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CHAIRPERSON

ACPB 5-15-25 Meeting Minutes

NOTE: The May 15, 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: Jeff LaFontaine, Ta-Sean Murdock and Kate Powers.

Board Members Absent: Brian Crawford

Albany County Public Works Office: Gopika Muddappa, Deputy Director of Economic Development and Planning; Lynn Delaney ACPB Secretary, David Reilly, Commissioner, Albany County Office of Management and Budget (via Teams); Christine Breton, Albany County Comptroller's Office (via Teams).

Guests: David Aitken, (Pyramid Use Variance); Brendan Bannigan (Steamboat Square); Matthew Askew and Bob Miller (Askew-Miller Subdivision).

Minutes: Lynn Delaney, Secretary

Call to Order: Kate Powers called the meeting to order at 3:40pm.

Vote for Meeting Minutes: Due to the absence of Brian Crawford, the vote for the April 2025 Meeting minutes will be postponed until the June Meeting.

Ta-Sean Murdock made a motion to move all Referrals with a Staff Opinion of "Defer to Local Consideration" to the front of the agenda and to vote on them as a group. The motion was seconded by Jeff LaFontaine and was also approved by Kate Powers.

ACPB 5-15-25 Meeting Minutes (cont.)

Case #: **01-2505040691**
Project Name: **Area Variance for Subdivision**

Applicant: Matthew Gault
Project Location: 137 Madison Avenue
Municipality: City of Albany
Parcel Size: 0.10 acre
Zoning: MU-NC Mixed-Use Neighborhood Center
Tax Map Number: 76.49-3-28
Referring Agency: City of Albany Zoning Board of Appeals

Considerations: Area Variances to complete proposed lot subdivision to separate three existing buildings from 137 Madison Ave into 3 separate lots.

Action Type: **Area Variance**

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

Staff Notes: Applicant requests three area variances to complete proposed lot subdivision to separate three existing buildings from 137 Madison Ave into 3 separate lots (135, 137 & 139 Madison) returning to previous condition. Area variances are needed as the MU-NC Mixed-Use Neighborhood Center zoning district requires a minimum of 20 ft lot width whereas the proposed subdivision would create parcels with widths below required; 16.58' (new 139 Madison), 16.13' (new 137 Madison) and 16.64' (new 135 Madison).

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 #: 06-2505040693
Project Name: **Columbia Greens**

Applicant: Cole Realty Group
Project Location: 250 Columbia Street
Municipality: City of Cohoes
Parcel Size: 2.70 acre
Zoning: R-1: Residential District
Tax Map Number: 10.14-3-8.1
Referring Agency: City of Cohoes Zoning Board of Appeals

Considerations: Use variance for the construction of multiple two-story apartment buildings with a total of 36 units.

Action Type: **Use Variance**

Juris. Determinant: State Road
Potential Impacts: 470 Columbia Street

Staff Notes: The proposed project includes providing multiple two-story, residential apartment buildings including parking and ancillary uses. The project proposes a total of 36 residential units, in a mix of 1 and 2 bedroom apartments. The property was previously occupied by non-conforming commercial use, Felthousen's Florist, which is to be demolished . A total of 2.7 acres of land disturbance is anticipated 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 #: 10-2505040695

Project Name: **Western Diner**

Applicant: Douglas Bojkovic

Project Location: 2019 Western Avenue

Municipality: Town of Guilderland

Parcel Size: 1.00 acre

Zoning: Light Business

Tax Map Number: 51.07-1-4

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit amendment requiring plantings on the adjacent property line.

Action Type: **Special Use Permit**

Juris. Determinant: State Road

Potential Impacts: 20 Western Avenue

Staff Notes: This is an application for the amendment of special use permit 16-76 that requires plantings on the adjacent property line.

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

Case #: 18-2505040697
Project Name: Kiernan Subdivision

Applicant: Owen Kiernan
Project Location: 186 CR 411, Greenville
Municipality: Town of Westerlo
Parcel Size: 152.94 acre
Zoning: RD/A - Rural Development/Agricultural
Tax Map Number: 176.-2-2
Referring Agency: Town of Westerlo Planning Board

Considerations: Minor Subdivision of property into three lots consisting of 53.52 acres, 5.05 acres and 94.37 acres.

Action Type: Subdivision Review

Juris. Determinant: County Road, Agricultural District
Potential Impacts: County Route 411

Staff Notes: The applicant proposes to subdivide the parcel into three lots. Lot 1 will consists of 53.52 acres, Lot 2 will consist of 5.05 acres and Lot 3 will consist of 94.37 acres. This application (18-2502040644) was previously reviewed by Albany County Planning Board in February 2025 for subdivision of the parcel into Lot A with 52.23 acres and Lot B with 100.41 acres. The 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 #:	<u>07-2505040698</u>
Project Name:	Mini-Mart with Fueling Canopy
Applicant:	Osborne Ventures, LLC
Project Location:	465 Albany Shaker Road
Municipality:	Town of Colonie
Parcel Size:	1.59 acre
Zoning:	NCOR — Neighborhood Commercial Office Residential District
Tax Map Number:	43.3-1-9
Referring Agency:	Town of Colonie Planning Board
Considerations:	Site plan review for the redevelopment of the existing parcel with a one-story 6,360 SF building and a proposed canopy with 8 Multi-Product fuel dispensers.
Action Type:	Site Plan Review
Juris. Determinant:	County Road
Potential Impacts:	CR 151 Albany Shaker Road, CR 154 Osborne Road
Staff Notes:	The applicant proposes to construct a 6,730 SF building which will be utilized as a Mini-Mart with a proposed canopy(6,225 SF) that will have 8 Multi-Product fuel dispensers. 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 50 parking spaces including three(3) handicap spaces; the proposed development requires 65 parking spaces. The proposed parcel does not contain any NYS or ACOE Wetlands. Town protected watercourse areas are not located on the proposed parcel. The site does not contain any steep slope areas. The proposed service use within this zone is allowed with a Special Use Permit by the Zoning Board of Appeals (ZBA). The proposed development is a compatible use with existing uses and facilities located in the neighborhood, along the Albany–Shaker Road and Osborne Road corridors, in the project vicinity. This proposed use is consistent with land uses permitted in the Town of Colonie Zoning Code. The proposed project, upon approval will proceed with the clearing & grubbing of the existing vegetation and installation of the construction entrance and installation of the erosion fencing at the perimeter of the limit of clearing & grading. Once the site grading is completed the construction of the proposed building and utility installation can commence. Once those main components are completed the site will be permanently seeded and the landscaping can be installed. The existing parcel is located at the north easterly quadrant of the intersection of Albany Shaker Road and Osborne Road and was formerly developed with a strip plaza that

Considerations: Rezoning of 409 Vly Road from Single Family Residential to Commercial Office Residential to relocate access road for Stewart's and Plaza 7 Commons to accommodate additional parking for Stewart's.

Action Type: Site Plan Review

Juris. Determinant: Municipal Boundary, State Road

Potential Impacts: Intermunicipal Boundaries of Town of Colonie and Vly Road, SR 7 Troy Schenectady Road

Staff Notes: The proposed project will consist of the demolition of the single-family house, relocation of the access road from Vly Road, and additional parking for Stewart's. A portion of 409 Vly Road was previously rezoned to Commercial Office Residential which will allow the relocation of the access road. Currently the Stewart's site is lacking parking spaces and customers currently park along the side of the access road creating unsafe conditions. With the relocation of the access road, it will allow for an additional fourteen parking spaces for Stewart's which will allow customers to get into the lot and not park along the access road. This application was reviewed by the Albany County Planning Board in April 2024 and the determination was, 'Modify local approval to include

1. Notification of the application should be sent to the County of Schenectady, including all required notices pursuant to GML §239-nn.
2. The Town should require the applicant to submit a complete traffic study before granting final approval as it is a very high traffic intersection.
3. The Town should require the applicant to submit a screening plan incorporating vegetative buffer for the adjoining Single Family Residential (SFR) properties.' with advisory notes, '1. The Town should ensure that a demolition review is provided by the applicant to ensure no hazardous materials are present on site.
2. The Albany County Planning Board advises that the Town of Colonie should clarify what future use is proposed via deed restrictions.
3. The Town should also consider incorporating ADA compliance sidewalk into the plaza via the proposed driveway.'

Staff Opinion: Modify local approval to include

1. Notification of the application should be sent to the County of Schenectady, including all required notices pursuant to GML §239-nn.
2. The Town should require the applicant to submit a screening plan incorporating vegetative buffer for the adjoining Single Family Residential (SFR) properties.

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systems meet both state (6 NYCRR Part 613) and federal (40 CFR 280) regulations should be required.

2. One of the three driveways should be removed and the others brought up to current standards to address concerns regarding access management and sight distance to the southern driveway. Sight distance to the southern driveway needs to be maximized.

Jeff LaFontaine made a motion to accept the Staff Opinion for Case # 07-2505040700. The motion was seconded by Ta-Sean Murdock and was also approved by Kate Powers.

Case #:	<u>10-2505040701</u>
Project Name:	Pyramid Use Variance
Applicant:	Kevin Parisi & David Aitken (Crossgates Release Co, LLC)
Project Location:	1621 Western Avenue, 1617 Western Avenue, 1615 Western Avenue, 1613 Western Avenue, 1593 Western Avenue
Municipality:	Town of Guilderland
Parcel Size:	2.55 acre
Zoning:	Transit Oriented Development (TOD)
Tax Map Number:	52.14-3-14, 52.14-3-15, 52.14-3-16, 52.14-3-17
Referring Agency:	Town of Guilderland Zoning Board of Appeals
Considerations:	Use variance permitting drive thru restaurant consistent with adjacent operating businesses.
Action Type:	Use Variance
Juris. Determinant:	State Road
Potential Impacts:	20 Western Avenue
Staff Notes:	The applicant requests for use variance to allow for a drive-thru restaurant that is consistent with adjacent operating business and provisions D2 of the Transit Oriented Development Zoning District (TOD). As per the project narrative, the limitations caused by the topography, underground utilities (sanitary and stormwater lines) and zoning have prevented the projects from moving forward. This portion

Dave Reilly inquired as to whether we are overstepping by requiring the NYS DOT review since the access will be from the ring road vs Western Ave. Gopika stated that this is the standard language used in cases like this so NYS DOT can make the determination whether anything further is needed.

Ta-Sean mentioned that he will be curious to review this once it returns to the ACPB with the traffic study and other details, but at this point he doesn't have any further questions.

Ta-Sean Murdock made a motion to accept the Staff Opinion for Case # 10-2505040701. The motion was seconded by Jeff LaFontaine and was also approved by Kate Powers.

<u>Case #:</u>	<u>13-2505040702</u>
Project Name:	Renaissance Festival
Applicant:	New York Capital District Renaissance Festival LLC
Project Location:	342 Altamont Road
Municipality:	Town of New Scotland
Parcel Size:	71.00 acre
Zoning:	RA - Residential Agricultural
Tax Map Number:	71.-2-20.11
Referring Agency:	Town of New Scotland Planning Board
Considerations:	Special use permit to renew and amend previously issued special use permit for the Renaissance Festival taking place on two parcels owned by Indian Ladder Farms.
Action Type:	Special Use Permit
Juris. Determinant:	County Road, Agricultural District, State Road
Potential Impacts:	156 Altamont Road, CR 202 Meadowdale Road
Staff Notes:	This is a special use permit of the Public Assemblage Local Law for the Town of New Scotland for the annual Renaissance Festival on the grounds of Indian Ladder Farms. The festival utilizes pedestrian areas of the main farm land and areas the farm uses regularly for guest parking during its own events. The event is from June 1-15 and 21-22 at 11am. Expected attendance is 6000-8000 throughout both weekends. Entertainment includes jousters, jesters, magicians, dances, etc. Self-contained food trucks are on site in a designated area. Portable toilets are located throughout the festival and potable water is provided for the jousters' horses. Limited camping for festival actors is provided with

offer this again next year. We also received some suggestions for topics to be offered in the future.

- c. Gopika is in the process of hiring a new Senior Planner. The position has been posted.

New Business:

- a. The next meeting of the ACPB will be on Wednesday, June 18, 2025 and the deadline for municipalities to submit referral items for review will be on Monday, June 9, 2025. The reason for the change in date from our norm of the 3rd Thursday of the month, is that the Juneteenth Holiday falls on what would be our meeting date of Thursday, June 19th 2025.

Adjourn:

Ta-Sean Murdock made a motion to adjourn at 4:07pm. The motion was seconded by Jeff La-Fontaine.