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COUNTY OF ALBANY
ALBANY COUNTY PLANNING BOARD
ECONOMIC DEVELOPMENT, CONSERVATION, & PLANNING
DEPARTMENT
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VICE CHAIRPERSON

ACPB 11-20-25 Meeting Minutes

NOTE: The November 20th, 2025 meeting of the ACPB was held in person at the Albany County office building located at 112 State Street in Albany. The meeting was also available remotely via Microsoft Teams for the public to participate.

Board Members Present: Brian Crawford, Ta-Sean Murdock, Jeff LaFontaine and Aimee McKane.

Board Members Absent: none

Albany County: Gopika Muddappa (Deputy Director of Economic Development, Conservation and Planning); Autumn Countermine (ACPB Secretary); Bhagyashree (Senior Planner); Ann Marie Salmon (Director of Economic Development, Conservation and Planning); Christine Breton (Albany County Comptroller's Office); James Mearkle (Albany County DPW {via Teams}).

Guests: Jake Eisland (City of Albany Common Council); Ian Kirkpatrick (Law Clerk at Bartlett, Pontiff, Stewart & Rhodes P.C.); Ryan Clark (Director of Development at Albany Road Solar LLC)

Minutes: Autumn Countermine (ACPB Secretary)

Call to Order: Brian Crawford called the meeting to order at 3:32 PM

Vote for Meeting Minutes: The vote for the October 2025 Meeting minutes will be postponed until the December 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 Aimee McKane and was also approved by Brian Crawford and Jeff LaFontaine.

Case #: **01-2511040765**
Project Name: **Ordinance 16.82.25**

Applicant: Albany Common Council
Project Location: N/A
Municipality: City of Albany
Parcel Size: N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: City of Albany Legislative Board

Considerations: Amendment of ordinance 16.82.25 that updates the City of Albany's procedure for determining the legality of a non-conformity.

Action Type: **Adoption/Amendment of Zoning Ordinance or Local Law**

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

Staff Notes: Amendment of ordinance 16.82.25 of Chapter 375 (Unified Sustainable Development Ordinance) of the code of City of Albany removes the legal notice requirement from the nonconformity determination process to reduce delays and uncertainty that discourage investment, particularly in residential properties. The change streamlines review, lessens applicant and staff burdens, and encourages reinvestment while maintaining review integrity.

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: N/A

Case #: **01-2511040768**
Project Name: **Ordinance 17.82.25**

Applicant: Albany Common Council
Project Location: N/A
Municipality: City of Albany
Parcel Size: N/A
Zoning: N/A

Tax Map Number: N/A
Referring Agency: City of Albany Legislative Board

Considerations: Amendment of ordinance 17.82.25 that allows for limited and reasonable expansion or modifications of existing fueling stations in the city which are currently constrained by strict nonconforming provisions.

Action Type: **Adoption/Amendment of Zoning Ordinance or Local Law**

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

Staff Notes: Amendment of ordinance 17.82.25 of Chapter 375 (Unified Sustainable Development Ordinance) of the code of City of Albany in relation to exceptions for vehicle fueling stations. The proposed change would allow limited redesign and expansion of existing stations only in the Mixed-Use Community Highway District (MU-CH) with four existing stations due to its commercial nature and minimal residential impact. Expansions are permitted only if they achieve full compliance with Unified Sustainable Development Ordinance design and dimensional standards, improving safety, traffic flow, and aesthetics.

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: N/A

Case #: **01-2511040769**
Project Name: **Ordinance 61.111.25**

Applicant: Albany Common Council
Project Location: N/A
Municipality: City of Albany
Parcel Size: N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: City of Albany Legislative Board

Considerations: Amendment of ordinance 61.111.25 that allows surface parking lots as a principal use of land in the Mixed-Use Form Based Midtown (MU-FM)

zoning district subject to conditional use permit review and compliance with use of specific standards.

Action Type:

Adoption/Amendment of Zoning Ordinance or Local Law

Juris. Determinant:

N/A

Potential Impacts:

N/A

Staff Notes:

Amendment of ordinance 61.111.25 of Chapter 375 (Unified Sustainable Development Ordinance) of the code of City of Albany in relation to parking lots in the Mixed-Use Form Based Midtown (MU-FM) Zoning District. The current regulation prohibits surface parking as a principal use in the Mixed-Use Form Based Midtown district. This amendment permits such use provided that a Conditional Use Permit is obtained and the and the proposal meets the set of criteria mentioned in 375-303(4)(g)(vii) - Criteria's: 1. The parking lot shall serve a demonstrated parking need associated with a nearby property or properties. Evidence of such need may include, but is not limited to, recent or proposed investments or improvements that have resulted in, or is expected to result in, increased tenancy or patronage; whether the use to be served has satisfied the minimum parking requirements of § 375-405(2)(a); and whether the parking lot is intended to serve multiple nearby properties. 2. The closest lot line for the proposed parking lot is no more than 300 feet from a lot line of the property or properties to be served; 3. The property or properties to be used for the parking lot have been vacant or underutilized for at-least a minimum of five years and have no other immediate prospects for development; 4. For properties with a depth of 100 feet or greater, is the parking lot shall be designed in such a way that it does not foreclose the possibility of liner buildings being constructed along any street frontages, to the maximum extent practicable; and 5. The parking lot shall not result in the demolition of buildings or structures having an economically viable use or reuse, as determined by § 375-505(7) (Demolition review) or where applicable, § 375- 505(4) Major certificate of appropriateness. This amendment is related to Ordinance 11.61.20, adopted in 2021 which introduced similar regulatory changes in Mixed-Use Community Urban (MU-CU) district. The current proposal would extend those provisions to the Mixed-Use Form Based Midtown district. This proposed amendment responds to a request by North American Islamic Trust, Inc. to construct ancillary parking on property located at 128-140 Bradford Street. The organization is associated with Masjid As Salam, located at 276 Central Avenue, and seeks to establish parking to support that facility.

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: N/A

Case #: **01-2511040770**
Project Name: **Ordinance 25.101.25**

Applicant: Albany Common Council
Project Location: 540 Myrtle Ave
Municipality: City of Albany
Parcel Size: 0.09
Zoning: Residential 2 unit (R-2)
Tax Map Number: 65.77-2-47
Referring Agency: City of Albany Legislative Board

Considerations: Amendment of Ordinance 25.101.25 amends the Zoning map of City of Albany by changing the zoning of 540 Myrtle Avenue from Residential Two Unit (R-2) to Residential Multi - Unit (R-M).

Action Type: **Adoption/Amendment of Zoning Ordinance or Local Law**

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

Staff Notes: Ordinance 25.101.25 amending Chapter 375 (Unified Sustainable Development Ordinance) of the code of City of Albany in relation to changing the zoning classification of the parcel known as 540 Myrtle Avenue from Residential Two - Unit (R-2) to Residential Multi unit (R-M) and amending the zoning map accordingly.

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: N/A

Case #: **01-2511040771**
Project Name: **Ordinance 19.91.25**

Applicant: Albany Common Council
Project Location: N/A
Municipality: City of Albany
Parcel Size: N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: City of Albany Legislative Board

Considerations: Amendment of Ordinance 19.91.25 that updates the City of Albany's procedure in relation to musical sidewalk or outdoor patio cafes to not exceed ambient level volumes.

Action Type: **Adoption/Amendment of Zoning Ordinance or Local Law**

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

Staff Notes: Amendment of ordinance 19.91.25 of Chapter 375 (Unified Sustainable Development Ordinance) of the code of City of Albany in relation to music at sidewalk or outdoor patio cafes to not exceed ambient level volumes to enhance the usage.

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: N/A

Case #: **07-2511040775**
Project Name: **Second Story and Porch additions**

Applicant: Julianne Burns
Project Location: 1410 Vine Street Watervliet
Municipality: Town of Colonie
Parcel Size: 0.16
Zoning: SFR -Single Family Residential (R-1)
Tax Map Number: 32.19-1-1
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area Variance for the addition of front porch and living room.

Action Type: Area Variance

Juris. Determinant: Municipal Boundary

Potential Impacts: Inter Municipal Boundary of City of Watervliet and Town of Colonie

Staff Notes: Application submitted for the proposed construction of a 4' x 6' front porch addition with a 17.3' front yard setback, and a 14' x 17' second-floor living room addition with a 24' rear yard setback, is not compliant with the minimum setback requirements of the Single-Family Residential zoning district. This district requires a minimum 30-foot front yard setback and a 25-foot rear yard setback. The proposed action will disturb less than one acre of land, but will be required to meet or exceed State Energy Code requirements, as noted in the SEAF form. In the variance application, the applicant asserts that the property is located at the end of the road and that the proposed construction would not impact any neighbors. The property abuts a gully and a railroad at the rear, with the Watervliet city limits and the Watervliet Housing Authority property on one side, and a neighboring backyard on the other. Because the project involves a second-story addition, the applicant states that ground disturbance will be minimal. The proposed front porch would occupy a portion of the existing driveway; however, sufficient space for parking a vehicle would remain. According to the SEAF form, the proposed action is consistent with the predominant character of the existing built and natural landscape. The proposed work will not create stormwater discharge. The applicant also notes that the site has currently been undergoing or previously undergone hazardous-waste remediation. The proposal was disapproved by the Town of Colonie Building Department.

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: N/A

Case #: 01-2511040777

Project Name: SUP 64 Elm St

Applicant: David Bergman

Project Location: 64 Elm St
Municipality: City of Albany
Parcel Size: 0.04
Zoning: (R-T) - Residential, Townhouse
Tax Map Number: 76.49-1-4
Referring Agency: City of Albany Planning Board

Considerations: Conversion of the existing structure at the property from two-(2) unit to a three-(3) unit townhouse with the addition of 600 sq ft. dwelling unit. No exterior work to be done.

Action Type: **Special Use Permit**

Juris. Determinant: State Property
State Facility

Potential Impacts: New York State Executive Mansion

Staff Notes: Proposal involves changing the property use from 2-unit to 3-unit town house with the basement turning into the 3rd unit added. The electrical and plumbing in single bathroom with shower to be brought to compliance with City of Albany codes and requirements. The condition. The Conditional Use Permit application states that the property is located within a local historic district, requiring both a Certificate of Appropriateness and a building permit. The selected property is also within the Combined Sewer Overlay. The applicant notes that the additional residential unit will provide street-level occupancy, which may enhance public safety by increasing the number of residents who can observe activities outside. No changes to existing utility services are planned. Parking will remain on-street only. The additional unit is strictly residential and will not generate commercial delivery traffic. The proposed three-unit attached dwelling is consistent with City ordinances regulating noise, odors, glare, vibration, heat, and similar nuisance-related impacts. The surrounding zoning district includes a mix of two- and three-family year-round residences, along with several larger apartment complexes. The proposed use is therefore compatible with the district's intent. The applicant estimates that the new unit will generate approximately two large contractor bags of refuse per week for curbside collection. During construction, adjacent properties may experience minor noise impacts over an estimated three-week work period. The addition of a third unit may also result in one additional vehicle parking on the street. Planned construction activities include installation of sheetrock to define the bedroom, kitchen, and living room; electrical and plumbing upgrades in the kitchen and bathroom to bring systems into compliance; and minor reconfiguration of fixtures.

The total construction duration is expected to be approximately three weeks from issuance of the permit.

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 Albany County Planning Board advises the city to require official drawing or rendering from the applicant prepared by licensed professionals that are not hand drawn to assess the proposed use.

Case #:

02-2511040778

Project Name:

SUP Star and Splendor LLC

Applicant:

Ami Lahoff

Project Location:

192 Main St Altamont

Municipality:

Village of Altamont

Parcel Size:

0.34

Zoning:

CBD - Commercial Buisness District

Tax Map Number:

37.18-3-23

Referring Agency:

Altamont Zoning board of Appeals

Considerations:

Special Use permit retail shop and espresso kiosk .

Action Type:

Special Use Permit

Juris. Determinant:

State Road

Potential Impacts:

146 Main St

Staff Notes:

Application submitted for the proposed retail store and an espresso kiosk to occupy a formerly restaurant/café with no exterior improvements to the building. The proposed action is said to have no physical land disturbance. The special use permit application states that the design will remain consistent with the neighborhood's look and feel, requiring no exterior amendments. Typical working hours are 11:00 AM to 7:00 PM on weekdays and 11:00 AM to 5:00 PM on weekends, with the ability to adjust hours to accommodate early espresso customers. No loud noises or large gatherings are anticipated, heavy traffic is not expected, and adequate public and street parking is available. Narrative statement indicates the applicant has been in business since 2018 (started in Voorheesville), operating a shop offering gifts, jewelry, decks,

metaphysical goods, and occasional classes of up to 12 people. The applicant now intends to add an espresso bar at this new location, creating a warm space with drinks to go and limited seating. An ADA-compliant bathroom and plumbing already exist from the site's former use as a restaurant. According to the Short Environmental Assessment Form, the proposed action requires approval from the NYS Department of Health/Coffee Business, will connect to an existing public/private water supply, and will utilize existing wastewater utilities. A resolution classifying the action under SEQRA and scheduling a public hearing on the special use permit application has been approved by the Altamont Zoning Board of Appeals.

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

Advisory Note: 1.If any food or beverages are prepared, Department of Health approval or a permit will be required.

Case #:	<u>07-2511040776</u>
Project Name:	Sports Dome
Applicant:	Afrim Sports Inc
Project Location:	4 Jacqueline Ave
Municipality:	Town of Colonie
Parcel Size:	8.70
Zoning:	COR - Commercial Office Residential
Tax Map Number:	18.2-6-58.5
Referring Agency:	Town of Colonie Zoning Board of Appeals

Considerations: Area Variance for the proposed construction of a new 42,500 sq.ft building on a developed lot containing existing structure.

Action Type: **Area Variance**

Juris. Determinant: State Road, State or County Facility
Potential Impacts: 7 Troy Schenectady Road
Newyork State United Teachers , Police and Fire Protection

Staff Notes: Proposal involves clearing and grading of land for the construction of a new 42,500 sq.ft building on a developed lot containing an existing 5627

sq.ft club house, artificial turf athletic field, parking and 84,068 sq.ft air supported dome facility in a Commercial Office Residential (COR) zoning district. The applicant seeks an area variance for 13,500 sq. ft. of relief from the 30,000 sq. ft. maximum building footprint, proposing a 43,500 sq. ft. footprint, with 2.2 acres of land disturbance (SEAF). The Proposal was disapproved (Commercial Zoning Verification Application) by Town of Colonie Building Department. The applicant submitted a ZBA Addendum stating that the property has unique circumstances not shared by nearby parcels. The existing 84,000 sq. ft. air-supported dome was originally built and operated as an indoor golf driving range on New York State United Teachers (NYSUT)-owned land. Air-supported structures are “special uses,” primarily for sports, and are difficult to repurpose for typical commercial uses. The dome was converted to indoor soccer in 2003. The parcel was later subdivided from the parent parcel containing an office building and parking. The applicant recently acquired additional land from NYSUT for expansion. The 8.6-acre parcel is large for the Town of Colonie’s COR district and can accommodate the proposed building without violating area or bulk requirements. Relocating the business to a different site is not considered practical. The applicant proposes the smallest dome size that can still support core soccer operations. A 30,000 sq. ft. footprint would be too small to meet league standards for field size. The requested variance would allow the minimum building footprint needed for the business. The applicant notes that other nearby parcels contain buildings larger than 30,000 sq. ft. The project will be set back roughly 1,000 feet from NYS Route 7 and screened by natural buffers from the residential area to the west. The project narrative states that the site currently provides 160 parking spaces, with 239 spaces proposed under the new development. Planned improvements include enhanced access and walkways, a 588 sq. ft. entry/airlock with restrooms, a 427 sq. ft. vehicle airlock, and upgraded stormwater controls. Because site disturbance will exceed one acre, the project will require a NYSDEC State Pollutant Discharge Elimination System (SPDES) Permit. Soil testing conducted in 2024 by Town staff found the soils suitable for infiltration, and an infiltration basin is proposed for stormwater management. A NYSDEC-jurisdictional wetland is located to the south (adjacent to the site within 50'). The proposed action is said to have no significant traffic impacts. The site is currently served by municipal water and sewer, and service will extend to a small accessory restroom building associated with the new dome, with an expected daily flow of 500 gallons per day. The project is not expected to generate significant waste or noise, and no additional exterior lighting is proposed. Building entry and emergency exits will comply with building code requirements. Under zoning, the “Amusement” use requires one parking space per 50 sq. ft. of gross floor

area. Based on the proposed 132,709 sq. ft., 2,655 spaces would be required. The applicant asserts that planned pedestrian circulation improvements will offset the parking deficiency and intends to request a waiver from the Planning Board. Construction duration is anticipated to be less than 12 months. The SEAF notes that the project site, or a portion of it, lies within or adjacent to an area identified in the NYS Historic Preservation Office (SHPO) archaeological site inventory.

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 there are enough parking spaces for the proposed use (as per the standards)

2. Review by the New York State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources should be required prior to final approval.

3. A Stormwater Pollution Prevention Plan (SWPPP) should be prepared in accordance with the New York State Dept. of Environment Conservation prior to final approval.

Discussion:

Aimee McKane inquired about the parking spaces needed. After reviewing the application, it has been speculated that there was a typo requesting 2,655 parking spaces made by the applicant. The board requests a modification to advisory note #1 for the town to verify the number of parking spaces needed.

Case #:

01-2511040779

Project Name:

Bed-and-Breakfast at 281 State St.

Applicant:

James Kennedy

Project Location:

281 State St

Municipality:

City of Albany

Parcel Size:

0.17

Zoning:

(R-T) - Residential, Townhouse

Tax Map Number:

76.24-7-24

Referring Agency:

City of Albany Zoning Board of Appeals

Considerations:

Modification of prior use variance to convert existing 2 storey vacant building to a multi-unit dwelling with 7 apartments.

Action Type: Use Variance

Juris. Determinant: State Facility, State Property
Potential Impacts: Alfred E Smith State Office Building. Albany Institute of Art and History

Staff Notes: Application submitted to modify prior use variance to convert existing 2 storey vacant building to a multi-unit dwelling with 7 apartments (rental property) for return on investment. The Prior Use Variance application from City of Albany Zoning Board of Appeals decided (1991) to allow use variance establishment of bed and breakfast facility with twelve guest rooms and 2 apartments. The Board granted the variance with the following conditions: 1. The property must be owner-occupied and serve as the owner's primary residence. 2. The property shall contain no more than two dwelling units and 12 guests. 3. Eight parking spaces must be developed at the rear, requiring subdivision of 283 State Street. Additionally, a lease for six nearby off-street spaces must be secured, filed with the Planning Department, and maintained throughout operation. The lease must be approved prior to issuance of any Certificates of Occupancy. 4. Only breakfast may be served, exclusively to registered guests. 5. Any signage requires approval via a sign permit from the HRC or its staff. 6. The variance is conditional, reviewed annually for three years, after which a permanent variance may be granted based on public health, safety, and welfare impacts. 7. The facility must comply with all County Health Department requirements.

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: N/A

Case #: 07-2511040780
Project Name: Utility Pole Replacement, Collegeview drive

Applicant: Celco Partnership d/b/a Verizon Wireless
Project Location: 10 Collegeview Drive
Municipality: Town of Colonie
Parcel Size: 0.21
Zoning: SFR - Single Family Residential
Tax Map Number: 43.17-3-14

Referring Agency:	Town of Colonie Zoning Board of Appeals
Considerations:	The proposed replacement of an existing utility pole (NM- Bell3) with a new 45' utility pole in the public right of way adjacent to 10 Collegeview Drive.
Action Type:	Area Variance
Juris. Determinant:	County Road
Potential Impacts:	CR 151 Albany Shaker Road
Staff Notes:	Application submitted to install a replacement utility pole: a single cylindrical antenna (approximately 24" tall x 14.6" in diameter) mounted at the top of the pole at a tip height of 41.7' along with the installation of electric and telecommunications equipment on the utility pole at a minimum height of 8' and above grade. The proposed action is not compliant with the prohibition of increasing utility pole height in excess of 110% of the height of the existing pole for a small cell wireless facility as stated in the code of Town of Colonie, section 189A- 5(E)(4)(c). The applicant indicates that the Town of Colonie's height limitation requirements cannot be met while also complying with National Grid's pole installation standards, as the utility mandates that any replacement pole conform to current specifications. The proposed action involves less than one acre of land disturbance. According to the SEAF, (1) the project requires a permit or approval from the Colonie Department of Public Works, and (2) the site is located in or adjacent to an area identified as sensitive for archaeological resources in the New York State Historic Preservation Office (SHPO) archaeological site inventory.
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. Review by the New York State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources should be required.

Ta-Sean Murdock made a motion to accept the staff opinion for the following case #'s, **01-2511040765, 01-2511040768, 01-2511040769, 01-2511040769, 01-2511040770, 01-2511040771, 07-2511040775, 07-2511040776, 01-2511040777, 02-2511040778, 07-2511040776, 01-2511040779, 07-2511040780** (With the addition of an advisory note for case # **07-2511040776**)

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

Case #: **13-2511040772**

Project Name: **SUP Henderson Solar**

Applicant: George Henderson

Project Location: 2060 New Scotland Rd

Municipality: Town of New Scotland

Parcel Size: 1.00

Zoning: RA - Residential Agricultural

Tax Map Number: 84.-1-31

Referring Agency: Town of New Scotland Planning Board

Considerations: Special Use Permit for the installation of 29 kW DC ground mounted PV electric array for onsite utility offset.

Action Type: **Special Use Permit**

Juris. Determinant: County Road, Agricultural District

Potential Impacts: New Scotland South Road

Staff Notes: Special Use Permit for- 29 kW DC ground mounted PV array for onsite utility offset. The site includes an existing dwelling with a driveway to New Scotland Road and a proposed solar array located behind the house on the eastern side of the property. Site plan indicates part of the array set up in Flood zone A, requiring the applicant to prove that array sits 2 feet above flood elevation. The proposed action shall result in less than 1 acre of land disturbance as per the Short Environmental Assessment Form (SEAF). Since the Property falls within 500' of a farm land (a seasonal farm stand with products for sale that are brought from a different farm location) agricultural data statement was produced with the application.

Staff Opinion: Modify to Local Approval to include

1. The Town should determine with assistance from the applicant how much, if any potential glare there will be to vehicles traveling on New Scotland South Road and if any modifications are warranted for placement, height or angle of the panels etc. Different times of the year should be considered when analyzing the potential variations in reflection to adjacent roadways.

2. The Town should consider including a vegetative buffer along the northern boundary to provide an appropriate barrier for the surrounding area.

Advisory Note:

1. The property is located within a designated flood zone (Vloman Kill). Approval of the site plan for the proposed solar array should be conditioned upon compliance with all applicable floodplain construction requirements.
2. The Town should evaluate the extent of array placement within wetlands and consider mitigation measures to avoid any wetland impacts.

Discussion:

The Board Members determined that notes should be added regarding buffer planting (noted above as Modification # 2) and wetlands (noted above as Advisory Note # 2).

Jeff LaFontaine made a motion to accept the staff opinion for case #**13-2511040772** with the Modification and Advisory Notes added. The motion was seconded by Aimee McKane and was also approved by Ta-Sean Murdock and Brian Crawford.

Case #:	<u>04-2511040774</u>
Project Name:	Albany Road Solar LLC
Applicant:	Albany Road Solar LLC
Project Location:	57 S Albany Rd, Selkirk
Municipality:	Town of Bethlehem
Parcel Size:	98.30
Zoning:	RLI - Rural Light Industrial
Tax Map Number:	120.00-3-1
Referring Agency:	Planning Board of Bethlehem

Considerations: Subdivision, site plan review and special use permit to allow a 5MW solar project on a lot to be created from the subdivision of 96.5 acres.

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

Juris. Determinant: County Rd, Agriculture District
Potential Impacts: S Albany Rd, Old Quarry Rd

Staff Notes:

Proposal for the subdivision, site plan review and special use permit is submitted to allow a solar project on a lot to be created from a subdivision of 96.5 acres into 2 lots. Lot 1 (15.7 acres): To be retained by the current owner and listed for sale upon completion of the subdivision. Lot 2 (80.8 acres): Designated for the solar project, of which approximately 22.3 acres will be utilized for the installation of a grid-tied community solar array. The Solar field is proposed to be 3.875 MW - AC (fenced in areas and access road) An 8' high wild life fence surrounds the perimeter. A porous stone access road will be installed for construction and maintenance of the proposed facility. The solar array will connect to the power grid through an existing utility pole east of the site across County Route 54 (S. Albany Road). According to the FEAF form, construction will disturb approximately 22.33 acres of land and involve the installation of about 7,533 solar panels, each measuring 8' x 4'. The estimated construction duration is 4–6 months. The proposed action will disturb more than one acre and generate stormwater runoff from sheet flow. The site contains federal wetlands and a classified stream (863-561, Class C). It is also located within five miles of South Bethlehem Park and Fuera Bush Town Park and falls within the NYS Heritage Areas designation for the Mohawk Valley Heritage Corridor. As part of the application, the applicant submitted a SHPO Statement, a Decommissioning Plan, Narrative and a Stormwater Pollution Prevention Plan (SWPPP). The SHPO Statement confirms that no historic, archaeological, or architectural resources will be impacted by the project. The Decommissioning Plan outlines the process for removing project components and restoring the site at the end of its operational life. The submitted SWPPP complies with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001). Because the project will disturb more than one acre, it meets the requirements of Appendix B, Table 2, and includes both erosion and sediment controls and post-construction stormwater management practices. The SWPPP also identifies potential pollution sources and the measures that will be implemented to minimize pollutants in stormwater discharges throughout construction. Narrative statement outlines the project's environmental compliance, wetlands assessment, decommissioning plan, and long-term maintenance commitments. Existing vegetation will be retained where possible, and a bee-friendly pollinator mix will be planted to support soil stability and pollinator habitat. Preliminary review shows no wetlands within 100 feet of the site, and a formal wetlands delineation will be completed to ensure full compliance with ACOE and DEC regulations. Visual impacts will be minimized through thoughtful siting, detailed visual simulations, and collaboration with the Planning Board on any necessary landscaping. A full civil engineering set is submitted, and onsite staging areas will be

used to reduce construction-related traffic impacts. The solar array will use single-axis tracker systems with a maximum height of 15 feet and screw-type foundations designed for load and frost conditions. All equipment will be secured within fenced areas, with underground electrical circuits used to reduce the need for new poles, and National Grid's interconnection equipment will meet all required standards. Noise impacts are expected to be minimal due to low equipment sound levels, distance from neighbors, and vegetative buffers. The project has an anticipated lifespan of approximately 25 years, after which all equipment will be removed, recycled where feasible, and the site restored for future use. Ongoing operation and maintenance will include drainage management, equipment inspections, landscaping upkeep, snow removal, and seasonal mowing, supported by a formal Operations and Maintenance Plan.

Staff Opinion:

Modify to Local Approval to include

1. 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 the building code.
2. Review by the New York State Department of Environmental Conservation to determine regulatory jurisdiction pursuant to Article 15 (Protection of Waters) for the impact to the stream from the project
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.

Advisory Note:

N/A

Discussion:

Brian Crawford asked Ryan Clark for clarification on where the water line is located within the project. Ryan explained that it runs through the middle, where a driveway would be built. Brian expressed concern about the water main being disturbed. Ryan assured the board that civil plans and easements have been sent to the Albany Water Board. Ryan explained that five easements have been granted by the landowners, a fire consultant has been hired, the plans have been sent to the DEC, and the permit from DOT will be acquired. Ta-Sean Murdock asked if there was any community opposition. Ryan told the board he canvassed the neighborhood and no one is opposed.

Ta-Sean Murdock made a motion to accept the staff opinion for case ~~#04-~~ **2511040774**, the motion was seconded by Jeff LaFontaine and was also approved by Aimee McKane and Brian Crawford.

Case #: 15-2511040773
Project Name: **SUP Motor Vehicle Repair Shop**

Applicant: Ronald Case III
Project Location: 999 CR 351
Municipality: Town of Rensselaerville
Parcel Size: 18.60
Zoning: A/RR- Agricultural/ Rural Residential
Tax Map Number: 149.-1-23
Referring Agency: Town of Rensselaerville Planning Board

Considerations: Special Use Permit for the construction of proposed 2 storey motor vehicle repair facility with Ronald Case III as the owner/operator.

Action Type: **Special Use Permit**

Juris. Determinant: County Road
Potential Impacts: County Route 351

Staff Notes: An application submitted to construct a new 2 story motor vehicle repair shop operated by the owner. As per the narrative statement provided by the applicant the proposed construction will be used for cars to light trucks with 8 am - 5 pm working hours extending to 6 am to 9 pm in case of any emergencies 7 days a week. Parking area will accommodate 23 spaces at the standard 9 feet width per space. The business will eventually offer a towing service but not as a salvage yard. The building will be located 200 ft off the main roadway and over 500 ft from the next closest residence. There is an existing tree line that will remain in place to act as a visual barrier. The drive way is wide and flat to ensure emergency vehicles have clear and easy access. A sign will be placed at the roadside with an overall height of 6 feet. The drive and parking area will not be lighted to avoid unwanted light pollution. The structure will be furnished with vinyl siding and a shingle roof to better blend with the surrounding residential community. The building will have dim lit soffit lighting that is motion activated to provide enough light for safe access. Commercial dismantling and scrap vehicle storage will not take place at this facility. Hazardous materials, including waste oil and tires will be on a regular schedule for pickup/ disposal to avoid excessive buildup. Less than 1 acreage of land disturbance is anticipated and NYS DMV permit/ approval is required for the proposed action to be in compliance with operating as a licensed motor vehicle repair facility (set by Environmental Protection Agency). The applicant states in the Short Environmental Assessment Form (SEAF) that water will be purchased and restrooms are not provided or constructed in the facility, portable

toilets will be provided for construction. The proposed action will not create storm water discharge either from point or non-point sources. He further mentions the proposed action is a permitted use and is consistent with the adopted Comprehensive Plan. As per the Town of Rensselaerville Zoning Law states the purpose of the Agricultural/Rural Residential (A/RR) district is to protect agricultural land and to encourage a development pattern that keeps agricultural land in productive use as well as to protect and maintain the rural character, including open space and scenic resources of the town. A further purpose is to discourage land uses that are not compatible with agricultural uses. Rather, the purpose of this district is to promote agriculture as a component of the local economy, to protect the Town's natural resources and maintain native vegetation, and to maintain low density residential neighborhood development patterns outside of the hamlet areas. A letter was provided along with the application by Building Inspector Timothy Lippert stating that the applicant seeks a special use permit for the motor vehicle shop as required by the Article 5 regulations of established Zones. As the parcel lies in Agricultural Rural Residential one where a special use permit is required. There are no violations or permits at the site.

Staff Opinion:

Modify to Local Approval to include

1. The proposed motor vehicle facility is commercial in nature. The Town should evaluate any potential adverse impacts to community character in accordance with GML §239-i(d). Additionally, the Town should consider the potential precedent that may be established by permitting a vehicle repair facility, or similar commercial uses, within the Agricultural/Rural Residential zoning district.
2. Any necessary registration from New York State Department of Motor Vehicles for operation of garage should be required.
3. The Town should ensure the protection of groundwater resources by requiring the storage of vehicles on an impervious surface designed to catch spills from fuel oil and gasoline.
4. 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.

Advisory Note:

1. The Albany County Planning Board advises the Town to require official drawing or rendering from the applicant prepared by licensed professionals that are not hand drawn to assess of the proposed use.

Ta-Sean Murdock made a motion to accept the staff opinion for case **#15-2511040773** with the amended advisory note

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

Unfinished Business –

- a) The ACPB is now looking for a new member. Please let Gopika know if you know of someone who might be interested. Ideally, we need someone with a Planning and/or Zoning familiarity.

New Business –

- a) Discussion on Barn Restoration project case# **05-2510040755** from the October meeting. This case had been reviewed for rezoning of the property for non-structural modifications for hosting events. The project applicants met with Gopika to request a letter from the Albany County Board outlining the allowed uses under the zoning code, as the town had disapproved their application without providing a reason.
The board discussed that if a letter were given, it would only clarify the allowed uses based on their zoning code, not as a letter of support or endorsement of the project.
The board pointed out that clarification has already been provided in the recommendation, stating there is no significant countywide or intermunicipal impact.
The board wishes to seek clarification on whether such letters are within the board's role, as this has not been a past practice. The board does not want to set precedent and overstep its statutory authority.
Gopika will reach out to the county attorneys and the Department of State to seek advice on how to proceed. All or any updates will be provided during the next meeting.
- b) The next meeting of the ACPB will be on **Thursday, December 18th, 2025** at 3:30pm at 112 State Street, Albany. The deadline for municipalities to submit referral items for review is **Monday, December 8th, 2025 at 3:30pm.**

Adjourn – A motion to adjourn was made at 4:31 PM by Ta-Sean Murdock. The motion was seconded by Jeff LaFontaine also approved by Aimee McKane and Brian Crawford.

