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

VICE CHAIRPERSON

ACPB 02-19-26 Meeting Minutes

NOTE: The February 19th, 2026 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, Aimee McKane and Michael Allain

Board Members Absent: Jeff LaFontaine

Albany County: Gopika Muddappa (Deputy Director of Economic Development, Conservation and Planning); Bhagyashree (Senior Planner); Ann Marie Salmon (Director of Economic Development, Conservation and Planning); Susan Rizzo (Comptroller of Albany County Comptroller's Office, via Teams,)

Guests: Sharon Butler (Commissioner of Cohoes Building and Planning, via Teams), Mansi Parmar (GIS Analyst/Assistant Planner of Guilderland Development Planning Committee, via Teams), Kenneth Kovalchik (Town Planner of Guilderland Development Planning Committee, via Teams), James Mearkel (via Teams), Frank Palumbo (attorney for Columbia Green case/Cohoes), Terres Bakner (Columbia Green/Cohoes), Daniel Hershber (Land Surveyor, Dutch Mill Acres), Jared George (Co applicant, Dutch Mill Acres), Robin Gray (Chairperson for Guilderland Coalition for Responsible Growth, Via Teams), Stephen Chesley (Guilderland resident, Via Teams), Adam Rice (Guilderland resident, Via Teams),

Minutes: Autumn Countermine (ACPB Secretary)

Call to Order: Brian Crawford called the meeting to order at 3:30 PM

Vote for Meeting Minutes: The draft meeting minutes have been posted and are available on the EDCAP webpage.

Aimee McKane made a motion to move all Referrals with a Staff Opinion of "Defer to Local Consideration" to the front of the agenda and to vote on them as a group. The motion was seconded by Ta-Sean Murdock and was also approved by Brian Crawford and Michael Allain.

Case #: 06-2602040798
Project Name: Amending the City of Cohoes code regarding convenience stores and smoke/ vape shops

Applicant: City of Cohoes
Project Location: N/A
Municipality: City of Cohoes
Parcel Size: N/A N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: City of Cohoes Zoning Board of Appeals

Considerations: Amendment of local law of chapter 285 of the code of City of Cohoes regarding convenience stores and smoke or vape shops.

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

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

Staff Notes: The City Council is seeking to impose a zoning ordinance pertaining to convenience stores Section 285-74.5 adding a distance of 1000 ft of another convenience store with hours of operation 5 am – 11 pm in Section 285-74.6. The City of Cohoes does not have any type of ordinance or restrictions on Tobacco/Smoke/Vape shops in the code. The desire is to have distance between the same type of shops to avoid having several of the same shops in close proximity of each other. The Council and the Mayor also desires to have time restrictions on such shops.

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 #: 10-2602040800
Project Name: S&L Roofing & Sheetmetal

Applicant: S&L Roofing & Sheetmetal

Project Location: 5640 Depot Rd, Albany County Route 201
Municipality: Town of Guilderland
Parcel Size: 13.00 acres
Zoning: IN - Industrial
Tax Map Number: 61.00-1-26.3
Referring Agency: Town of Guilderland Planning Board

Considerations: Proposal for the conversion of existing warehouse space to offices.

Action Type: **Special Use Permit**

Juris. Determinant: State or County Rd,
Farm in a designated Agricultural District

Potential Impacts: Depot Rd

Staff Notes: Special use permit application submitted proposing to build 2 new offices and conference room inside the existing warehouse. The proposed use shall continue to employ 6 office employees, and 25 employees that work out in the field with hours of operation being from 7 am to 4.30 pm. As per the SEAF Form, the proposed action is consistent with the predominant characteristic of the existing built landscape, no physical disturbance. The site plan shows the construction fence installed in parallel to silt fence to identify limits of wetlands. 8 parking spaces exist and will be maintained.

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 #: **07-2602040801**
Project Name: **Conversion at 640 Loudon Road**

Applicant: Muhammed Akhtar
Project Location: 640 Loudon Road
Municipality: Town of Colonie
Parcel Size: 0.73 acres
Zoning: Commercial Office Residential
Tax Map Number: 31.1-5-20
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Proposed renovation of an existing 9,840 sq ft two-story office building in a Commercial Office Residential (COR) Zoning district with a proposed 4,800 sq. ft of commercial use and 5040 sq. ft of residential use with 4 dwelling units involving the conversion of 2 office spaces on the second floor into an apartment unit. A maximum of three units is allowed per code.

Action Type: **Area Variance**

Juris. Determinant: State or County Road
Potential Impacts: 9 New Loudon Rd

Staff Notes: Application submitted requesting an area variance for the renovation of existing 2-storey office space into apartments in Commercial Office Residential district. The Zoning board of appeals from Town of Colonie denied the permit as it does not comply with the requirement of maximum 3 dwelling units permitted as stated in the Town of Colonie Land Use Law, Article VI, sections 190-24, 190-25 and 190 Attachment#2 – Dimensional Table, Note #9. The applicant appeals on the basis of unique site-specific circumstances. The two-story mixed-use building contains a single second-floor office unit alongside three residential units. The owner has not been able to rent the office space for over 10 years due to office space located on second floor, with limited visibility, access and professional appearance being in a residential space. Along with this absence of an elevator and dedicated front entrance. These conditions create hardships specific to this building and are not typical of mixed-use buildings in the surrounding area. So, applicant requests to allow the conversion of the office space on the second floor to be converted into a residential apartment. This would allow 4 Residential units on the second floor and 4 commercial tenants on the first floor. The separation of use by floor would allow space to be rented and result in better return on investment. The building has well maintained 3 residential units with limited visibility from the street, outdoor area situated on the rear side of the site. The side parking lot is the area used by tenants and the employees. No additional parking would be required, and no exterior changes proposed. Site plan depicts 31 parking spaces. A supportive letter from the realtor states that office space located on the second floor is unrentable as there is large supply of available offices within Town of Colonie that desirable and affirms the above stated reasons given by the applicant. As per the Short Environmental Assessment Form, the proposed action is not causing any physical disturbance as the changes are only proposed in the interiors. The proposal connects to an existing public/private water supply, and

existing wastewater utilities. The site falls under Archaeological sites on the NY State Historic Preservation Office (SHPO) 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:

N/A

Case #:

03-2602040802

Project Name:

Zayachek Variance

Applicant:

Lindsay Zayachek

Project Location:

4 Ridge Lane Ext

Municipality:

Town of Berne

Parcel Size:

0.29 acres

Zoning:

MDR - Medium Density Residence

Tax Map Number:

80.10-1-3

Referring Agency:

Town of Berne Zoning Board of Appeals

Considerations:

Area variance application submitted seeking 110 sq.ft addition to living space to the existing 800 sq.ft home.

Action Type:

Area Variance

Juris. Determinant:

State or County Road

Potential Impacts:

157A Warners Lake Rd

Staff Notes:

Area variance application submitted seeking 110 sq.ft addition to living space to the existing 800 sq.ft home. As per the application for variance, the applicants seek approval for a side-yard variance to allow an addition that would encroach into the required setback. The subject property is 35 feet to the property line with the proposed change, whereas the Town Code requires a minimum of 50 feet; the existing yard setback is 45 feet. The purpose of the variance is to expand the existing living area, and the applicant states that the proposed addition will not have any adverse impact on neighboring properties. The property currently contains a single-family residence consisting of approximately 800 square feet situated on 0.29 acres. According to the Short Environmental Assessment Form, approximately 0.1 acres of land will be subject to

physical disturbance. The proposed action is permitted use, is consistent with the adopted comprehensive Plan, and is in keeping with the predominant character of the existing built and natural environment. Application packet also consists of detailed site plan, elevation and floor plan along with agricultural data statement.

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 #:

06-2602040803

Project Name:

Columbia Greens Area Variance

Applicant:

Cole Group Realty

Project Location:

250 Columbia St

Municipality:

City of Cohoes

Parcel Size:

0.80 acres

Zoning:

R1 - Residential

Tax Map Number:

10.14-3-8.1

Referring Agency:

City of Cohoes Zoning Board of Appeals

Considerations:

Area variance seeking setback relief permitting the multifamily apartment buildings to be located 14 feet from the property line where a 30-foot setback is required along Hinds drive.

Action Type:

Area Variance

Juris. Determinant:

State or County Road

Potential Impacts:

470 Columbia St

Staff Notes:

Cole Realty Group intends to apply for an Area Variance, contingent upon approval of a Use Variance, to construct two single-family homes and 30 apartment units behind the homes at 250 Columbia Street in R-1 zoning district. The Albany County Planning Board reviewed the Use Variance application in December 2025 and provided recommendations to address public concerns related to traffic congestion, green space, pedestrian safety, storm water runoff prior to final approval, and also asked the city to consider the precedent setting nature of allowing significant use variance to the city code in R-1 Residential District. The

requested Area Variance would allow the building to be set back 14 feet from the property line, rather than the required 30 feet. The applicant acknowledges that Use Variance approval is required before proceeding with the project. The City Zoning Board will review both the Use Variance and Area Variance applications at their March 25th meeting. According to the Area Variance application, granting the 14-foot front setback variance along Hinds Drive offers a safety benefit for both existing and future residents, as well as the surrounding community. The reduced setback enables a single, properly designed ingress and egress onto Hinds Drive, eliminating the need for four garage units and driveways, which would otherwise result in five potential vehicle crossing movements. The current design, with a single entry point for all 30 apartment units, reduces conflict points, improves sightlines, and enhances overall traffic safety on Hinds Drive. This safety improvement outweighs any minimal impact on the neighborhood. The proposed setback also preserves neighborhood character and privacy by maintaining the residential scale and ensuring a smooth transition between housing types. There is no discernible impact on Hinds Drive or adjacent properties. The applicant evaluated alternative designs and determined them infeasible, as they would create additional safety concerns and conflict points, eliminate the vegetated buffer between the single-family and multi-family units, and disrupt stormwater management plans. This variance will not cause any negative physical or environmental impacts on the neighborhood. The applicant further explains that the need for the variance is not a self-created hardship but arises from the physical and contextual constraints of the site, which naturally limit access options. The proposed single entry and exit point directly addresses these conditions, creating a safer, more coherent circulation pattern for both residents and the surrounding community. This design improves public safety and establishes a clear sense of place, rather than reflecting any self-imposed hardship.

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 #:

01-2602040806

Project Name:

Conversion at 434 Elk Street

Applicant:	Martin A Mickle
Project Location:	434 Elk Street
Municipality:	City of Albany
Parcel Size:	0.04 acres
Zoning:	Residential, Two - Family
Tax Map Number:	65.54-5-12
Referring Agency:	City of Albany Planning Board
Considerations:	Conversion of a Townhouse Single-Unit Dwelling, to a Townhouse Two-Unit Dwelling.
Action Type:	Special Use Permit
Juris. Determinant:	State or County Road
Potential Impacts:	5 Central Ave
Staff Notes:	Special Use Permit application submitted for the conversion of an existing two-story townhouse single-unit dwelling into a two-story, two-unit townhouse in order to maximize the allowable use of the property. As noted in the Completeness Review document, two-family dwellings are permitted within the R-2 zoning district. No additional parking is proposed, as adequate on-street parking is available adjacent to the site. The surrounding neighborhood, including Elk Street and adjacent streets, contains numerous existing two-family residences. No changes are proposed to existing utility connections, including water, sewer, or electricity. The existing entrance will be maintained, with no modifications to curb cuts, streets, sidewalks, or connections to public spaces. Solid waste generated by the additional unit will be accommodated by existing refuse and recycling totes and collected through the current municipal service. The anticipated construction period is approximately two to three months.
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:	<u>N/A</u>
Case #:	<u>07-2602040807</u>
Project Name:	T Mobile Wireless Antennas

Applicant: T Mobile Northeast, LLC
Project Location: 711 Troy Schenectady Rd
Municipality: Town of Colonie
Parcel Size: 11.20 acres
Zoning: COR - Commercial Office Residential District
Tax Map Number: 19.9-2-15.3
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Special use permit for the co-location of six new T- Mobile antennas on the rooftop of the existing building.

Action Type: **Special Use Permit**

Juris. Determinant: State or County Road
Potential Impacts: 7 Troy Schenectady Rd

Staff Notes: Special Use Permit application has been submitted proposing the removal of three antennas and associated accessory equipment and the installation of six new antennas and related equipment on the rooftop of an existing medical office building. The Commercial Zoning Verification application for the project has been approved by the Town. According to the project narrative submitted by the applicant's attorney, T-Mobile currently maintains an antenna installation on the rooftop of the medical office building and is proposing to remove and relocate three antennas while installing six new antennas. Based on this scope of work, the proposed modification qualifies as an Eligible Facilities Request (EFR) under Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, as well as the FCC Report and Order implementing Section 6409. This federal provision states that a state or local government may not deny, and must approve, an eligible facilities request for the modification of an existing wireless tower or base station, provided that the modification does not substantially change the physical dimensions of the tower or base station. In accordance with the referenced federal law and FCC guidance, the applicant's attorney asserts that the application must be approved under federal law, as the proposal constitutes a modification of an existing wireless facility and does not result in a substantial change to the physical dimensions of the tower or base station.

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 that notification of this application be provided to any municipality in the effective service area of the proposed facility in order to facilitate intermunicipal coordination and potential co-location of future telecommunications facilities.

Case #: 01-2602040809
Project Name: **7 Brew Crossgates Commons**

Applicant: Brew Team NY, LLC
Project Location: 161 Washington Avenue Ext
Municipality: City of Albany
Parcel Size: 28.20 acres
Zoning: MU-CH Mixed Use Community Highway district
Tax Map Number: 52.2-1-26.1
Referring Agency: City of Albany Planning Board

Considerations: Demolition Review of existing restaurant in the outlot of 161 Washington Ave Ext - Crossgates Commons to construct drive-through-only 7 Brew Coffee stand.

Action Type: **Demolition Review**

Juris. Determinant: State or County Road
Potential Impacts: Washington Ave Ext

Staff Notes: Application submitted proposing the demolition of an existing restaurant and the construction and installation of a 510 sq. ft. premanufactured building, along with a 338 sq. ft. remote cooler/storage structure and associated site improvements, including canopies and a dumpster enclosure, for a drive-through-only 7 Brew Coffee stand. Demolition Debris Diversion Plan states that the contractor will retain all salvage rights and remove salvageable materials as part of the project. Approximately 5% of the debris will consist of metal piping, ductwork, and other metals, which will be salvaged and recycled. Concrete and masonry walls (10%) and concrete slabs and walkways (20%) will be crushed either on-site or off-site for reuse as fill material or resale. Where feasible, architectural elements (3%) will be salvaged for preservation or future use. The remaining debris will be disposed of at an approved construction debris facility. Overall, the project is expected to divert 38% of demolition debris from disposal. According to the Short Environmental Assessment Form (SEAF), approximately 0.41 acres of land disturbance is anticipated. The

proposed action is a permitted use and is consistent with the adopted Comprehensive Plan and the predominant character of the existing built and natural landscape. The project will connect to existing water supply and wastewater utilities and will utilize existing conveyance systems to manage stormwater discharge. As noted in the completeness review, the proposal involves redevelopment of this portion of the parcel into a drive-through—only 7 Brew Coffee stand. The existing building is located within the proposed drive-through lanes. The proposed building is a premanufactured structure designed specifically for the stated use and delivered to the site, requiring demolition of the existing structure. The property is located within the Pine Bush Overlay District, which is intended to protect the sensitive Pine Bush environment and guide future development within the overlay area. Alternatives to demolition were considered; however, the proposal follows a required prototype established by the franchisor. The anticipated timeframe between demolition and redevelopment is approximately three months. Minor Development Plan Review for construction of prefabricated building 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.

Advisory Note:

1. The proposed drive-thru should be sent back to Albany County Planning Board for site plan review with site plans that indicate drive-thru details, ingress/egress, building layout and floor plan. A traffic study is also encouraged to be included.

Discussion:

James Mearkel expressed concern that the applicant's existing coffee stand on Central causes traffic to back up onto the public road during promotions. He believes this location should be far enough from the Washington Ave extension, however, believes the board should be aware that this has been an issue with their Central Ave location. Gopika explained this is a Demolition Review and will be sent back for site plan review with detailed drawings.

Case #:

05-2602040808

Project Name:

Finke Site Development

Applicant:

Finke Enterprises LLC

Project Location:

1569 US Route, 9W

Municipality: Town of Coeymans
Parcel Size: 16.49 acres
Zoning: R/A (Residential and Agriculture) & C1P (Planned Commercial)
Tax Map Number: 144.-1-5.21
Referring Agency: Town of Coeymans Planning and Zoning Board of Appeals

Considerations: Proposed amendment to the master plan to include three new buildings instead of five.

Action Type: **Site Plan Review**

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

Staff Notes: Site Plan Review application has been submitted to amend the master plan for an industrial office development. According to the application, the project previously received ZBA approval for the master plan on this parcel. Physical disturbance is expected to affect less than one acre of land. The proposed action is a permitted use, is consistent with the adopted comprehensive plan, and aligns with the predominant character of the surrounding area. The project will connect to existing water supply and wastewater facilities. Stormwater generated by the development will be directed to the existing on-site detention pond.

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 #: **13-2602040804**
Project Name: **Flach Industries LLC**

Applicant: Flach Industries Inc.
Project Location: 1353 Feura Bush Road
Municipality: Town of New Scotland
Parcel Size: 34.38 acres
Zoning: IND - Industrial
Tax Map Number: 107.-1-29
Referring Agency: Town of New Scotland Planning Board

Considerations: Site Plan Review application proposing addition of United Rentals container storage on an existing construction yard.

Action Type: Site Plan Review

Juris. Determinant: Municipal Boundary,
State or County Road,
Farm in a designated Agricultural District

Potential Impacts: 32 Indian Fields Rd

Staff Notes: A site plan review application has been submitted for a United Rentals container storage and leasing yard at 1353 Fuera Bush Road. The parcel is an existing, permitted construction yard and is fully fenced. The proposed use would occupy approximately 1.6 acres of the 34-acre site and involves leasing a portion of the existing construction company property for container storage. All containers stored on site will be empty. No land disturbance or additional impervious surface is proposed. The project is located within the Industrial Zone and is a permitted use under the Town Code. As per the SEAF Form, no land disturbance or additional impervious area is proposed. The proposed action is consistent with predominant character of existing built or natural landscape. The project does not require water supply or wastewater utilities. The project site consists of wetland on site but will not be disturbed by this project.

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 #: 07-2602040805

Project Name: Two Family Dwelling

Applicant: Victor A. Caponera Jr.
Project Location: 84 Island View Road
Municipality: Town of Colonie
Parcel Size: 2.40 acres
Zoning: SFR - Single Family Residential District
Tax Map Number: 9.1-2-23
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Proposal for the construction of a two-family dwelling replacing an existing residential structure in Single Family Residential (SFR) district.

Action Type: Use Variance

Juris. Determinant: State or County Property Facility
Potential Impacts: Mohawk- Hudson Bike-Hike Trail

Staff Notes: Use Variance Application submitted proposing the new construction of 2 family dwellings replacing the existing house. Town of Colonie has disapproved the zoning permit as the construction of two-family dwelling is not an allowable use in the Single-Family Residential District as per the town's land use law, Article V, Section 190-18 and 190 Attachment #1 – Table of permitted uses. As per the rider sheet, The applicant's attorney states that the property was granted an area variance on October 4, 2023, to allow the creation of two separate lots. The variance was required because Lot 2, now known as 84 Island View Road, has only 41 feet of frontage on Island View Road. Following approval of the variance, the applicant obtained subdivision approval from the Town of Colonie Planning Department, which was filed with the Albany County Clerk's Office on November 18, 2025. The applicant purchased the property in 2018 through foreclosure. Prior to the Town of Colonie's 2007 rezoning, the property was zoned "Undeveloped." Under the Town of Colonie Zoning Law (Local Law No. 5 of 1966), this zoning permitted uses allowed in the Business E-1 District, including residential uses such as single-family and two-family dwellings, apartments, and apartment hotels. At the time of purchase, the property contained both a single-family residence and a two-family residence. The two-family structure originated from the conversion of a two-car garage by a prior owner sometime between 1975 and 1992. A zoning permit application filed by the previous owner identified the use as a two-family residence and was approved. The two-family use has existed for approximately 50 years. The single-family residence was later destroyed by fire and subsequently reconstructed. When the applicant later sought to remodel or reconstruct the two-family residence, he was advised that the use was not permitted under the current Single-Family Residential (SFR) zoning. However, the use was authorized under the 1966 Zoning Code in effect when the property was zoned "Undeveloped / Business E-1." An unfiled subdivision map dated March 8, 1969, was later presented to the applicant; however, a review of Town of Colonie and Albany County records confirmed that the subdivision was never filed. The applicant subsequently proposed subdivision of the 2.4-acre parcel into two lots, both exceeding the minimum 18,000 square-foot

lot size required in the SFR district. The Zoning Board of Appeals granted an area variance for Lot 2, which does not meet the required 80-foot frontage and instead measures 40.31 feet, as shown on the approved and filed subdivision map. The attorney further notes that the Town has taken no enforcement action against the two-family use for approximately 50 years. The applicant has taken multiple steps to legalize the use, including obtaining the area variance and incurring substantial legal and surveying costs to create two legal parcels. The Town's awareness of the two-family use is further evidenced by assessment roles and levy records from July 1992 identifying the property as a year-round multi-family residence, a classification verified by both the applicant's attorney and the Town Assessor. Based on these facts, the applicant requests that the Board render an interpretation permitting the continued use of the existing two-family residence on the now legally created Lot 2. The applicant has also submitted a petition signed by 43 residents in 2022 expressing no objection to the continued use or replacement of the two-family structure at the same size and square footage. As per the Short Environmental Assessment Form (SEAF), less than 1 acres of land is expected to experience physical disturbance. The proposed action is consistent with the adopted comprehensive plan and is consistent with predominant character of existing built or natural landscape. The proposed action will connect to existing water supply and wastewater utilities. A portion of Site falls under flood zone, although it is stated that it does not fall under 100-year flood plain. The Storm water created by point or non-point sources will be directed to adjacent stream by the drainage included in the property.

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 Board advises the Town to update the zoning code to allow flexibility to meet the housing needs of the municipality.

Discussion:

Amiee requested a review of the plans for Case #06-2602040803. Frank presented a copy of the plans to the Board and emphasized the developer's commitment to addressing public concerns regarding the proposed multifamily apartment buildings. Frank highlighted the collaborative outreach efforts, noting that Sharon assisted in coordinating a non-voting zoning meeting specifically for residents, and an on-site meeting was held with surrounding neighbors to facilitate direct dialogue. Through

these engagements, the developer successfully revised the original plans to address community feedback, resulting in the current request for an area variance. Frank also informed the Board that they have received the OPHP letter and will proceed with the SWPPP. Ta-Sean commended Frank for his proactive approach in considering and integrating the community's feedback into the project design.

Ta-Sean Murdock made a motion to accept Staff Opinion for the following Case's: **06-2602040798, 10-2602040800, 07-2602040801, 03-2602040802, 06-2602040803, 01-2602040806, 07-2602040807, 01-2602040809, 05-2602040808, 13-2602040804 and 07-2602040805.** The motion was seconded by Aimee Mckane and was also approved by Brian Crawford and Michael Allain.

Aimee McKane made a motion to move Case #**10-2602040814** (Senior Apartments at Carman Road) and Case # **10-2602040815** (Dutch Mill Acres) to the front of the agenda and to vote on them as a group. The motion was seconded by Michael Allain and was also approved by Brian Crawford and Ta-Sean Murdock.

Case #	<u>01-2602040811</u>
Project Name:	Dwelling at 41 Ten Broeck St
Applicant:	Keith Cramer
Project Location:	41 Ten Broeck St
Municipality:	City of Albany
Parcel Size:	0.12 acres
Zoning:	R-T (Residential, Townhouse)
Tax Map Number:	65.82-5-59
Referring Agency:	City of Albany Zoning Board of Appeals
Considerations:	Proposed conversion of an existing vacant lot with a historic facade remaining in the historic district into a four-story, Dwelling, multi-unit building with basement. A use variance is requested to permit this use which does not meet the conditions for a conditional use permit in the R-T zoning district.
Action Type:	Use Variance
Juris. Determinant:	State or County Rd
Potential Impacts:	32 N Pearl St
Staff Notes:	A use variance application has been submitted for the construction of a four-story residential building with nine dwelling units on a vacant lot,

incorporating and preserving the existing historic brick façade, with no proposed parking. The city denied the building permit and change of use, finding the proposal inconsistent with the USDO. The conditional use provisions apply only to buildings originally constructed for non-residential use and permit residential conversion solely for the number of dwelling units legally existing prior to adoption of the USDO. The subject property does not meet these criteria. According to the Short Environmental Assessment Form (SEAF), the project involves less than one acre of land disturbance and will connect to existing municipal water and wastewater utilities, with stormwater directed to the city sewer system. The applicant states the project is consistent with the surrounding built environment. The property is listed on the State and/or National Register of Historic Places, is located within the Ten Broeck Historic District, and lies in or adjacent to an archaeologically sensitive area identified by the New York State Historic Preservation Office. The site is also within a mapped habitat area for Atlantic sturgeon, a state- or federally listed threatened or endangered species. The site has previously undergone remediation following demolition of a former masonry and wood structure. As noted in the Completeness Review Form and stated by the project architect, the applicant was not aware at the time of purchase that the city would require stabilization of the existing historic façade. This requirement was imposed months after acquisition, following a prolonged period during which the façade remained unstabilized while under Land Bank ownership. The required steel stabilization framework now must be accommodated within the new construction, substantially increasing development costs beyond original projections. The variance is requested because the financial analysis demonstrates that a minimum of nine rental units is required for the project to be economically feasible. Alternative development scenarios were evaluated and determined to be financially impractical. The applicant asserts that the property is subject to unique hardship due to the mandatory preservation and maintenance of the historic façade, the steep slope of the site, and the specialized protective construction methods required to safeguard the foundations of adjacent rowhouses. These factors significantly increase construction complexity and cost.

Staff Opinion:

Modify to Local Approval to Include

1. Review and permits 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.
2. Review by the Albany County Department of Health for water supply, waste water discharge, and other required permits.

3. 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. As per the Short Environmental Assessment Form, the project site contains federally enlisted endangered species such as Atlantic Sturgeon and Shortnose Sturgeon. Review by the New York State Department of Environmental Conservation Division of Environmental Permits should be required to determine if permits or additional reviews are required due to wildlife species identified in the SEAF.

Ta-Sean Murdock made a motion to accept Staff Opinion for the following Case: **01-2602040811**. The motion was seconded by Michael Allain and was also approved by Brian Crawford and Aimee Mckane.

Case #: **08-2602040812**
Project Name: **Quickchek Site Plan Review**

Applicant: Bohler Engineering/ Quickchek
Project Location: 1850 Central Ave
Municipality: Village of Colonie
Parcel Size: 2.00 acres
Zoning: Commercial A
Tax Map Number: 29.14-1-4
Referring Agency: Village of Colonie Planning and Zoning Board of Appeals

Considerations: Demolition of existing Walgreen's and construction of 6730 sq.ft retail store with 8 fuel dispensers and 48 parking spaces. Area Variance was granted by the town.

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

Juris. Determinant: Municipal Boundary, State or County Road
Potential Impacts: 155 New Karner Rd and 5 Central Ave,
Intermunicipal Boundaries of Town of Colonie and Village of Colonie

Staff Notes: An application has been submitted seeking Site Plan Approval, a Special Use Permit, and an Area Variance for the demolition of the existing Walgreens building and construction of a 6,730-square-foot retail store with eight fuel dispensers and 48 Parking spaces. Project would maintain existing driveway on Route 155/New Karner road and relocate the

existing driveway on Fermac street. The proposal has been approved from the Village of Colonie Planning Commission for site plan review and operation of a gasoline station and has received approval from the Zoning Board of Appeals for relief from the zoning requirement prohibiting gasoline stations within 1,000 feet of another station on the same side of the highway. A Mobil gas station is located within this distance; the proposed setback is approximately 225 feet, necessitating a variance of 775 feet. According to the project narrative, the applicant states that the proposed use will not result in an undesirable change to neighborhood character, as the site is located within an established commercial corridor characterized by high traffic volumes and existing retail and service-oriented uses. The project is designed to complement the surrounding area through modern architectural treatment, enhanced landscaping, and controlled lighting. A professional traffic analysis indicates that the proximity of the proposed station to the existing station will not create unsafe traffic conditions, congestion, or operational conflicts. The applicant asserts that no feasible alternatives exist that would allow reasonable use of the property without the requested variance, noting that few sites meet the zoning separation standard while also providing the necessary access, visibility, parcel size, and infrastructure required for a modern fueling facility. While the requested relief is substantial in terms of distance, the applicant contends that its practical effect is limited and does not undermine the intent of the separation requirement. Site-specific design measures, traffic controls, and environmental protections mitigate potential impacts and support compatibility with the surrounding commercial context. The project incorporates comprehensive mitigation measures addressing traffic, noise, lighting, and environmental concerns. Full cutoff canopy lighting will prevent glare and light spillover, and operational noise is expected to be consistent with existing commercial activity in the area. Environmental safeguards include spill containment systems, leak detection technology, stormwater management controls, and compliance with all applicable New York State Department of Environmental Conservation fuel-handling regulations. The applicant further states that the hardship is not self-created, as the separation requirement significantly limits the number of parcels capable of accommodating a gasoline station under current zoning standards. Area variance was granted by the Town. As per the Short Environmental Assessment Form (SEAF), 1.7 acres of land disturbance is expected. The proposed action is permitted use (requires special use permit) and is consistent with adopted comprehensive plan and is consistent with the existing predominant character. The proposed action connects to an existing water supply and wastewater utilities. Property is listed under the National or State Register of Historic Places and is designated for

archaeological sites on the NY State Historic Preservation Office archaeological site inventory. Adjoining site contains wetlands or waterbodies regulated by federal, state or local agency. Storm water from the site will be conveyed via sheet flow and underground pipes to existing site drainage point. Prior to the site being used for Walgreens, it was a gasoline station, hence it has been the subject of remediation for hazardous waste. As per the site plan application, dumpsters will be used for garbage disposal, with pickups between 7 am and 7 pm. The store includes the sale of alcohol, and there will be deliveries to the business. As reflected in the site plan review minutes, the Town Board recommended relocating the garbage and recycling enclosures away from the residential side of the property and further from Fermac Street. The Board encouraged refinement of the site layout, including increasing or better distributing green space along Central Avenue and retaining or reconstructing a berm to screen pavement from the roadway, consistent with recent Village projects. Members suggested evaluating the relocation or reduction of underground fuel tanks to accommodate berming and landscaping, and considering shifting the building or reconfiguring parking such as counting fuel pump spaces toward parking requirements to provide greater site flexibility. The Board also requested that adjacent parcels be clearly depicted, including the alignment of the Fermac Street access with nearby residences, and that detailed elevations be provided for the vacuum structures. Additional recommendations included preparing a comprehensive traffic study to support projected peak-hour volumes, minimizing impacts to neighboring residential properties through thoughtful site feature placement, and addressing outstanding design and operational details in a future submission.

Staff Opinion:

Modify to Local Approval to Include

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 prior to final approval.
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-0-25-001, effective January 2025) for construction activities that disturb more than one acre of land should be required prior to final approval.
3. 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.

4. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity is required.

5. 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.

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

Advisory Note:

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

2. The village should encourage the addition of EV charging units.

Discussion:

Brief discussion on the plan and clarification of the location of the existing Mobil & traffic

Ta-Sean Murdock made a motion to accept Staff Opinion for the following Case:

08-2602040812. The motion was seconded by Aimee Mckane and was also approved by Brian Crawford and Michael Allain.

Case #:

08-2602040813

Project Name:

Otto Cadillac

Applicant:

Hershberg and Hershberg / Otto Cadillac

Project Location:

1769 Central Ave

Municipality:

Village of Colonie

Parcel Size:

3.03 acres

Zoning:

Commercial A

Tax Map Number:

29.15-1-32

Referring Agency:

Village of Colonie Planning and Zoning Board of Appeals

Considerations:

Proposed +3200 sq.ft addition to existing Otto Cadillac sales and service facility including a front show room and two bays at the rear of the existing building.

Action Type:

Site Plan Review

Juris. Determinant: State or County Rd
Potential Impacts: 5 Central Avenue

Staff Notes:

Site Plan Review application submitted proposing two additions, one at the front and one at the rear to the existing Otto Cadillac sales and service facility. The site currently features Cadillac vehicle sales and service operations. Existing ingress and egress are provided via an asphalt driveway, which also accommodates additional vehicle storage. As described in the project narrative, the front addition will expand the building façade and retail showroom area, while the rear addition will expand the service bay area. The project also includes a reconfiguration of the front parking lot and internal circulation, including the addition of two vehicle display pads. The revised parking layout will provide a total of 95 parking spaces, including one ADA-compliant space and two electric vehicle (EV) charging spaces. The parking area will occupy approximately 9,105 square feet. Stormwater management will continue to follow existing drainage patterns. Runoff will be directed to the existing catch basin at the south end of the site or to a proposed dry well at the north end. Because the proposed development results in a reduction in impervious coverage from 47.9% to 45.3% overall stormwater runoff is expected to decrease. Stormwater will ultimately be managed through the existing on-site stormwater basin, which provides temporary water impoundment. The parking lot will retain the existing light poles and landscaping consistent with prior site improvements, with the exception of the existing vehicle display island. Construction is anticipated to commence and be completed within the current year following site plan approval, weather permitting. The proposed site layout will consist of 45.3% impervious area (59,844 square feet), including 32.6% paved area (43,035 square feet) and 12.7% building coverage (16,809 square feet). The remaining 54.7% of the site, or 72,156 square feet, will remain as green space. The facility employs approximately 40 employees. Hours of operation are Monday through Friday from 8:00 a.m. to 6:00 p.m. and Saturdays from 9:00 a.m. to 5:00 p.m. An average of 35 customers is expected per day. Hazardous materials are limited to standard janitorial cleaning solutions, which will be properly stored on site. New and used vehicle storage will continue to occur on the property. According to the Short Environmental Assessment Form (SEAF), less than one acre of land disturbance is anticipated. The proposed action is a permitted use, is consistent with the adopted comprehensive plan, and aligns with the predominant character of the surrounding area. The project will connect to existing water supply and wastewater utilities. The property is identified as sensitive for archaeological resources per the New York State Historic Preservation Office (SHPO) archaeological site inventory.

Staff Opinion: Modify to Local Approval to Include
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 prior to final approval.

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

Michael Allain made a motion to accept Staff Opinion for the following Case:
08-2602040813. The motion was seconded by Ta-Sean Murdock and was also approved by Brian Crawford and Aimee Mckane.

Case #: **10-2602040814**
Project Name: **Senior Apartments at Carman Road**

Applicant: Robert Abbatiello / RPA Properties
Project Location: 3400 Carman Rd
Municipality: Town of Guilderland
Parcel Size: 1.40 acres
Zoning: LB - Local Buisness
Tax Map Number: 15.18-3-2
Referring Agency: Town of Guilderland Planning Board

Considerations: Proposal for the construction of 18-unit townstyle residential facility, independent living facility on 1.4 acres of land located in the Local Buisness (LB) district. Applicant also requests a variance to allow a 15-foot side setback, consistent with the base dimensional standards of the LB zone.

Action Type: **Site Plan Review and Area Variance**

Juris. Determinant: State or County Rd
Potential Impacts: 5 Central Ave

Staff Notes: An area variance and a site plan review application is submitted proposing an independent living residential facility on a 1.4-acre parcel. Independent living housing is permitted as a special use pursuant to §280-20D-17, subject to the supplemental regulations of §280-40. The proposed project complies with all applicable zoning requirements

except for the required setback from adjacent single-family residential lots, requiring the approval of area variance request. Two development options are proposed. Option 1 consists of 18 senior dwelling units in two two-story buildings with attached garages, one outdoor parking space per unit, and additional overflow parking for visitors. Option 2 consists of a single 2.5-story building with 21 units and a maximum height of 35 feet, maintaining the required 100-foot buffers along the north and south property lines adjacent to single-family residences. Both options provide access via a single ingress/egress driveway from Carman Road. Parking under Option 2 includes 18 garage spaces and 8 overflow spaces, including two accessible spaces, utilizing the 125% parking allowance permitted by Town Code. Both proposals include two-bedroom units, with the option of using one bedroom as a den or office. Landscaping is proposed in front of the buildings and along Carman Road with street trees. Residential-style lamp post lighting is proposed, along with new sewer and water laterals connecting to municipal mains. Stormwater management will be retained onsite through infiltration practices. As soil disturbance will exceed one acre, erosion and sediment control measures will be implemented during construction. Traffic generated by the proposed senior housing is anticipated to result in minimal additional impact to Carman Road. An area variance application has been submitted to allow a reduced side yard setback of 15 feet where a 100-foot setback from single-family residential lots is required for independent living facilities pursuant to §280-40. The subject property is bordered on both sides by single-family residences within the LB zoning district. The applicant states the development is designed as a low-density, residential-scale community with private entrances, attached garages, reduced height, and dispersed building massing to minimize visual and neighborhood impacts. While the LB zoning district permits buildings up to 35 feet in height, compliance with the 100-foot setback would require taller, more concentrated structures. The requested variance would allow buildings to be distributed across the site, resulting in reduced perceived height and massing while maintaining project feasibility. As shown in Table §280-24B-1 of the town code, the standard side yard setback in the LB zoning district is 15 feet. The 100-foot setback is a supplemental requirement applicable only to independent living and residential care facilities; other permitted LB uses, including mixed-use developments with residential apartments, do not require such relief. The applicant notes that similar variance relief has been granted previously, including approval of a 12-unit independent living facility at 3407 Carman Road. According to the submitted SEAF, approximately 1.4 acres of land will be subject to physical disturbance. Proposed action is consistent with adopted comprehensive plan and with the predominant character of the

surrounding. As per NYS Building code the proposed action will meet or exceed the state energy code requirements. Proposed action will connect existing water supply and wastewater utilities through service laterals to municipal main.

Staff Opinion:

Modify to Local Approval

1. Review by the Albany County Department of Health for water supply, waste water discharge, and other required permits.
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-0-25-001, effective January 2025) 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.
4. Notification to the local fire department for review and comment on emergency access and the emergency plan should be required.
5. The Albany County Planning Board has no preference among the proposed options. However, the Board requests the town to consider traffic impacts on either of the alternatives

Advisory Note:

N/A

Discussion:

The Board discussed the need to involve additional Emergency Medical Services (EMS) units in the review of the emergency access plan. Brian recommended that these units evaluate the proposal to ensure all safety and operational requirements are met. Ta-Sean inquired about the proximity of the proposed structure to neighboring properties and the extent of community feedback. Ken noted that neither the Zoning Board of Appeals nor the Town Planning Board received public comments regarding the project during their respective meetings. The Board requested clarification on the two proposed site plan options: Ken explained that option 1 is for a townhome development requiring specific variances and option 2 is for a 21-unit multifamily building requiring no variances. Ken indicated that the local Zoning and Planning boards expressed a preference for the townhome proposal. In response, the Board advised that for future submissions, the applicant should present a single, finalized site plan preferred by the local municipality to streamline the review process.

The Board members determined that notes should be added regarding Notification of additional EMS units (noted above as modification #4). The Albany County Planning

Board has no preference among the proposed options. However, the Board requests confirmation that none of the alternatives will result in adverse traffic impacts. (noted above as modification #5)

Aimee Mckane made a motion to accept Staff Opinion for the following Case: **10-2602040814**. with the Modification and Advisory Notes added. The motion was seconded by Ta-Sean Murdock and was also approved by Brian Crawford and Michael Allain.

<u>Case #:</u>	<u>07-2602040816</u>
Project Name:	Retail Cannabis Dispensary
Applicant:	TRM Ventures LLC
Project Location:	404 Troy Schenectady Rd
Municipality:	Town of Colonie
Parcel Size:	0.49 acres
Zoning:	Single Family Residential (SFR)
Tax Map Number:	19.19-6-3.2
Referring Agency:	Town of Colonie Zoning Board of Appeals
Considerations:	Use Variance application seeking approval to convert an existing vacant office building into a licensed retail cannabis dispensary in a Single-Family Residential District.
Action Type:	Use Variance
Juris. Determinant:	State or County Road
Potential Impacts:	2 Troy Schenectady Rd
Staff Notes:	A Use Variance application submitted for a proposed retail cannabis dispensary. The proposal was disapproved by the Town of Colonie given under the Town of Colonie Code; a retail cannabis dispensary is not a permitted use within a Single-Family Residential zoning district. According to the Zoning Verification Form, the building is currently vacant and was previously used as office space. The applicant contends that the property is subject to unusual, site-specific conditions not shared by other parcels in the vicinity. The site is located along a heavily traveled commercial corridor, and the building's configuration including its layout, size, and structural limitation restricts its ability to accommodate permitted uses under the existing zoning framework without modification or variance relief. Despite sustained and efforts to

market and lease the property for permitted use, it has remained vacant for more than one year. The applicant asserts that, without the requested variance to allow the proposed dispensary use, the property is likely to remain vacant, resulting in continued economic hardship and underutilization. The applicant further states that the proposed dispensary will not adversely impact neighboring properties, public safety, traffic flow, or neighborhood character. The site is located within an established commercial corridor characterized by similar commercial uses. Although it is seen in the maps that it is surrounded by pharmacy, Latham Kiwanis Park, Grocery/market, dental clinic, Doctor's clinic and Dogwatch store. According to the Short Environmental Assessment Form (SEAF), no expansion of the building footprint is proposed. The project will utilize existing utilities including water supply and wastewater services, parking access points, and supporting infrastructure. Minor interior renovations may be undertaken to comply with state licensing and safety requirements. The proposed use is not expected to result in physical disturbance of the site. The site and adjoining properties contain wetlands or other water bodies regulated by federal, state, or local agencies.

Staff Opinion:

Modify to Local Approval to Include

1. The Town Zoning Board should consider the precedent setting nature of allowing use variance to the town code by permitting a Cannabis Dispensary in Single-Family Residential district.
2. The Town should ensure that the proposed dispensary is in compliance with Office of Cannabis Management regulations.

Advisory Note:

N/A

Discussion:

The Board expressed specific concern regarding the project's proximity to the Latham Center for the Arts, which houses a music school and hosts various activities for local youth. To address this, the Board emphasized the need to ensure the development is fully compliant with all Office of Cannabis Management (OCM) requirements.

The Board members determined that following notes should be added: The Town should ensure that the proposed dispensary is in compliance with Office of Cannabis Management regulations. (noted above as modification #2).

Ta-Sean Murdock made a motion to accept Staff Opinion for the following Case:

07-2602040816. The motion was seconded by Aimee Mckane and was also approved by Brian Crawford and Michael Allain.

Case #: 06-2602040817
Project Name: **60 Remsen Street Development**

Applicant: Pinehills Properties
Project Location: 60 Remsen Street
Municipality: City of Cohoes
Parcel Size: 0.27 acres
Zoning: MU CC - Mixed Use Civic Core
Tax Map Number: 10.59-1-17
Referring Agency: City of Cohoes Planning Board

Considerations: Proposed construction of a 4-storey, mixed-use building consisting of 25-unit apartment complex with first floor commercial space.

Action Type: **Site Plan Review**

Juris. Determinant: State or County Road
Potential Impacts: 470 Ontario St

Staff Notes: The applicant has submitted a Site Plan Review application proposing the construction of a four-story, approximately 28,700-square-foot mixed-use building, including associated utility connections, parking, drainage, lighting, and pedestrian access improvements. The proposed building will include approximately 4,000 square feet of ground-floor commercial space, with the upper floors consisting of twenty-five (25) residential apartment units. The project proposes the creation of a public parking area within Oneida Street right-of-way, resulting in a net increase of eight (8) on-street parking spaces. Currently there are a total of 27 existing off street parking spaces within 200' of the building which is more than adequate. Resident parking will be provided off-site in accordance with §285-83-D that states- For multifamily dwellings, required off-street parking shall be located as close to the use as possible, given site conditions, and in no case more than 200 feet from the building it is required to serve.'According to the submitted Short Environmental Assessment Form (EAF), the proposed action will result in less than one acre of land disturbance. The project is permitted use and is consistent with the adopted Comprehensive Plan. The development will connect to existing public/private water supply and wastewater utility systems. The project site is listed on the National or State Register of Historic Places and is identified as archaeologically sensitive in the New York State Historic Preservation Office (SHPO) archaeological inventory. Wetlands regulated by federal, state, or local agencies are present on or adjacent to the site. The proposed action will

generate stormwater from point and/or non-point sources, which will be conveyed via a closed drainage system to the City of Cohoes stormwater/sewer system. The EAF Mapper indicates that the site may be subject to remediation for hazardous waste; however, New York State Department of Environmental Conservation (NYSDEC) records indicate that remediation requirements are not applicable.

Staff Opinion:

Modify to Local Approval to include

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 prior to final approval.
2. Review by the Albany County Department of Health for water supply, waste water discharge, and other required permits.

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 when the existing one-story wood-metal frame building is demolished/removed.

Discussion:

Shannon addressed the Board's inquiry regarding the Zoning Board's previous Denial of the proposal, she clarified that while the project was initially approved for 18 units under the DRI application, the Developers subsequently requested an increase to 25 units, which lead to the denial. However, the city has since updated its zoning code to allow up to 30 units on this site.

Shannon noted that the current plans have been presented to both the Planning Board and the Historic Preservation Board for initial review: however, Formal approvals have not yet been granted. She emphasized that, at this stage, there has been no recorded opposition from either the city or the local community.

Despite the lack of community opposition, the Board's primary concern remains the environmental impact during the demolition phase.

Ta-Sean Murdock made a motion to accept Staff Opinion for the following Case: **06-2602040817**. The motion was seconded by Michael Allain and was also approved by Brian Crawford and Aimee Mckane.

Case #:

07-2602040818

Project Name:

Learning Experience Daycare

Applicant:

The Benchmark Group

Project Location:

447 Albany Shaker Rd

Municipality:

Town of Colonie

Parcel Size: 1.73 acres
Zoning: NCOR - Neighborhood Commercial Office Residential
Tax Map Number: 43.3-1-21
Referring Agency: Town of Colonie Planning Board

Considerations: Proposed construction of a single storey, 10,000 sq.ft Daycare center with a 5,000 sq.ft playground on a vacant lot at 447 Albany Shaker Rd.

Action Type: **Site Plan Review**

Juris. Determinant: State or County Road
Potential Impacts: Albany Shaker Rd

Staff Notes: Site plan review application with the proposal to construct a daycare center on a 1.73-acre parcel with a 5000 sq. ft playground and associated parking and appurtenances. The daycare will be operated by a national childcare provider with over 380 established centers across the United States. They offer premier childcare and early education programs for children aged six weeks to five years. 51 Parking spaces required and produced. The proposed day-care center will operate Monday - Friday 6:30 AM – 6:30 PM with 44 employees. Zoning Verification Application was approved by the Town of Colonie Building Dept. As per the SEAF, 1.73 acres of land is expected to have physical disturbance. It a permitted use and is consistent with adopted comprehensive plan and surrounding built and natural character. Public transportation is available near the proposed site while pedestrian accommodation or bicycles are not available on or near the site. Proposed action connects to existing public/private water supply and wastewater facility. The project site is in or adjacent to an area designated as archaeological sites on the NY State Historic Preservation Office (SHPO) Archaeological site inventory. The proposed action creates storm water discharge either from point or non-point sources and will be directed to underground infiltrated system for treatment and discharging into the town of Colonie storm water system. The adjoining property at the corner of Albany Shaker Road and Osbourne road has been closed and has been the subject of remediation for hazardous waste. There are no wetlands, watercourses, or flood plains within the existing site and the National Flood Insurance Program Mapping for the Town of Colonie places the site in Zone X, an area with minimal to no flooding.

Staff Opinion: Modify to Local Approval
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 prior to final approval.

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-0-25-001, effective January 2025) for construction activities that disturb more than one acre of land should be required prior to final approval.
3. Review by the Albany County Department of Health for water supply, waste water discharge, and other required permits.
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.
5. Review by and any necessary permits from the NY State Office of Children and Family Services.

Advisory Note: N/A

Discussion:
 The Board reviewed the proposed location and design for the playground, focusing on its integration into the site plan. A primary concern raised during this review was the potential for increased traffic.

Ta-Sean Murdock made a motion to accept Staff Opinion for the following Case: **07-2602040818**. The motion was seconded by Michael Allain and was also approved by Brian Crawford and Aimee Mckane.

Case #:	<u>10-2602040815</u>
Project Name:	Dutch Mill Acres
Applicant:	Michael Fiacco
Project Location:	3633 Carman Rd
Municipality:	Town of Guilderland
Parcel Size:	16.20 acres
Zoning:	GB - General Business District
Tax Map Number:	27.11-1-24.1
Referring Agency:	Town of Guilderland Legislative Board

Considerations:	Proposal to rezone a 16.23-acre parcel from General Business to Planned Unit Development (PUD) to permit 107 townhouse and multifamily units and 24,000 square feet of commercial space.
Action Type:	Site Plan Review, Rezoning, SEQR Cordinated Review
Juris. Determinant:	State or County Rd
Potential Impacts:	146 Carman Rd
Staff Notes:	The applicant seeks rezoning and Site Plan Review approval for a 16.2-acre parcel currently zoned General Business, requesting conversion to a Planned Unit Development (PUD). The property is presently improved with a single-family residence and accessory structures. The proposal includes 107 two-story residential units in a mix of 4-unit and 8-unit buildings, along with two mixed-use buildings containing 16 and 13 units. A portion of the units will be designated as workforce housing. The project also includes 6,000 square feet of commercial space, a community center, and a rental office. Parking is provided through 78 garage spaces and 121 surface spaces (195 in total). Amenities include a clubhouse, fitness center, and outdoor gathering areas. More than 50 percent of the site will remain green space, with a 100-foot setback and 50-foot no-cut buffer adjacent to existing residences. All access will be from Carman Road, and pedestrian improvements include a new sidewalk along Lone Pine Road and internal walkways. As per the Town Planner's memo, the proposal is consistent with recommendations in the Fort Hunter/Carman Road Neighborhood Transportation Plan and Comprehensive Plan Update, which support pedestrian-oriented, mixed-use development in transitional areas. The Town Planner supports the PUD application, Hence the Town planner recommends approval of the PUD application as it addresses Town's identified need for affordable housing by including workforce housing units, supporting residents such as members of the Fort Hunter Fire District. The project consists of recommendations from the Fort Hunter/Carman Road Neighborhood Transportation Plan and the Comprehensive Plan Update, both developed through extensive public input. The Traffic Study indicates the project is expected to generate 66 new vehicle trips during the weekday AM peak hour and 75 trips during the PM peak hour. Two site access driveways are proposed to meet AASHTO guidelines. Level of Service analysis shows that the two site access driveways serve the site. Traffic distribution along Carman Road is projected to remain within the capacity of the existing roadway network. According to the Full Environmental Assessment Form, the site located within the NYS Mohawk Valley Heritage Corridor requires rezoning from its current designation to a Planned Unit Development (PUD) to accommodate the

proposed use. The development will disturb approximately 10 acres over a 24-month construction period and include 17 structures, with the largest measuring 38 feet in height, 66 feet in width, and 155 feet in length. Stormwater will be managed through on-site impoundment areas and 0.51 acres of swales to reduce downstream impacts. Daily water demand is estimated at 24,140 gallons, to be supplied by the Guilderland Water District, with a comparable volume of wastewater to be treated at the Nott Road Wastewater Treatment Plant, requiring sewer extension to the site. The project will create 5.09 acres of impervious surface on the 16.23-acre parcel, generating stormwater runoff directed to groundwater and existing systems, including adjacent properties. Traffic is expected to increase, particularly in the evenings, and 195 parking spaces are proposed. Pedestrian and bicycle connections are included, with public and private transportation options within half a mile. Construction hours are planned from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays. A 50-foot no-cut buffer will be maintained along adjacent properties, although clearing may occur outside this area. The site is well drained, with slopes of 0–10 percent over 90 percent of the property, and wetlands are located on adjacent parcels. While the broader area contains a designated Pitch Pine–Oak Forest, none exists on the site. The property is also identified as archaeologically sensitive in the NYS Historic Preservation Office (SHPO) Archaeological Site Inventory. Environmental and agency coordination is complete to date. NYSDOT has approved Stage 1 for two full-access driveways on Route 146 consistent with the traffic study recommendations provided. Albany Pine Bush Preserve Commission has confirmed that Technical Committee review is not required. The site contains no identified regulated wetlands or Pitch Pine–Oak Forest community, though it is listed as archaeologically sensitive by SHPO. Applicant has provided No impact letter from Office of Parks, Recreation and historic Preservation (OPRHP), Sketch Review, Traffic capacity analysis, Traffic impact Evaluation, Zone Change Application, Full Environmental Assessment Form, Site plan, NYSDEC Wetland Letter, NYSDOT Driveway CURB Cut Authorization and a Town Planner Memo. The NYSDEC has issued a letter of No Jurisdiction, confirming that there are no regulated freshwater wetlands or adjacent areas on the parcel; therefore, no wetlands permit is required. An email confirmation has been received from the Albany Pine Bush Preserve Commission stating that Technical Committee review is not required. Petition against this proposal has been received. Residents submitted 25 public comments expressing strong concerns about the proposed project. Key issues include worsening traffic congestion and safety risks on Carman Road, Lone Pine Road, and surrounding intersections; potential environmental impacts

including wetlands destruction, flooding, and insufficient stormwater management; strain on infrastructure and community services such as schools, water, and sewer; and negative effects on neighborhood character, privacy, and open space. Many commenters question the need for high-density residential development, citing existing vacancies and underutilized commercial land, and urge the Town Board to consider lower-density alternatives or commercial uses, conduct thorough environmental and traffic studies, and ensure transparency and robust public engagement before approving any rezoning or large-scale development.

Staff Opinion:

Modify to Local Approval to Include

1. Review by the Albany County Department of Health for water supply, wastewater discharge, and other required permits.
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-0-25-001, effective January 2025) for construction activities that disturb more than one acre of land should be required prior to final approval.
3. All public comments should be addressed and considered prior to final approval of the Planned Unit Development.
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. 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.
6. The Town should consider the density of the development and the community character and ensure that the neighborhood is not adversely impacted by traffic, noise, drainage, and stormwater management.
7. Albany County Planning Board has reviewed the SEQR Lead Agency notice and has no objection regarding Town Board's Lead Agency status.
8. The Town should provide information on ownership of stormwater management system that is publicly delineated to avoid confusion among entities such as Homeowner's Association regarding management.

9. Albany County Planning Board recommends the Town to re-submit the application at a later stage with additional information on density, traffic study, stormwater management and address public concerns.

Advisory Note: N/A

Discussion:

The development team, led by Daniel and Jared, explained that the current plans have been significantly modified over the last several years to address community feedback. These changes include reducing housing density to 6.59 units per acre, incorporating 67% green space, and offsetting buildings at least 100 feet from property lines with a 50-foot "no-cut" buffer. They noted that the New York State Department of Transportation (DOT) has conceptually approved two site entrances based on studies conducted by Lansing Engineering. Additionally, the State Historic Preservation Office (SHPO) found no impact on historical properties. The developers also highlighted that 10% of the units will be designated as workforce housing to align with the town's goal of increasing affordable housing options.

When the Board inquired about the maintenance of watercourses and stormwater management systems, Daniel clarified that the basins would be privately maintained. However, an existing watercourse that has been in place for approximately 50 years is slated for improvements at the developer's expense as a public benefit. The town has also held informal discussions regarding taking over this area as an easement.

Community members voiced significant concerns regarding the project's scope and environmental impact. Residents expressed skepticism regarding the traffic studies, arguing that the analysis should cover a much larger area to reflect the difficulty neighbors face when making left-hand turns on Carmen Road. Furthermore, residents raised environmental issues, specifically the potential spread of invasive Asian jumping worms during excavation and the timing of soil (PERK) tests. They argued that testing conducted in dry December does not accurately reflect the flooding and high-water tables many neighbors experience during the spring and early summer. Some residents worry that the 24,000 square feet of commercial space and the shift toward an apartment-style complex would negatively impact the neighborhood's demographics and "apartment-free" character. In response, the developers clarified that the New York State DEC and the Army Corps of Engineers are reviewing the site's small wetland areas, which are intended to remain undisturbed.

Town representative Ken provided a procedural breakdown to clarify that the project is currently in the "Sketch Plan" phase. He explained that a PUD is a legislative process in which the Town Board serves as the lead agency. At this stage, the board is only reviewing the "big picture" concept; detailed engineering, formal stormwater management plans, and updated traffic studies are not required until the "Preliminary Site Plan" phase. He emphasized that the town is not rushing the process and that the proposal aligns with the town's Comprehensive Plan, which has identified this parcel for mixed-use development for over 20 years. He further noted that the Guilderland Planning Board has requested additional traffic studies for the intersections of Carman

Rd. and Spawn Rd., as well as Carman Rd. and Lone Pine Rd. That will be reviewed during the preliminary site plan phase.

Regarding the board question on the timing of the application, Ken and Gopika explained that it is standard practice to begin the SEQR-coordinated review early to ensure formal feedback from all involved and interested agencies. To maintain oversight, the board can add an amendment requiring that any significant changes to the site plan layout be referred to them for further review. Gopika confirmed that the DEC documents and traffic studies have been submitted for review. Public comments were then closed, with the community advised to provide further input via email for the Planning Board's consideration.

The Board members determined that the following notes should be added. The Town should provide information on ownership of stormwater management system that is publicly delineated to avoid confusion among entities such as Homeowner's Association regarding management. (noted above as modification #8) and requests the Town to re-submit the application at a later stage with additional information on density, traffic study, stormwater management and address public concerns. (noted above as modification #9).

Ta-Sean Murdock made a motion to accept Staff Opinion for the following Case: **10-2602040815**. with the Modifications added. The motion was seconded by Aimee Mckane and was also approved by Brian Crawford and Michael Allain.

Case #: **12-2602040819**
Project Name: **93 Broadway R&D**

Applicant: YINCHAE Advanced Materials, LLC /
Dr. Wusheng Yin
Project Location: 93 Broadway
Municipality: Village of Menands
Parcel Size: 1.52 acres
Zoning: Broadway Business District (BBD)
Tax Map Number: 55.17-1-51.7
Referring Agency: Village of Menands Legislative Board

Considerations: Adaptive reuse of existing 36,588 +/- sq.ft building for research and development, laboratories, light manufacturing, and associated office use. The applicant is proposing to establish a research and development facility with small scale (PILOT) electronics production.

Action Type: **Special Use Permit**

Juris. Determinant: State or County Road
Potential Impacts: 32 Broadway

Staff Notes: An application has been submitted for a special use permit to utilize the existing industrial building at 93 Broadway for research and development, laboratory, light manufacturing, and associated office uses. As per the Narrative Statement, the site is located in an industrial zone, and no physical disturbance or exterior alterations are proposed. The proposed use is compatible with surrounding commercial and industrial uses. All operations will occur indoors and will not generate noise, vibration, glare, fumes, odors, or emissions beyond those customarily associated with permitted non-retail commercial or light industrial activities. As per Full Environmental Assessment Form (FEAF), The project includes on-site sources of air emissions: mobile sources during operations (heavy equipment, fleet, or delivery vehicles); stationary sources during construction (power generation, structural heating, batch plant, or crushers); and stationary sources during operations (process emissions, large boilers, or electric generation). These emission sources require NYS Air Registration, Air Facility Permits, or federal Clean Air Act Title IV or Title V permits, and the site is located within an Air Quality Non-Attainment Area. As per FEAF and Operational Statement, hazardous waste generation is minimal and limited to routine laboratory activities, including small quantities of MEK and IPA used for cleaning containers, approximately 0.01 tons per month. All hazardous waste will be stored indoors in properly labeled steel drums with secondary containment and collected for offsite disposal by licensed contractors at Safety-Kleen, 17 Green Mountain Drive, Cohoes. No outdoor chemical storage, handling, exhaust, or waste-related activities will occur. Detailed Safety Data Sheets are included in the application, and an application for NYSDEC Air Facility Registration has been submitted. Narrative Statement explains that traffic generation will be limited to employees and routine service or delivery vehicles and will not affect existing traffic conditions. Existing curb cuts, access points, and on-site parking are adequate to support the proposed use (Site plan depicts 58 parking spaces) , and no changes to traffic circulation are proposed. The project will not place undue demand on municipal services or utilities, and existing public infrastructure is sufficient to support operations. The proposal does not involve residential occupancy, public assembly, late-night operations, or retail activity. Per the Operational Statement, typical operations will involve approximately 5–10 employees on site, Monday through Friday between 8:00 a.m. and 6:00 p.m. Chemicals used and stored on site consist of small laboratory and pilot-scale quantities of specialty polymers, resins, solvents, and additives, all handled by trained

personnel and stored indoors in approved storage cabinets with secondary containment. Deliveries will occur infrequently (approximately one to two per month) via standard parcel carriers or small box trucks.

Staff Opinion:

Modify to Local Approval to Include

1. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity should be required.
2. Notification to Albany County Department of Health of the hazardous waste generation from laboratory activities and disposal of the materials should be required.
3. Any required notification and review from New York State Department of Conservation regarding controlled storage of hazardous materials should be identified and obtained prior to final approval of the proposed use.

Advisory Note:

N/A

Aimee Mckane made a motion to accept Staff Opinion for the following Case:

12-2602040819. The motion was seconded by Michael Allain and was also approved by Brian Crawford and Ta-Sean Murdock.

Case #:

01-2602040810

Project Name:

Multi-Unit Dwelling at Madison Place

Applicant:

Keith Cramer

Project Location:

4 Madison Place

Municipality:

City of Albany

Parcel Size:

0.01 acres

Zoning:

R-T (Residential, Townhouse)

Tax Map Number:

76.49-1-8

Referring Agency:

City of Albany Zoning Board of Appeals

Considerations:

Proposed development of a currently vacant lot, into a new three-story dwelling multi-unit building with a basement level, containing a total of eight dwelling units. A Use Variance is requested to permit this use which does not meet the conditions for a conditional use permit in the R-T zoning district.

Action Type:

Use Variance

Juris. Determinant: State or County Rd
Potential Impacts: 20 Madison Ave

Staff Notes: Use variance application submitted proposing the construction of a new three-story multi-unit residential building with a basement level, comprising a total of eight dwelling units. No parking proposed. The application materials include a pro-forma statement, completeness review, survey, site plan, and floor plans. The City denied the building permit/change of use, determining that the proposed use does not comply with the provisions of the USDO. Specifically, the conditional use permit provisions apply only to buildings that were originally designed and constructed for non-residential use and only allow residential conversion for the number of dwelling units that legally existed prior to the adoption of the USDO. The subject property does not meet these criteria. As per the Short Environmental Assessment Form, less than 1 acre of land disturbance is expected from the proposed action. The Proposal is consistent with predominant character of the surrounding, and will connect to existing municipal water and wastewater utilities. The property is listed on the State and/or National Register of Historic Places and lies in or adjacent to an archaeologically sensitive area identified by the New York State Historic Preservation Office. The site is also within a mapped habitat area for Atlantic sturgeon, and short nose sturgeon a state- or federally listed threatened or endangered species. The storm water from roof drains will be separated from sanitary sewer at building line for connection to future city storm water system. As noted in the Completeness Review Form, the owners were not fully aware at the time of purchase of the additional costs associated with compliance with local historic district requirements. In addition, project cost estimates have increased significantly due to unexpected escalation in material and labor costs over the past several years; conditions that were not reasonably foreseeable prior to acquisition of the property. The proposed site is located within a local historic district. According to the authorized agent, the requested variance is necessary because the pro forma analysis determined that a minimum of eight dwelling units is required for the project to be financially feasible. Alternative development scenarios with fewer units were evaluated, and construction cost estimates, loan assumptions, and projected rents were analyzed. These studies demonstrated that development under the permitted use and allowable unit count would not be financially viable, whereas the proposed eight-unit configuration would be. The property's location on a prominent historic block imposes additional costs, including façade design requirements, historically compatible windows and doors, increased ceiling heights, and the use of appropriate

materials. While these requirements are not unique to this project, they substantially increase development costs. Further, as a rowhouse property, additional care and expense are required to protect adjacent foundations during excavation and construction. The site also presents physical constraints. The property grade is uneven, sloping across the front of the lot and from rear to front, necessitating additional costs for grading, drainage, stepped foundation walls, and basement entrance design. Despite these constraints, the proposed building would be consistent with the historic character of the block and would not adversely impact on the surrounding area, which already includes multiple multi-unit residential buildings. For the reasons stated above, the applicant asserts that the property is subject to unique hardships that justify the requested variance.

Staff Opinion:

Modify to Local Approval to Include

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 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

N/A

Ta-Sean Murdock made a motion to accept Staff Opinion for the following Case: **01-2602040810**. The motion was seconded by Aimee Mckane and was also approved by Brian Crawford and Michael Allain.

Unfinished Business –

None

New Business –

- a. The next meeting of the ACPB will be on **Thursday, March 19th, 2026** and the deadline for municipalities to submit referral items for review will be on **March 9th, 2026**.
- b. The Department of Economic Development, Conservation and Planning (EDCAP) will host its 2nd Annual Planning and Zoning Workshop on April 30, 2026, from 10:00 a.m. to 5:30 p.m. The workshop will feature sessions presented by the Capital Region Transportation Council (CRTC),

the Capital District Regional Planning Commission (CDRPC), and the New York State Department of State. In addition, the program will include a networking reception for planners, students, and others interested in regional planning. Workshop sessions will provide eligible training hours for planning and zoning board members. Registration will open soon and is free.

Ann Marie updated the Board on the Governor's budget, which includes reforms to the SEQR, planning, zoning, and environmental review processes. These reforms apply to critical infrastructure, including housing and childcare. Ann Marie noted that these changes will shift the landscape of how such projects are reviewed. She will provide the Board with further recommendations from the Department of State (DOS) as these policies evolve.

Ann Marie also discussed the state's plan to allocate \$200 million for downtown revitalization through "catalytic" projects. Ann Marie explained that the Department will be issuing an RFP to hire a professional firm to develop a new County Comprehensive Plan. This plan will take an interdisciplinary approach, reviewing all existing municipal plans to determine the region's trajectory for the next 20 years.

Once the comprehensive planning process is underway, the department will host a series of workshops to which the Board will be invited to participate. Ann Marie will be sharing a link with the Board shortly that details the specific ways the state plans to allocate these redevelopment funds and how they might apply to local infrastructure and housing initiatives.

Adjourn – A motion to adjourn was made at 5:46 PM by Ta-Sean Murdock. The motion was seconded by Aimee McKane also approved by Brian Crawford and Michael Allain