic District
Staff Notes:	This application seeks to add a third residential dwelling unit, as allowed via special use permit, thereby going from two to three units with each unit occupying the majority of each floor plate, minus the necessary stairwell. Egress is provided for via an exterior rear egress stairwell. These residential dwelling units will be approximately 756 square feet, occupying more than 90% of the residential floor plate, and will be priced at the market rate.
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.

<u>Case #:</u>	<u>01-2502040633</u>
Project Name:	KIPP Middle School
Applicant:	KIPP Capital Region
Project Location:	596 Manning Boulevard
Municipality:	City of Albany
Parcel Size:	0.63 acres
Zoning:	MU-NE Mixed-Use Neighborhood Edge
Tax Map Number:	65.11-1-2
Referring Agency:	City of Albany Planning Board

Considerations:	Site plan review for the expansion of the surface parking lot containing 35 new off-street parking spaces and circulation improvements, located at the existing KIPP Middle School, along with a connection to the Tivoli Preserve.
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Action Type: Site Plan Review

Juris. Determinant: State Road
Potential Impacts: Interstate Highway 90

Staff Notes: This project involves parking lot expansion and circulation improvements at the KIPP Middle School along with a connection to the Tivoli Preserve trail. The current parking and traffic flow is causing congestion and inefficiencies on and off school grounds. Adding an additional driveway, parking spaces and improving the layout will help streamline traffic, reduce delays, and enhance safety for students, parents and staff on the school premises. By providing additional parking, school events can draw a significant number of visitors, often exceeding the capacity of the existing parking lot. Having more parking spaces will accommodate these visitors, making attendance more convenient and reducing the likelihood of parking-related issues spilling onto nearby streets. The proposed construction, which includes site clearing, grading, utility and stormwater management practice installation, and paving, is expected to result in a total disturbance area of approximately 0.94 acres. The applicant also requests to grant waiver to exceed the maximum number of parking spaces allowed from 69 spaces to 91 parking spaces, 15 banked spaces, and 9 Tivoli Preserve spaces totaling 115.

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 provide the City the revised stormwater plan that meets the requirements for the entire site.

Case #: 17-2502040634
Project Name: Cannon Properties

Applicant: Steven Quick
Project Location: 422 & 424 5th Avenue
Municipality: City of Watervliet
Parcel Size: 0.22 acres
Zoning: Residential 2 (R-2)
Tax Map Number: 44.50-2-4.1, 44.50-2-4.3
Referring Agency: City of Watervliet Zoning Board of Appeals

Considerations: Area variance to build a two-family home on both the vacant parcels.

Action Type: Area Variance

Juris. Determinant: State Road
Potential Impacts: 32 Third Avenue, Floodzone

Staff Notes: The applicant requests area variances to build two new two-family homes on the vacant parcels at 422 & 424 Fifth Avenue. The proposal requires off-street parking which is not permitted per the city code.

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 meet any floodzone requirement per the city code before final approval.

Case #: 03-2502040635
Project Name: Baum-Hendricks Variance

Applicant: Jerome Baum & Kathleen Hendricks
Project Location: 783 Woodstock Road, Camp Woodstock
Municipality: Town of Berne
Parcel Size: 0.08 acres
Zoning: RAF: Residence/Agriculture/Forestry
Tax Map Number: 103.10-2-10
Referring Agency: Town of Berne Zoning Board of Appeals

Considerations: Area variance for the proposed deck, shed and metal roof over trailer.

Action Type: Area Variance

Juris. Determinant: County Road
Potential Impacts: CR 2 Cole Hill Road

Staff Notes: The applicant proposes a 10'x15' shed replacing the old shed, 12'x45' deck and a 24'x45' metal roof over deck and seasonal camper.

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 #: 04-2502040636
Project Name: **Glenmont Shopping Plaza**

Applicant: Benderson Development Company, LLC
Project Location: 376 & 388/392 Feura Bush Road, Glenmont
Municipality: Town of Bethlehem
Parcel Size: 14.07 acres
Zoning: Commercial Hamlet
Tax Map Number: 97.15-2-3./9001
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan amendment for the proposed 6,240 SF addition, partial demolition of 18,176 SF and conversion of 14,779 SF space to a grocery store.

Action Type: **Site Plan Review**

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

Staff Notes: The proposed action is a 6,240 SF outparcel building expansion, demolition of 18,176 SF of existing retail space and construction of a new 49 space parking lot adjacent to a newly proposed 14,779 SF Grocery Store user that is utilizing existing retail space. A total of 1.58 acres of land is to be disturbed as per the Short Environmental Assessment Form (SEAF) and the project will connect into an existing on-site storm sewer system. A Stormwater Pollution Prevention Plan has been included with the referral packet.

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

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

Case #: **04-2502040663**
Project Name: **Wooster Land Division**

Applicant: Charles Wooster
Project Location: 53 Wheeler Road, Glenmont
Municipality: Town of Bethlehem
Parcel Size: 5.90 acres
Zoning: Rural Riverfront
Tax Map Number: 110.0-2-39.1
Referring Agency: Town of Bethlehem Planning Board

Considerations: Land division of the existing parcel to create a +/- 1.9 acre parcel suitable for a single family dwelling.

Action Type: **Subdivision Review (Land Division)**

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District

Staff Notes: The applicant proposes to divide existing 5.8+/- acre developed parcel with one existing single-family house, occupied by the applicants into two parcels, in order to create a new 1.9+/- acre parcel, suitable for building a future, new single-family house. No land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF).

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

Case #: 07-2502040637
Project Name: **Afrim's Complex Addition**

Applicant: Afrim Nezaj/Afrim's Sports Inc
Project Location: 969 Watervliet Shaker Road
Municipality: Town of Colonie
Parcel Size: 28.60 acres
Zoning: Commercial Office (CO)
Tax Map Number: 30.-2-2.21
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the proposed construction of 8,800 SF steel-framed building and 1,730 SF connector building to provide access to and from the existing clubhouse.

Action Type: **Site Plan Review**

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

Staff Notes: The proposed project involves the installation of an 8,800 sq. ft. steel-framed building and connector building (1,730 sq. ft.) to provide access to and from the existing clubhouse. The new structure will house an indoor athletic field/ court. Also included in the project will be the modification of existing walkway and the installation of drainage systems to tie into the existing stormwater management system. The site is currently occupied by an air-supported structure housing one (1) indoor athletic field (±84,600 sq. ft.), a wood-framed clubhouse (±6,775 sq. ft.), four (4) outdoor artificial turf athletic field, and associated parking for 400 vehicles. Additional parking is available on a neighboring site through a shared parking agreement currently in place. The project will not be subject to the NYSDEC SPDES Permit for Construction as site disturbances will be less than 1 acre. Further, during the original (2018) permitting of this site provisions were made for areas adjacent to the clubhouse to be impervious area. Existing stormwater management facilities were sized accordingly. All stormwater runoff from the proposed project will be treated and attenuated in accordance with NYSDEC regulations. A total of 395 spaces are available on the project site with an additional 482 spaces available on the neighboring BOCES parcel through a shared parking agreement. As part of the project, it is proposed to improve cross-lot access for pedestrians including paving the fire access road, modifying crash gates to provide a clear pedestrian route, adding wayfinding signage, and providing lighting.

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 #: **07-2502040638**
Project Name: **American Tower Generator**

Applicant: American Tower Corp.
Project Location: 968 Albany Shaker Road
Municipality: Town of Colonie
Parcel Size: 34.28 acres
Zoning: Commercial Office (CO)
Tax Map Number: 18.-1-24
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review to install a backup 80 KW diesel generator within the existing wireless telecommunications tower existing in the property.

Action Type: **Site Plan Review**

Juris. Determinant: County Road
Potential Impacts: CR151 Albany Shaker Road

Staff Notes: The Applicant proposed to install a new 80KW Generac backup diesel generator placed on a concrete pad within the facility. The installation will also include a new H-Frame for the backup power, an emergency stop for the generator, monitoring unit, automatic transfer switch, junction box, and auxiliary power connections. The generator and concrete pad take up small space of 48 SF within the facility. All proposed work is located within the Facility's lease area and fenced-in compound.

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>07-2502040639</u>
Project Name:	Amendment to Chapter 190 of the Code of the Town of Colonie
Applicant:	Town of Colonie
Project Location:	Town-wide
Municipality:	Town of Colonie
Parcel Size:	N/A N/A
Zoning:	N/A
Tax Map Number:	N/A
Referring Agency:	Town of Colonie Legislative Board
Considerations:	Amendment to Chapter 190 of the Code of the Town of Colonie specifically regarding definitions and use standards.
Action Type:	Amendment of Zoning Ordinance
Juris. Determinant:	N/A
Potential Impacts:	N/A
Staff Notes:	The Town of Colonie proposes to amend Chapter 190 of the Town Code pertaining to Zoning and Land Use. It includes amendments to definitions of clinic, dental or medical; crisis intervention center; hospital; medical office; and substance abuse treatment center. Section 190-22 Additional Use Standards, Restrictions and Exceptions specific special use permit and planning special permit standards for Crisis Intervention Center and Substance Abuse Treatment Center. (a) Residential Properties: Shall be located at least 1,000 feet from the zone line of any zoning district which includes residential uses including, but not limited to SFR, MFR, OR, NCOR, COR and HCOR. (b) Schools & Childcare Centers: Shall be located at least 1,500 feet from schools, daycare centers, and playgrounds to minimize exposure to vulnerable populations. (c) Parks & Recreational Areas: Shall be located at least 1,000-feet from public parks, sports fields, and community recreation centers. (d) Other Similar Facilities: To prevent an oversaturation of behavioral health services in one area, new facilities shall be located at least 2,500 feet from another Crisis Intervention Center or Substance Abuse Treatment Center. (e) Liquor Stores & Bars: Shall be located at least 1,500 feet from businesses with a liquor license and from cannabis dispensaries to reduce exposure to substances that could trigger relapse. The Town Board hereby determines that this amendment is an Unlisted action that will not have a significant effect on the environment and, therefore, no

other determination or procedure under the State Environmental Quality Review Act ("SEQRA") is required.

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 #:

07-2502040640

Project Name:

Office to Apartments Renovations

Applicant:

Whitman Holdings LLC

Project Location:

435 New Karner Road

Municipality:

Town of Colonie

Parcel Size:

2.45 acres

Zoning:

Office Residential (OR)

Tax Map Number:

29.2-1-15

Referring Agency:

Town of Colonie Zoning Board of Appeals

Considerations:

Area variance for the proposed renovations of the existing 41,475 SF two-story office building into mixed use building.

Action Type:

Area Variance

Juris. Determinant:

County Road

Potential Impacts:

CR 155 New Karner Road

Staff Notes:

The proposed renovations of an existing 41,475 SF two-story office building in an Office Residential (OR) zoning district with a proposed 17,975 SF of commercial use and 23,500 SF of residential use with 18 residential dwelling units does not comply with the maximum 12 dwelling units granted by the Zoning Board of Appeal on October 20, 2016, under variance (16-038) or with the maximum 11.9 dwelling units permitted as state in the Town of Colonie Land Use Law.

Staff Opinion:

Defer to local consideration

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

Advisory Note: 1. The Town Zoning Board should consider the precedent setting nature of converting office buildings into mixed use buildings with residential uses in the Office Residential zoning district.

Case #: 10-2502040641
Project Name: **Local Law No. 1 of 2025- Moratorium on Certain Residential Development**

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

Considerations: Local Law to impose a four-month moratorium on certain residential development consisting of: (1) subdivisions involving 5 or more single-family lots; (2) multiple-family developments of 25 or more dwelling units; and (3) assisted living, independent living and nursing home developments consisting of 50 or more dwelling units.

Action Type: **Adoption of Local Law**

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

Staff Notes: By Local Law No. 3 of 2024, the Town Board adopted a moratorium on certain residential development to allow for the preparation of the Comprehensive Plan Update (Plan Update). The moratorium expired in November 2024. Among the plan update goals and recommendations is support for affordable housing options and considering the impact of certain development on open space, agricultural lands, historic areas, transportation, infrastructure, neighborhood character, and quality of life. This interim measure is intended to preserve the status quo pending the Town Board's review and adoption of the Plan Update, as may be amended, and will avoid certain land use development applications that could potentially conflict with or frustrate the recommendations and goals of the adopted Plan Update. For a period of four (4) months, and subject to any other Local Law adopted by the Town Board, and except as may be provided in Section 4 below, the following moratorium is enacted:

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

Staff Opinion:

Defer to local consideration

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

Case #:

10-2502040642

Project Name:

McKownville Fire Variance

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 Zoning Board of Appeals

Considerations:

Area variance for side setback relief from Brookwood Avenue for new fire station.

Action Type:

Area Variance

Juris. Determinant:

State Road

Potential Impacts:

20 Western Avenue

Staff Notes:	The applicant requests for an area variance for the side setback for the construction of the new fire station due to the size of the property and the size requirements of the new proposal. Currently the fire station is proposed to be between 19' to 20' from the property line and is requesting to move it down to 15'. This application (10-2412040608) was reviewed by the Albany County Planning Board in December 2024 for 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. The ACPB determination was, '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.' with an 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.'
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. All variance requests such as setback requirements should be assessed to evaluate zoning compliance of the proposed project before granting the final site plan approval.
Case #:	<u>13-2502040643</u>
Project Name:	Lands of Lezatte
Applicant:	Charle Hite Surveyors
Project Location:	56 Plank Road
Municipality:	Town of New Scotland
Parcel Size:	18.23 acres
Zoning:	RA: Residential Agricultural
Tax Map Number:	118-2-19.3
Referring Agency:	Town of New Scotland Planning Board

Considerations: Subdivide the existing 18.23 acres into Lot 1 with 12.63 acres and Lot 2 with 5.87 acres.

Action Type: Subdivision Review

Juris. Determinant: Agricultural District
Potential Impacts: Vly Creek Reservoir

Staff Notes: The applicant proposed to subdivide the existing parcel into two and sell one parcel to the family in the future. Proposed Lot 1 is to be 12.63 acres consisting existing building and improvements and proposed Lot 2 is to be 5.87 acres with existing driveway.

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

Advisory Note: 1. The site plan should indicate the driveway to access Lot 1 if proposed or a shared access agreement (including a maintenance agreement) should be referenced in the deeds for both properties if Lot 1 is to be accessed via Lot 2.

Case #: 18-2502040644
Project Name: Kiernan Subdivision

Applicant: Owen Kiernan
Project Location: 186 County Rte 411
Municipality: Town of Westerlo
Parcel Size: 153.00 acres
Zoning: RD/A - Rural Development/Agricultural
Tax Map Number: 176.-2-2
Referring Agency: Town of Westerlo Planning/Zoning Board of Appeals

Considerations: Subdivision of the parcel into Lot A with 52.23 acres and Lot B with 100.41 acres.

Action Type: Subdivision Review

Juris. Determinant: County Road, Agricultural District

Potential Impacts: County Route 411

Staff Notes: The applicant proposes to subdivide the property into two lots. Lot A will consist of 52.53 acres with existing structures and Lot B will consist of 100.41 acres with existing house and other structures.

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 #: 16-2502040645
Project Name: Hannaford Freezer Expansion

Applicant: Hannaford Supermarkets
Project Location: 5 Maple Road
Municipality: Village of Voorheesville

Parcel Size: 3.80 acres
Zoning: General Business (GB)
Tax Map Number: 72.12-4-2
Referring Agency: Village of Voorheesville Planning Board

Considerations: Site plan review for the expansion of the existing building to accommodate new freezer space and the placement of a 15'x35' enclosed mechanical pod in the rear of the existing grocery store.

Action Type: Site Plan Review

Juris. Determinant: State Road
Potential Impacts: 85A Maple Road

Staff Notes: The proposed action at the existing Hannaford property includes adding 305 square foot exterior freezer on the southeast side of the store and updating 8 parking spaces. The existing pavement will be saw cut, the freezer installed, and nine 6-inch in diameter bollards installed. There is an overhead line that comes into the SE corner of the store as well as gas line(s) and a fire riser; no utility changes are proposed. There is 0.01 acres of proposed disturbance for this action, excluding pavement marking.

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.

Jeff LaFontaine made a motion to accept the Staff Opinion for the following cases: 01-2502040630, 01-2502040631, 01-2502040632, 01-2502040633, 17-2502040634, 03-2502040635, 04-2502040636, 04-2502040663, 07-2502040637, 07-2502040638, 07-2502040639, 07-2502040640, 10-2502040641, 10-2502040642, 13-2502040643, 18-2502040644 & 16-2502040645. The motion was seconded by Ta-Sean Murdock and was also approved by Brian Crawford and Kate Powers.

Case #:

03-2502040661

Project Name:

Berne PV, LLC Tier 3 Solar Application

Applicant:

Berne PV, LLC

Project Location:

28 Jansen Lane

Municipality:

Town of Berne

Parcel Size:

128.00 acres

Zoning:

RAF: Residence/Agriculture/Forestry

Tax Map Number:

79.-3-1./1

Referring Agency:

Town of Berne Planning Board

Considerations:

Area variance, site plan review and special use permit to develop a new Distribution Generation Solar Photovoltaic generation facility. Area variances are required for the setback from the southern parcel boundary and wetland boundaries.

Action Type:

Site Plan Review, Special Use Permit, Area Variance

Juris. Determinant:

Agricultural District

Potential Impacts:

Agricultural District

Staff Notes:

Berne PV, LLC is proposing to develop a new Distributed Generation Solar Photovoltaic generation facility. The project area is currently used for agricultural purposes. The surrounding area consists of agricultural land, wooded areas, and a low volume of residential structures to the north along NYS Route 443 (Helderberg Trail). The Project, as conceptually designed, will have a nameplate capacity of 3,800 kW AC. The point of interconnect will be at the nearest distribution circuit

(36_37_23452) - a 13.2 kV feeder, fed by the Schoharie Substation. The project is classified as a "Tier 3 solar energy system" according to § 157-16 of the Town Solar Law. Berne Solar is a standalone ground-mounted system, mounted on a single-axis (sun) tracking steel structure. The system will consist of 8,372 solar PV modules and 12 inverters which will be connected to one transformer. RIC Development, LLC has completed a full Coordinated Electric System Interconnection Review (CESIR) with National Grid, which confirms the feasibility of the project. On-site utilities will be installed underground, with the exception of a section of the gen-tie line being overhead, per National Grid's interconnection design requirements. The Project parcel is gently sloping. The elevation within the Project area decreases gradually from east to west, from 1405 to 1276 feet above sea level (AMSL) for an average slope of 11% east to west. Stormwater runoff drains from the northeast to the southwest through onsite wetlands and a stream. The groundcover of the parcel consists of agricultural fields with northern hardwood forests surrounding the fields to the north, west and south. The proposed Project will be sited on approximately 23.12-acres within the 160.1-acre parcel. The Project will be accessed off Irish Hill Road and Jansen Lane via a permeable access road. Buildings are not required or proposed for this Project and there are none within the Project Area. The Berne Solar facility will not accommodate occupants before, during, or after construction. No lighting is proposed. Post-construction maintenance will be minimal and performed by private contractors per the operation and maintenance plan. The requested distance from the southern parcel boundary is approximately 88' whereas a minimum of 200' is required per the Town Code Section 157-24. The proposed solar is to be less than 100' from the delineated wetland boundaries with no impact to the wetlands whereas per the Town Code Section 157-24 Tier 2 Solar Energy Systems shall be set back no less than 100' from the wetlands. The Town of Berne Zoning Board of Appeals concluded that the project will not present any detriment to the community, but will instead be a safe, quiet, clean generator of electricity. The Project is secluded and away from residential areas in a largely rural area. The Project Area, being largely undeveloped, has no public water or sewer facilities, making the property more suitable for a community solar project than, for example, housing. The ZBA also stated that the benefit to the applicant if the variance is granted, does outweigh the detriment to the health, safety and welfare of the neighborhood or community by such grant. Following the useful life of the facility, estimated at approximately 30 years, decommissioning shall also ensure a return of the Project site to a condition that can again be farmed, if desired.

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 wanted to discuss this case in more detail with Peter Sorgi and Weston Hillegas who were on the call representing RIC development. Specifically the encroachment of the property line and the concerns about runoff. Also ensuring that there is a maintenance agreement in place. With the concerns addressed, Ta-Sean Murdock made a motion to accept the Staff Opinion for Case #03-2502040661. The motion was seconded by Kate Powers and was also approved by Jeff LaFontaine and Brian Crawford.

Case #:

01-2502040646

Project Name:

4-Story Mixed-Use Building

Applicant:

Regan Development Corporation

Project Location:

130 Ontario Street

Municipality:

City of Albany

Parcel Size:

0.91 acres

Zoning:

MU-FM Mixed-Use Form-Based Midtown

Tax Map Number:

65.54-1-67

Referring Agency:

City of Albany Planning Board

Considerations:

Site plan review for the construction of a 4-story mixed-use building to accommodate 76 dwelling units, with combined +/- 11,900 SF of day-care center and community center space on the first floor and an accompany 52 off-street parking spaces.

Action Type:

Site Plan Review, Special Use Permit, Subdivision Review, Area Variance

Juris. Determinant:

State Road

Potential Impacts:

5 Central Avenue

Staff Notes:

The applicant proposes removal of existing building located at 130 Ontario Street, lot merge of 130 Ontario st. 134 and 154 West Street and City Right-of-Way into one lot, and development of 4 story 72 unit building with community center and daycare retail space of +/- 5,900 sf. A total of 2.2 acres is to be disturbed during the proposed action as per

the Full Environmental Assessment Form (FEAF). It is noted that the existing vacant building that was used for The Center for Family and Youth will be demolished in order to accommodate the proposed development. It is noted that a parking lot located on the south side of West Street that was previously used to accommodate parking associated with the family center will also be used for the proposed site. A review of the site plan indicates that West Street will be closed to through traffic and that part of this facility will also be used to provide parking for the proposed development. Access to the parking area will be provided via the existing unsignalized curb cut to Ontario Street and via the southern section of West Street that connects to the signalized Quail Street intersection. It is anticipated that the proposed project will be fully constructed and occupied by 2027. As per the Stormwater Management Report, the proposed plan the project will be normally subject to NYSDEC SPDES Phase II requirements for water quality and quantity as the project will disturb greater than 1 acre. Approximately 2.2 acres will be disturbed for the development of the site. As stormwater from the site travels to Albany Wastewater Treatment Plant or as known as a Combined Sewer Overflow (CSO) system, a NYSDEC stormwater construction permit GP-00-20001 is not applicable for this project site per NYSDEC FAQ. site stormwater runoff flows to Albany Wastewater Treatment Plant and is part of the combined sewer overflow (CSO) system, a permit from NYSDEC for construction activities (GP-0-20-001) is not applicable for this project site and thus not subject to NYSDEC SWDM. The City of Albany has its own stormwater regulations when a project discharge stormwater runoff to the CSO system. The City of Albany still requires a project site to conform to NYSDEC 2015 Stormwater Design Manual (SWDM). Thus, water quality and water quantity must be mitigated per NYSDEC standards but a permit from NYSDEC (GP-00-20-001) does not need to be obtained for the site. The project site has been designed to mitigate water quantity by the use of an underground detention array system and water quality (WQv and RRv) have been achieved by the use of an infiltration basin for the site in accordance with NYSDEC 2015 SWDM.

Staff Opinion:

Modify local approval to include

1. The applicant should meet all stormwater regulations of the City of Albany are met before granting final approval of the project.

Advisory Note:

1. The City should ensure that there are enough parking spaces for the proposed use to avoid any traffic congestions.

Ta-Sean Murdock made a motion to accept the Staff Opinion for Case #01-2502040646. The motion was seconded by Kate Powers and was also approved by Jeff LaFontaine and Brian Crawford.

<u>Case #:</u>	<u>01-2502040647</u>
Project Name:	Proposed Pad Sites
Applicant:	CP 900 Central LLC/ Crosspoint Associates
Project Location:	900 Central Avenue
Municipality:	City of Albany
Parcel Size:	11.02 acres
Zoning:	MU-CH (Mixed-Use, Community Highway)
Tax Map Number:	53.83-1-5
Referring Agency:	City of Albany Planning Board
Considerations:	Site plan review for the proposed two pad-sites within an under-utilized area of the parking lot. One use is a proposed coffee shop drive-thru and the other a quick-serve restaurant with drive-thru pickup window.
Action Type:	Site Plan Review
Juris. Determinant:	State Road
Potential Impacts:	5 Central Avenue
Staff Notes:	The parcel consists of the existing Hannaford Plaza at 900 Central Avenue. The existing development will remain and two (2) pad sites are proposed within an under-utilized area of the parking lot. One use is a proposed coffee shop drive-thru and the other a quick-serve restaurant with drive-thru pickup window. A total of 0.9 acres of land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). Stormwater runoff is to be discharged into an existing stormwater pipe network system.
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.
Advisory Note:	1. The applicant should be required to reevaluate parking circulation with the proposed two new structures.

Ta-Sean Murdock made a motion to accept the Staff Opinion for Case #01-2502040647. The motion was seconded by Jeff LaFontaine and was also approved by Kate Powers and Brian Crawford.

Case #: 04-2502040648
Project Name: **Luizzi Companies**

Applicant: Luizzi Companies- Chuck Pafundi
Project Location: 196 Maple Avenue/SR396, Selkirk
Municipality: Town of Bethlehem
Parcel Size: 10.01 acres
Zoning: Rural Light Industrial District (RLI)
Tax Map Number: 133.04-1-39.1
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review for redevelopment of an existing property into two new buildings. Existing buildings that remain will be improved with new siding and roofs.

Action Type: **Site Plan Review**

Juris. Determinant: State Road
Potential Impacts: 396 Maple Avenue, Route 9W

Staff Notes: The applicant proposes to remove the existing wood frame house and redevelop the site with: (1) a one-story metal building with an area of approximately 12,800 (SF); and (2) a one-story metal building with an area of approximately 16,020 (SF). Associated parking areas and access drives and maneuvering areas will also be developed adjacent to the proposed building. Per the Town Code the parking required is 1 space per 1,000 SF of gross floor area. Once re-developed, the existing parcel will have a total of 70,960 SF of building area so the site will be required to have 71 parking spaces. The Site Plan shows a total of 71 parking spaces with 3 of those spaces being allocated for handicap use. The infrastructure necessary to provide the site with Sanitary, Water, Electric, Gas and Telephone services exist and are all located along the Maple Avenue, Hackett Street & Vassar Street corridors. These systems have sufficient capacities to provide the demands from the proposed development. The conceptual intent of the stormwater management system will be in full compliance with the Town of Bethlehem

Stormwater Regulations and the NYSDEC Stormwater Management Design Manual. The proposed warehousing land use within this zone is allowed and is a compatible use with existing uses and facilities located along the project vicinity. The use is consistent with land uses permitted in the Town of Bethlehem Zoning Code. The project site contains approximately 10.47 acres and is located at 196 Maple Avenue which provides the parcel with frontage along a NYSDOT owned roadway; the parcel also has frontage along Hackett Street, Willett Street, Vassar Street and Astor Street, Town of Bethlehem highways. Willett, Vassar and Astor Streets are undeveloped along the parcel frontage. The parcel has historically been used for warehousing purposes and there were five one story metal buildings located on the parcel along with two Quonset huts. There are also two masonry buildings and a wood frame house. The two masonry buildings and the wood frame house are located immediately adjacent to the frontage with Maple Avenue. The two Quonset huts and two of the metal buildings have been removed. The remaining portion of the parcel has an extensive surface composed of asphalt pavement and gravel. A total of 4.54 acres are to be disturbed during the redevelopment as per the Short Environmental Assessment Form (SEAF). Stormwater will be managed on-site and discharged at predevelopment runoff rates by utilizing stormwater practices that are in conformance with the NYSDEC and Town of Bethlehem requirements.

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.

Kate Powers made a motion to accept the Staff Opinion for Case #04-2502040648. The motion was seconded by Jeff LaFontaine and was also approved by Brian Crawford and Ta-Sean Murdock.

Case #: 07-2502040649
Project Name: **Asia Food Market**

Applicant: Ren Garden Group, Inc
Project Location: 1130 Central Avenue
Municipality: Town of Colonie
Parcel Size: 11.24 acres
Zoning: Industrial
Tax Map Number: 53.11-1-14
Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the proposed construction of new business hub which consists of proposed 31,200 SF Asia Food Market building with an attached 5,000 SF warehouse, a 10,800 SF retail building, and a 12,100 SF warehouse with an attached 2,400 SF office.

Action Type: **Site Plan Review**

Juris. Determinant: State Road, County Road
Potential Impacts: 5 Central Avenue, CR154 Osborne Road

Staff Notes: The Owner would like to construct a new business hub which consists of a proposed 31,200 SF Asia Food Market building with an attached 5,000 SF warehouse, a 10,800 SF retail building, and a 12,100 SF warehouse with an attached 2,400 SF office. The project would include parking, loading and unloading dock areas, lighting and landscaping improvements, and stormwater management facilities. This proposed extension of Railroad Avenue would require a 60-foot-wide dedicated right-of-way and a 28-foot-wide pavement section with 2-foot-wide curb and gutters on each side. The proposed connection of Railroad Avenue to Central Avenue would benefit the surrounding area and link two existing business corridors together. One potential issue is along the western property line, where the Town of Colonie would need to address the extension of Railroad Avenue to the existing road. Description of project construction sequence and phasing; The first priority of the proposed development is the construction of the Asia Food Market building and intersection work at Central Avenue. The entire site will be graded, utilities (both public and private) will be installed, the Asia Food Market will be built, stormwater management facilities installed, and the Town dedicated road will be installed. The proposed warehouse and retail buildings as well as their associated parking areas may be constructed at a later time to make the construction costs feasible to the Owner. A total of 10.54 acres of land is to be disturbed during the construction as per the Full Environmental Assessment Form (FEAF).

Staff Opinion:

Modify local approval to include

1. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway should be required.
2. Review by the Albany County Department of Health for water supply, waste water discharge and other necessary permits 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.

Jeff LaFontaine made a motion to accept the Staff Opinion for Case #07-250204069. The motion was seconded by Ta-Sean Murdock and was also approved by Kate Powers and Brian Crawford.

Case #:	<u>07-2502040650</u>
Project Name:	Casella Waste Management Fuel Tank Replacement
Applicant:	Michaels Stehman & David Glover
Project Location:	136 Sicker Road
Municipality:	Town of Colonie
Parcel Size:	2.00 acres
Zoning:	Airport Business Area (ABA)
Tax Map Number:	18.-3-40
Referring Agency:	Town of Colonie Planning Board
Considerations:	Site plan review to replace the Underground Storage Tank (UST) with small Above Storage Tank (AST) for fueling of hauling trucks and vehicles.
Action Type:	Site Plan Review
Juris. Determinant:	Airport
Potential Impacts:	Albany International Airport, Airport Control Tower

Staff Notes: The applicant requests to replace the 12,000 gallon diesel Underground Storage Tank (UST) with a 9,900 Aboveground Storage Tank (AST). The intended site development and use will remain the same that is to operate as a satellite hauling location for storing empty waste containers. Less than one acre of land is to 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.
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.

Jeff LaFontaine made a motion to accept the Staff Opinion for Case #07-2502040650. The motion was seconded by Kate Powers and was also approved by Ta-Sean Murdock and Brian Crawford.

Case #: 07-2502040651

Project Name: Chick-Fil-A

Applicant: Chick-Fil-A

Project Location: 579 Troy Schenectady Road

Municipality: Town of Colonie

Parcel Size: 89.34 acres

Zoning: Highway Commercial Office Residential (HCOR)

Tax Map Number: 19.1-2-8

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the redevelopment of former Brick House Restaurant to 5,000 SF quick serve restaurant with drive through, onsite parking, a stormwater management system, utilities, landscaping, and other associated appurtenances.

Action Type: Site Plan Review

Juris. Determinant:

State Road

Potential Impacts:

Interstate Highway 87, Route 9 New Loudon Road

Staff Notes:

Chick-fil-A, Inc. is proposing to redevelop the existing site with a new ±5,000 SF quick-service restaurant with outdoor dining, drive thru, and ±84 parking spaces. The construction of the new Chick-fil-A is anticipated to be completed ±6 months from the start of construction. The proposed building height is ±22' tall and is a single story structure. Two-way circulation through the subject site is proposed for optimum parking, circulation efficiencies, and truck delivery. Entrance to the site will be off the internal shared access drive that services the overall plaza. A two-lane drive thru is proposed to maximize stacking and ordering efficiencies and a bypass lane has been provided as well. Two drive thru canopies are proposed to protect patrons and employees from various weather conditions within the drive thru. New and improved energy efficient onsite lighting, trash enclosure, sidewalks, landscaping and other appurtenances are also proposed onsite. It is anticipated that waivers will be required from the Town Planning Board to allow for drive thru access aisles and stacking lanes within the front yard. This will be further reviewed with the Town. It is anticipated that the restaurant will connect to the public water and sewer connections that are readily available to serve the site. Gas and electric services currently servicing the existing building are available for re-use as well. Stormwater is proposed to be collected and treated for quantity and quality onsite - existing stormwater tributary flow patterns are proposed to remain. The project is anticipated to disturb over one (1) acre of land and the project will be subject to preparation of a Stormwater Pollution Prevention Plan (SWPPP).

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 Albany County Department of Health for food service and other necessary permits should be required.
3. The proposed right turn channelizing island is too small to prevent through and left turn movements. The applicant should consider channelizing the right turn from Erin St into the Dick's parking lot. If the

roundabout is chosen, a sign on the access road instructing exiting traffic to U-turn at the roundabout should be provided.

4. Notification should be given to the New York State Department of Transportation for signal timing adjustments and a general safety evaluation.

Jeff LaFontaine made a motion to accept the Staff Opinion for Case #07-2502040651. The motion was seconded by Kate Powers and was also approved by Ta-Sean Murdock and Brian Crawford.

Case #: **07-2502040652**

Project Name: **Kuma Ani Restaurant**

Applicant: Ye Li

Project Location: 567 Watervliet Shaker Road

Municipality: Town of Colonie

Parcel Size: 0.40 acres

Zoning: Commercial Office Residential (COR)

Tax Map Number: 31.6-2-66

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review construction of approximately 2,000 SF Ramen Noodle restaurant and bubble tea store.

Action Type: **Site Plan Review**

Juris. Determinant: State Road

Potential Impacts: 155 Watervliet Shaker Road

Staff Notes: The restaurant will be a Ramen Noodle restaurant and bubble Tea store. The building is in the COR zoning district. The existing 40' x 50', 2,000 s. f. building will be gutted to the exterior walls, slab and storefront removed with no additions. The area of the building after the renovations will be 2,000 SF. The existing building is concrete block with precast roof system. There will also be a new patio. The existing parking on the 155 road side will be removed for safety as well as the entrance will be closed to 26' to slow down the incoming and exiting traffic as well as moving it slightly away from the corner. New exterior grease tanks will be installed to meet Town requirements. The building will be painted, new storefront and roof system. There will be 16 parking spaces

with one of the spaces being handicap accessible. The restaurant will have 4 employees at the busiest shift. Less than one acre of land disturbance is anticipated.

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.
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.

Jeff LaFontaine made a motion to accept the Staff Opinion for Case #07-2502040652. The motion was seconded by Kate Powers and was also approved by Ta-Sean Murdock and Brian Crawford.

Case #: **07-2502040653**
Project Name: **Lands of Gulfshore Futures, LLC**

Applicant: Gulfshore Future LLC
Project Location: 219 Menands Road
Municipality: Town of Colonie
Parcel Size: 0.97 acres
Zoning: Single Family Residence (SFR)
Tax Map Number: 43.4-2-26
Referring Agency: Town of Colonie Planning Board

Considerations: Subdivision of the parcel with existing dwelling and a garage into two lots for a new dwelling.

Action Type: **Subdivision Review**

Juris. Determinant: State Road
Potential Impacts: 378 Menands Road

Staff Notes: This is a minor residential subdivision of 0.97 acres into two lots to create a new lot to the right of the existing single-family dwelling. Proposed Lot 1 with existing dwelling will be 22,618 acres and Lot 2 will be 18,760 SF. Each parcel meets lots requirements per the Town Code and will consist of seperate driveways. The new lot will connect to the existing water and

wastewater utilities as per the Short Environmental Assessment Form (SEAF).

Staff Opinion: Modify local approval to include
1. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway should be required.

Ta-Sean Murdock made a motion to accept the Staff Opinion for Case #07-2502040653. The motion was seconded by Kate Powers and was also approved by Jeff LaFontaine and Brian Crawford.

Case #: 07-2502040654
Project Name: **Lincoln Avenue Development LLC, Phase 1B**

Applicant: Lincoln Avenue Development LLC
Project Location: 851, 855-861 First Street
Municipality: Town of Colonie
Parcel Size: 15.91 acres
Zoning: Industrial
Tax Map Number: 44.10-1-32.31, 44.11-1-50.2
Referring Agency: Town of Colonie Planning Board

Considerations: Subdivision of the properties and construction of a 60,000 SF single floor warehouse/office building within existing industrial/office park development.

Action Type: **Site Plan Review, Subdivision Review**

Juris. Determinant: Municipal Boundary
Potential Impacts: Intermunicipal Boundaries of Town of Colonie and City of Watervliet

Staff Notes: The project site consists of an expansion to the previous industrial/office park development as a result of the applicant's recent purchase of the adjacent parcel (TA # 44.11-1-50.2) previously utilized by MetroMetal Recycling. The parcel acquired was being used for the storage and

recycling of primarily metal materials which were transported to and from the site via trucks. The proposed project will be an extension of the recently constructed 855-861 1st Street Mixed-Use Development, and access to the site will be via the existing driveway connecting to 1st Street. The previously submitted site plans detailing Phase 1 and Phase 1A of the project included a total of approximately 230,000 square feet of new office/warehouse space within six (6) buildings. Lincoln Avenue Development, LLC is proposing to add another 60,000 square foot, single floor warehouse/office building, approximately 25 feet in height next to the existing 60,000 building. The new building will be identical to the adjacent building recently constructed and will include a loading dock/storage area with a connection to the existing internal roadway network and an vehicle parking lot with 34 parking spaces for approximately 15 employees and guests. The proposed modifications to the current industrial park represent Phase 1B of the development project. As a part of this phase of construction, Lincoln Avenue Development, LLC purchased the adjacent 4.29-acre parcel, tax account number 44.11-1-50.2, formerly occupied by the Metro Metal Recycling company with deeds filed on September 11, 2024. An additional 0.549 acres of land was purchased by the applicant and will be transferred from parcel number 44.11-1-50.1 and combined with the 4.29-acre parcel acquired, providing sufficient area for the proposed 60,000 SF building. Simultaneously, 0.563-acres from the purchased parcel was sold to the Fire District (owner of tax Parcel 44.11-1-50.1) and 0.380-acres will be transferred from parcel 44.10-1-32.31 to 44.10-1-32.32 through a lot line adjustment. After the completion of the proposed sub-division process, the project parcel will increase from 15.907 acres to 20.000 acres. The adjacent parcel owned by the Fire District (44.11-1-50.1) will go from 7.512 acres to 7.526 acres with more functional lot dimensions for their future plans. A total of 6.88 acres is to be disturbed as per the Full Environmental Assessment Form (FEAF).

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. The local fire department should be notified to evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.

Advisory Note:

1. The Town should consider the cumulative affect of the revised Stormwater Pollution Prevention Plan to avoid stormwater runoff and adverse impacts.

Jeff LaFontaine made a motion to accept the Staff Opinion for Case #07-2502040654. The motion was seconded by Kate Powers and was also approved by Ta-Sean Murdock and Brian Crawford.

Case #: 07-2502040655

Project Name: **Stewart's Shop**

Applicant: Stewart's Shop Corp.

Project Location: 1024 Watervliet Shaker Road, 140 Vly Road

Municipality: Town of Colonie

Parcel Size: 0.92 acres

Zoning: Neighborhood Commercial Office Residential (NCOR)

Tax Map Number: 29.2-1-33, 29.2-1-32

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for the construction of new 4,500 square foot convenience store with self-service gasoline filling.

Action Type: **Site Plan Review**

Juris. Determinant: County Road

Potential Impacts: CR 155 Watervliet Shaker Road

Staff Notes: The proposed project will be a Mini-Mart with a fueling facility. The existing structures will be raised to allow for the construction of the 4,500 sq. ft. Mini-mart with one story (26'± height), and fueling canopy totaling 2,000 sq. ft. (17'± height) with 8 fueling positions. All lands acquired by Stewart's will be combined into one parcel with a sum of ±1.117 acres. The project has a driveway located on Watervliet Shaker Road and a driveway on Vly Road. The proposed Mini-mart will have approximately 15 employees and the site will consist of 40 parking

spaces. The proposed Mini-Mart use within in this zone is permitted by Special Use Permit. The project site consists of two separate parcels; Parcel one is located at 1024 Watervliet Shaker Road (tax map parcel no. 29.02-1-33), and Parcel two is located at 140 Vly Road (tax map parcel no. 29.02-1-32). Parcel one is currently a 3,029 sq. ft. Stewart's Shop and parcel two is currently a 2,092 sq. ft. Bar. The proposed development is proposing to utilize an underground collection & detention system and discharge in accordance with the historical drainage that occurs from the site. These Stormwater Management practices will follow the requirements of the Town of Colonie and the NYSDEC. The total disturbance will be less than 1 acre so a Storm Water Pollution Prevention Plan will not be required.

Staff Opinion:

Modify local approval to include

1. 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.

Advisory Note:

1. The Town should encourage the addition of EV charging units.

Jeff LaFontaine made a motion to accept the Staff Opinion for Case #07-2502040655. The motion was seconded by Ta-Sean Murdock and was also approved by Kate Powers and Brian Crawford.

Case #:

07-2502040656

Project Name:

Mini Mart

Applicant:

Osborne Ventures LLC

Project Location:

465 Albany Shaker Road

Municipality:

Town of Colonie

Parcel Size:

0.33 acres

Zoning:

NCOR — Neighborhood Commercial Office Residential District

Tax Map Number:

43.3-1-9

Referring Agency:

Town of Colonie Zoning Board of Appeals

Considerations:

Special use permit for the proposed construction of a 6,730 SF minimart with a fuel canopy and eight multi-pump dispensers.

Action Type: Special Use Permit

Juris. Determinant: County Road

Potential Impacts: CR 154 Osborne Road, CR 151 Albany Shaker Road

Staff Notes: The proposed construction of a 6,730 SF minimart with a fuel canopy and eight multi pump dispensers requires a special use permit prior to construction within the Neighborhood Commercial Office Residential District as stated in the Town of Colonie Land Use Law. Access and circulation drives and parking for the customers will also be developed along with connection to the existing municipal infrastructure. No land disturbance is anticipated as per the Short Environmental Assessment Form (SEAF). Stormwater runoff from the project will be managed on-site accordance with the NYSDEC and Town of Colonie Stormwater Regulations. The site was contaminated with chemicals that emitted from a dry cleaner that operated at the site. The site has been cleaned up by the NYSDEC as per the SEAF.

Staff Opinion: Modify local approval to include

1. 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.
2. The town should plan for upcoming capital projects on County Route 151 and consider right turns only on Osborne Road for safety purposes.

Guest Jared George, representing Osborne Ventures was in attendance for both of the Mini-Mart cases. He spoke about the curb cuts and stated the Traffic Consultant stated it was appropriate.

Ta-Sean Murdock made a motion to accept the Staff Opinion for Case #07-2502040656. The motion was seconded by Jeff LaFontaine and was also approved by Kate Powers and Brian Crawford.

Case #: 07-2502040662

Project Name: Quick Check Mini-Mart

Applicant: Broad & Thomas Partners, LLC

Project Location: 681 Albany Shaker Road

Municipality: Town of Colonie

Parcel Size: 37.89 acres

Zoning:	Airport Business Area (ABA)
Tax Map Number:	30.-3-77.1
Referring Agency:	Town of Colonie Planning Board
Considerations:	Site plan review to operate the leased 2.29 acres of the parcel as a Mini Mart with a gasoline fueling canopy.
Action Type:	Site Plan Review
Juris. Determinant:	County Road, Agricultural District, Airport
Potential Impacts:	CR155 Albany Shaker Road, Freshwater Wetlands (Informational Mapping), Albany International Airport
Staff Notes:	The applicant proposes to construct a 6,730 SF building which will be utilized as a Mini-Mart with a proposed canopy of 6,225 SF that will have 16 fueling positions for dispensing fuel. The proposed building will be one-story and the parking lot and access drives will also be developed to support the proposed building. The site will have a total of 80 parking spaces including four handicap spaces. The proposed development requires 65 parking spaces. The proposed development of the Mini Mart will occur on a portion of the 37.63 acres approximately 2.29 acres. The property was previously part of the Engel Farm and was developed with several structures and greenhouses. All of these structures have been removed. The majority of the site has been and currently is utilized for farming. A total of 2.9 acres of land disturbance is to occur as per the Full Environmental Assessment Form (FEAF).
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. 3. 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.

Jeff LaFontaine made a motion to accept the Staff Opinion for Case #07-2502040662. The motion was seconded by Ta-Sean Murdock and was also approved by Kate Powers and Brian Crawford.

Case #: 10-2502040657
Project Name: **Commercial Buildings**

Applicant: Floccuzio Construction, LLC
Project Location: 634 Route 146
Municipality: Town of Guilderland
Parcel Size: 7.30 acres
Zoning: Rural Agricultural (RA3)
Tax Map Number: 38.00-1-26.25
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit for the construction of four commercial buildings totaling 42,500 SF and associated parking, stormwater practices and utilities.

Action Type: **Special Use Permit**

Juris. Determinant: State Road, Agricultural District
Potential Impacts: State Route 146, Floodzone

Staff Notes: The proposed project will construct four (4) new commercial buildings including three 12,000 SF single story warehouse style building and one 8,000 SF single story warehouse style building, which will be used as lease space for future tenants. In addition to these buildings, totaling 42,000 SF, the project will include pavement areas for vehicle circulation and parking space, as well as stormwater management areas outlined in the project stormwater pollution prevention plan. A total of 4.5 acres of land is expected to be disturbed during the construction. Water service will be provided for the site via an existing utility easement connection to Weaver Road, to the south of the site. Wastewater will be treated on-site by an on-site septic system. A portion of the project on the eastern side of the site is located within the angle of repose setback created by the slope along the Black Creek. Per Section 280-30 of the Town of Guilderland Code, the applicant will be applying for a variance from this setback from the Zoning Board of Appeals. Additionally, the project site contains a 100' watercourse setback to the Black Creek. The project site

is currently vacant land with a mix of existing trees and brush, with a more forested area towards the southern side of the property. Ingalls & Associates delineated wetlands on-site in a field delineation in August 2020. Wetland "A" is located on the project site and is approximately 0.7 acres. The site drains towards this central wetland which bisects the site and flows to the east, towards the Black Creek located on the eastern side of the site.

Staff Opinion:

Disapprove

1. Review by the Albany County Department of Health for water supply, waste water discharge and other necessary permits should be required.
2. The site plan indicates 4,165 SF wetland impact. 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 applicant should be required to follow NYS Department of Environmental Conservation 6 NYCRR Part 664 amendments that took effect January 1, 2025. The proposed project should be required to comply with jurisdictional criteria and obtain any necessary review and permits by NYSDEC prior to final approval.
4. The local fire department should be notified to evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.
5. The Town should consider the nature of the proposed use as a Contractor Yard and ensure that the Black Creek is not endangered with potential contamination and leakage.
6. The Town should regulate the content of the storage materials to ensure/avoid potential contamination of soil and water.

Gopika Muddappa had originally listed this as a Modify for Local Approval with comments 1-5 listed in her Opinion to Board members. However, after much discussion, the Board determined that they needed to disapprove this project and add reason #6 to the decision sent back to the Town. The concerns include the proximity of the buildings in the proposal to the Black Creek.

Ta-Sean Murdock made a motion to Disapprove Case #10-2502040657. The motion was seconded by Kate Powers and was also approved by Jeff LaFontaine and Brian Crawford.

Case #:	<u>13-2502040658</u>
Project Name:	Lands of Bolduc and Murray
Applicant:	Cindi Elliot
Project Location:	49 Clipp Road & 50 Rock City Road
Municipality:	Town of New Scotland
Parcel Size:	37.24 acres
Zoning:	RA: Residential Agricultural
Tax Map Number:	106.-2-11.11, 106.-2-11.10, 106.-2-17.4
Referring Agency:	Town of New Scotland Planning Board
Considerations:	Minor subdivision to create one new parcel and two lot line adjustments.
Action Type:	Subdivision Review
Juris. Determinant:	State Road, Agricultural District
Potential Impacts:	443 Delaware Tpke, Freshwater Wetlands
Staff Notes:	The applicant proposes minor subdivision and lot line adjustment of three properties. An addition of 2.47 acres from Tax Parcel 106.-2-11.10 to Tax Parcel 106.-2-11.11 and addition of 0.82 acres from Tax Parcel with 106.-2-11.11 to Tax Parcel Tax 106.-2-11.10 is proposed. A new parcel with 7.79 acres is to be created out of the Tax Parcel 106.-2-11.10 for the purpose of family estate planning and future development. After the lot line adjustment and minor subdivision Lot 1 is to be 23.24 acres, Lot 2 is to be 7.79 acres and Lot 3 is to be 13.25 acres.
Staff Opinion:	Modify local approval to include 1. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway should be required.

Ta-Sean Murdock made a motion to accept the Staff Opinion for Case #13-2502040658. The motion was seconded by Jeff LaFontaine and was also approved by Kate Powers and Brian Crawford.

Case #: 13-2502040659
Project Name: Open Space & Natural Resource Protection Plan

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

Considerations: Adoption of a town-wide plan to identify and preserve open spaces and natural resources in the Town of New Scotland. This Open Space and Natural Resources Protection Plan is based on a natural resource inventory adopted by the Town in June 2024 and serves

Action Type: Adoption of Local Law

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

Staff Notes: The Town of New Scotland Open Space and Natural Resources Protection Plan ("Plan") serves as a strategic guide to safeguard the Town's open spaces and natural resources while balancing environmental protection with sustainable growth. This document builds upon the 2018 Comprehensive Plan and the 2024 Natural Resources Inventory (NRI), setting forth a framework of policies, programs, and recommendations that promote conservation, climate resiliency, and responsible land use planning. Key open spaces and natural resource conservation priorities are outlined along with strategies the Town can take to protect its valuable environmental assets. It provides guidance for zoning and regulatory updates, conservation planning, and community engagement to ensure long-term sustainability. This Plan defines open space and its role in the Town's landscape, highlights the benefits of open space, and outlines the planning process taken. This Plan details a variety of threats to open space and natural resources in New Scotland. These include encroaching development and land fragmentation, climate change impacts including flooding, extreme weather events, and invasive species, loss of agricultural land and economic pressures on farms, and expansion of solar and wind energy infrastructure. Based on and consistent with the Town's Comprehensive Plan, this Plan further articulates the desire to preserve ecological integrity, enhance recreational opportunities, promote a balance between development and conservation in New

Scotland, and encourage partnerships with landowners, conservation organizations, and regional agencies in protection efforts. The Plan offers two major sets of recommendations for public/private programs and initiatives, and regulatory methods. Key public/private conservation initiatives include establishing a Conservation Advisory Council (CAC), conducting a groundwater study to provide information on critical groundwater sources, promoting and incentivizing preservation of open spaces and natural resources through use of easements and density bonuses for open space protection, lowering taxes in return for conservation, and promoting green building. Other programmatic recommendations include developing a town-wide bike and hike plan to enhance public recreation, promoting opportunities for forest management on private lands, and establishing a funded system to protect lands through purchase or use of conservation easements. This Plan also recommends updates to land use regulations to strengthen open space and natural resource protection. Seven foundational principles aligned with smart growth set the stage for these future regulatory programs. Consistent with the Town's Comprehensive Plan, this Open Space and Natural Resources Protection Plan recommends creation of three overlay zoning districts to provide targeted protections for environmentally sensitive areas. These include karst areas, steep slopes, core forests, important habitats, wetlands, and streams. Two additional overlays are recommended to conserve agricultural lands and scenic viewsheds. These overlays will guide future land use decisions and prevent excessive development in areas of ecological, agricultural and scenic view significance. This Plan recommends specific steps that can be taken to aid the Town Board in its implementation of the recommended strategies. These steps include the effective use of the Town's website to better communicate and enhance use of this Plan and the NRI, establishment of an implementation committee. Working cooperatively with other organizations and municipalities to promote natural resources conservation, engaging residents in conservation initiatives and seeking funding for initiatives.

Staff Opinion:

Modify local approval to include

1. Notification of the Open Space and Natural Resources Protection Plan should be sent to all adjacent municipalities, pursuant to GML §239-nn.

Jeff LaFontaine made a motion to accept the Staff Opinion for Case #13-2502040659. The motion was seconded by Ta-Sean Murdock and was also approved by Kate Powers and Brian Crawford.

That concluded the GML review portion of the meeting.

Vote for Meeting Minutes: This vote was postponed to the end of the agenda due to the fact that Kate Powers had not yet arrived to the meeting and her vote was needed.

January 16, 2025 – Brian Crawford made a motion to approve the January 16, 2025 Meeting Minutes. The motion was seconded by Kate Powers and was also approved by Jeff LaFontaine.

Unfinished Business: Reminder that the Albany County Planning Board is seeking another Board Member. Please reach out to Gopika or your local legislator if you know of someone who might be interested.

New Business: The next meeting of the Albany County Planning Board will be held on Thursday, March 20, 2025 at 3:30pm. The deadline for municipalities to submit referrals for review is Monday, March 20, 2025 at 3:30.

Adjourn: Ta-Sean Murdock made a motion to adjourn at 4:49pm.

