



DANIEL P. MCCOY
COUNTY EXECUTIVE

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DEPUTY COUNTY EXECUTIVE

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

VICE CHAIRPERSON

ACPB 07-16-26 Meeting Minutes

NOTE: The July 16th, 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, Aimee McKane, Jeff LaFontaine and Michael Allain

Board Members Absent: Ta-Sean Murdock

Albany County: Ann Marie Salmon (Director, Economic Development Conservation and Planning Department); Gopika Muddappa (Deputy Director, Economic Development Conservation and Planning Department); James Mearkle Albany County DPW (Via Teams); Christine Breton, Albany County Comptroller's Office (via Teams); Wesley Hartman (Operations Analyst); Jason Thomas (Department of Law); Ian Evans (Senior Natural Resources Planner); Bhagyashree (Senior Planner); Marshall Albert (Intern, Economic Development Conservation and Planning Department)

Minutes: Bhagyashree (Senior Planner)

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

Vote for Meeting Minutes: Aimee McKane made a motion to approve the December 2025 and January 2026 Meeting Minutes. The Motion was seconded by Michael Allain and was also approved by Jeff Lafontaine and Brian Crawford.

Aimee McKane made a motion to move all Referrals with a Staff Opinion of "Defer to Local Consideration" at the beginning of the agenda, with the exception of **Case# 10-2607040896**, which will be reviewed together with the modified Case# 10-2607040897. The motion was seconded by Michael Allain and was also approved by Jeff LaFontaine Brain Crawford.

Case #:	<u>05-2607040887</u>
Project Name:	Lot Line Adjustment
Applicant:	Robert M Nolan
Project Location:	40 Mountain Rd Ext
Municipality:	Town of Coeymans
Parcel Size:	5.20 acres
Zoning:	R/A - Residential/Agricultural
Tax Map Number:	168.9-2-3 168.9-2-1
Referring Agency:	Town of Coeymans Zoning Board of Appeals
Considerations:	Proposal to adjust the lot line by transferring a portion of Lot 2 to Lot 1, increasing the area of Lot 1 from 2.10 acres to 2.68 acres and reducing Lot 2 from 3.46 acres to 2.79 acres.
Action Type:	Lot Line Adjustment
Juris. Determinant:	State or County Road
Potential Impacts:	US Route 9W
Staff Notes:	Lot line adjustment proposal between 40 Mountain road ext. and 54 Mountain road ext. The current Lot 1 containing 2.1 acres will include a portion of Lot 2 increasing the area to 2.68 acres. While the existing lot 2 (3.46 acres) after the lot line adjustment will contain 2.79 acres. As per the SEAF form, no physical disturbance is expected. Proposed action is a permitted use and is consistent with the existing surroundings. The proposed action will connect to existing water supply and wastewater utilities.
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:	

Case #: 07-2607040890
Project Name: **Garage with Driveway**

Applicant: Matthew Christensen
Project Location: 2 Hills Road, Loudonville
Municipality: Town of Colonie
Parcel Size: 0.57 acres
Zoning: Single Family Residential
Tax Map Number: 43.1-11-1.2
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variance for the proposed construction of a 600 sq.ft accessory structure in the front yard with a proposed driveway with access to Old Niskayuna Road.

Action Type: **Area Variance**

Juris. Determinant: State or County Road
Potential Impacts: Old Niskayuna Rd (CR 152)

Staff Notes: Area Variance application proposing the construction of a 600 sq.ft accessory structure (two-car garage) in the front yard, along with a new driveway. The property currently consists of a single-family residence and an attached one-car garage. The Zoning Verification and Building/Zoning Permit Application was denied by the Town of Colonie Building Department because the proposed 600 sq.ft accessory structure is in the front yard, which is not permitted in the Single-Family Residential District under the Town's Land Use Law. The applicant appeals stating that the property is unique because access is provided from a private road that faces the side elevation of the residence rather than the front façade and existing attached garage. The applicant asserts that the proposed garage, together with the existing circular driveway, will create a more symmetrical appearance. The structure cannot be relocated closer to the rear of the property due to setback constraints. The applicant also states that special care will be taken to preserve existing trees and vegetation during construction. As per the SEAF Form, less than 1 acre of land disturbance is expected. The property is listed on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

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

Advisory Note:

1. Review by the New York State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources should be required prior to final approval of the site plan.
2. Review by the Albany County Department of Public Works for design of highway access, assessment of road capacity, and drainage should be required if the variance is approved by the Town.

Case #: 10-2607040894
Project Name: **Conversion of Auto Repair**

Applicant: Birmal Jitkaur
Project Location: 2594 Western Ave
Municipality: Town of Guilderland
Parcel Size: 0.52 acres
Zoning: General Business (GB)
Tax Map Number: 39.11-3-1
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Proposal to convert the auto repair portion of an existing building to additional convenience store space.

Action Type: **Special Use Permit**

Juris. State or County Road
Determinant:
Potential Impacts: 20 Western Ave

Staff Notes: A Special Use Permit application has been submitted to convert the existing auto repair portion of an existing building into additional convenience store space. The proposed project consists of an interior renovation and expansion within the existing minimart by repurposing a former service bay. No land disturbance is proposed. The use is permitted and is compatible with the surrounding area. The project will utilize the existing water and wastewater utilities. Deliveries will consist of fuel and grocery shipments.

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:

Michael Allain made a motion to accept Staff Opinion for the following Cases: 05-2607040887, 07-2607040890 and 10-2607040894. The motion was seconded by Aimee McKane and was also approved by Jeff LaFontaine and Brian Crawford.

<u>Case #:</u>	<u>01-2607040895</u>
Project Name:	Adaptive Reuse of St John's Church
Applicant:	Chiou Development Group LLC, Daniel Hershberg
Project Location:	142 Green Street
Municipality:	City of Albany
Parcel Size:	0.70 acres
Zoning:	Mixed-Use, Neighborhood Edge (MU-NE)
Tax Map Number:	76.58-3-1
Referring Agency:	City of Albany Planning Board
Considerations:	Adaptive reuse of the existing Saint John's Church into a 17-unit multifamily residential development consisting of studio and one-bedroom apartments.
Action Type:	Site Plan Review
Juris. Determinant:	State or County Road State or County Property
Potential Impacts:	I-787
Staff Notes:	A Site Plan Review application has been submitted to rehabilitate a vacant church for residential use. The proposed project includes the conversion of the existing building into 17 dwelling units, consisting of eight (8) studio and one-bedroom apartments on the ground floor and nine (9) studio and one-bedroom apartments on the second floor. Less than one acre of land disturbance is proposed. The proposed residential use is permitted and is compatible with the surrounding neighborhood. The project will utilize existing public water and sanitary sewer infrastructure. According to the Sanitary Sewer Engineer's report, the existing public sewer system has adequate capacity to serve the project without adverse impacts. The property is listed on the National and/or State Register of Historic Places and is identified by the New York State Historic Preservation Office (SHPO) as archaeologically sensitive. The site

also falls within the mapped habitat range of federally and state-listed endangered species, including the Atlantic sturgeon, Shortnose Sturgeon, and Peregrine Falcon. The site is in 100-year flood plain. Storm water created from the roof drainage will be collected and held in subsurface pipe gallery or structure prior to discharge at a reduced rate to combined sewer of the City of Albany. An adjoining property (at 300 Green Street) was previously the subject of environmental remediation for a 2-gallon transformer oil spill. The remediation case has since been closed. As per the Completeness Review Form, no parking spaces are offered. The area of the site, including public streets and sidewalks, lie within the floodplain but the building floor is 24.33 feet above Mean Sea Level (MSL) which is 4.6 feet above the 100-year floodplain elevation.

Staff Opinion:

Modify 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 city should ensure the project complies with all applicable building, fire, accessibility, and residential code requirements associated with the conversion of a historic institutional building into multifamily housing.
3. Applicable flood damage prevention regulations, including ensuring that utilities, building systems, and any improvements comply with local floodplain management requirements should be considered during evaluation.

Advisory Note:

1. As per the Full Environmental Assessment Form, the project site contains federally enlisted endangered species such as Atlantic sturgeon, Shortnose Sturgeon, and Peregrine Falcon. 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 to be present in the project site.
2. The city should evaluate the adequacy of pedestrian access, bicycle accommodations, refuse collection, emergency vehicle access, and loading areas.
3. Although no off-street parking is proposed, the city should determine whether the anticipated parking demand can be accommodated through existing on-street parking without creating adverse impacts on adjacent residential properties, public safety, or traffic circulation.

Aimee McKane inquired about the ownership of the parking lot located to the right of the proposed development. Ann Marie Salmon stated that the parking lot is owned by the City of Albany. The Board briefly discussed the availability of on-street parking and the anticipated parking needs associated with the proposed residential units.

Jeff LaFontaine made a motion to accept the Staff Opinion for the following **Case# 01-2607040895**. The motion was seconded by Michael Allain and was also approved by Aimee McKane and Brian Crawford.

Case #: **07-2607040889**
Project Name: **Lia Toyota Parking Expansion**

Applicant: Bilijon Realty LTD
Project Location: 2120 Central Ave
Municipality: Town of Colonie
Parcel Size: 17.85 Acres
Zoning: COR - Commercial Office Residential
Tax Map Number: 16.4-5-39
Referring Agency: Town of Colonie Planning Board

Considerations: The development of an asphalt parking expansion behind the existing Lia Toyota car dealership, for the purpose of additional vehicle inventory storage. The existing stormwater basin behind the Lia Toyota dealership will be replaced with a subsurface stormwater system to mitigate stormwater and add additional surface parking above.

Action Type: **Site Plan Review**

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

Staff Notes: Site Plan Review proposal proposing an expansion of 122 parking spaces behind the existing Lia Toyota car dealership. The project site consists of one parcel (17.85 acres). The site is currently operating as a car dealership and service center. As per the narrative statement, there are existing NYSDEC wetlands in the rear of the parcel. The applicant is currently coordinating with the NYSDEC to obtain a Jurisdictional Determination for the wetlands. In addition to stormwater basin modifications, the existing parking area behind the Toyota dealership will be re-stripped and re-oriented to provide improved traffic flow and

additional vehicle storage. The parking expansion will propose a wooden fence along the southwest side of the parking lot, acting as a physical barrier to prevent the storage of cars off pavement, encroaching on the 50' no parking buffer. The proposed project requests incentive zoning for a greenspace reduction. Existing green space is approximately 34.11%. The project will replace the stormwater basin with a subsurface system and asphalt parking, resulting in approximately 31.33% greenspace. Accordingly, the project requests the first 5% greenspace reduction. As per the Stormwater Feasibility Analysis, due to site area constraints, high groundwater, and lack of contributing area, many of the recommended stormwater pond (SMP's) are not sufficient to meet the needs of the proposed design. As such, the project will propose a subsurface detention system as an alternative practice. As per the Short Environmental Assessment Form (SEAF), Less than 1 acre of land disturbance is expected. Proposed action is a permitted use and is consistent with surrounding character. The project site contains wetland, but it will not encroach them. Proposed action includes the construction of 1.3 acre-feet of storm water storage.

Staff Opinion:

Modify Local Approval to Include

1. The Applicant should be required to provide all necessary documentation regarding NYSDEC Wetland Jurisdictional Determinant prior to final approval of the expansion by the Town.

Advisory Note:

Brian Crawford asked whether a Stormwater Pollution Prevention Plan (SWPPP) currently exists. He noted that, as part of the site plan review, a SWPPP would typically be expected because the proposed project includes an expansion of the parking area over the existing stormwater system. Gopika Muddappa clarified that the application packet includes a Stormwater Feasibility Report. She explained that the total area of land disturbance is less than one acre; therefore, preparation of a SWPPP is not required under the applicable threshold. She further noted that the existing Advisory Note #1 already requires compliance with applicable NYSDEC permits, which would include details on associated stormwater management practices.

Aimee McKane made a motion to accept the Staff Opinion for the following **Case# 07-2607040889**. The motion was seconded by Michael Allain and was also approved by Jeff LaFontaine and Brian Crawford.

Case #:

07-2607040891

Project Name:

Single Family Dwelling

Applicant:	Mark Beliveau
Project Location:	11 Corning Street
Municipality:	Town of Colonie
Parcel Size:	0.10 acres
Zoning:	Neighborhood Commercial Office Residential - NCOR
Tax Map Number:	54.13-2-48
Referring Agency:	Town of Colonie Zoning Board of Appeals
Considerations:	Proposed construction of a 1,993 sq.ft two storey single-family dwelling on a 4,396 sq.ft lot.
Action Type:	Area Variance Special Use Permit
Juris. Determinant:	State or County Road
Potential Impacts:	I-90
Staff Notes:	Proposed construction of a 1,993 sq.ft. two-storey single-family dwelling on a 4,396 sq.ft. lot. The dwelling consists of 2-bedrooms and an attached 2-car garage. The Zoning Verification/Building Permit was disapproved by the town as the proposed 1993 sq.ft structure on the 4396 sq.ft lot is not a permitted use and requires a special use permit as it is not compliant with the 6000 sq. ft minimum lot size required in a Neighborhood Commercial Office Residential (NCOR) zoning district. Applicant appeals stating the property is too small to do other allowed uses other than single family home which is the least intensive use on the plot. As per the SEAF form, less than 1 acre of land disturbance is expected. Proposed action is consistent with the surrounding landscape. Proposed action will connect to existing water supply and wastewater utilities. The project site is designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) site inventory. The construction shall create storm water discharge either from point or non-point sources which will be directed to Town Storm system. The site/ adjoining property has been subject of remediation for hazardous waste. The project site is located within or within ½ mile of disadvantaged community.

Michael Allain made a motion to accept the Staff Opinion for the following **Case# 07-2607040891**. The motion was seconded by Aimee McKane and was also approved by Jeff LaFontaine and Brian Crawford.

Case #: 07-2607040892
Project Name: **Apartments & Storage**

Applicant: Fred Sharifipour
Project Location: 1129 Loudon Road
Municipality: Town of Colonie
Parcel Size: 0.52 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 9.2-1-30
Referring Agency: Town of Colonie Planning Board

Considerations: Proposal to build a new two-story 4-unit townhouse style multi-family residential building and a one-story 1,134± sq.ft self-storage building.

Action Type: **Site Plan Review**

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

Staff Notes: Site Plan Review Application received proposing new construction of a two-story 4-unit townhouse style multi-family residential building and a one-story 1,134± sq.ft self-storage building on a 0.52 acre vacant lot. Each of the four (4) new apartment units will have a garage, and an outdoor parking space, for a total of 2 spaces per unit. An additional three (3) standalone parking spaces will be provided for the self-storage building. Currently the property is adjoined by a commercial property to the south, and vacant land to the north and east. Access to the site will be made by widening the existing driveway to 24 feet. New water laterals will be installed from the main on Loudon Road (which will be extended from 1133 Loudon Road), and sewer will be handled via on-site septic. Trash will be collected by a private hauler from a dumpster. As per the Narrative Statement, the project will not have any impact on drainage as onsite infiltration and detention will be utilized. Visual and noise impacts will be minimal as the site was previously developed, and landscaping will be provided. Traffic is estimated at about 2 to 3 trips in both morning and afternoon peak hour periods. This amount of additional traffic is not significant for Loudon Road. The project will be built in single phase. Starting with temporary erosion control facilities, clearing and grading, building construction, utility installation, paving, and landscaping. As per SEAF form, less than 1 acre of land disturbance is expected. Proposed action is a permitted use and is consistent with the surrounding

character. Project site is in or adjacent to area designated sensitive for archaeological sites on NY State Historic Preservation Office (SHPO) archaeological site inventory. The property is adjoining a lot that contains wetlands regulated by a federal, state or a local agency, the proposed construction will not encroach into the existing wetland. Storm water will be detained on-site, with overflows to wetlands behind the property.

Staff Opinion:

Modify 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 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.
3. Review by Albany County Department of Health is required for the design of the proposed on-site septic system.

Advisory Note:

Aimee McKane expressed concerns regarding the proposed on-site septic system, citing the area's high-water table and the availability of an existing public sewer system. Gopika Muddappa noted that *Staff Opinion #3* requires the applicant to obtain all necessary permits from the Department of Health for the proposed on-site septic system. The Board briefly discussed the availability of the existing public sewer system, the limited information provided regarding the design of the proposed on-site septic system, and the rationale for proposing an on-site system instead of connecting to the public sewer.

Michael Allain made a motion to accept the Staff Opinion for the following **Case# 07-2607040892**. The motion was seconded by Aimee McKane and was also approved by Jeff LaFontaine and Brian Crawford.

Case #:

07-2607040886

Project Name:

Regional Food Bank

Applicant:

Mike Roth

Project Location:

865 Albany Shaker Rd

Municipality:

Town of Colonie

Parcel Size:

10.27 acres

Zoning:

COR - Commercial Office Residential

Tax Map Number: 18.-2-65
Referring Agency: Town of Colonie Planning Board

Considerations: The construction of a 9,946 ft² addition at the rear of the existing regional food bank building that will contain a freezer and refrigerator and be used for additional storage space. The existing sewer lateral will be rerouted around the new building addition.

Action Type: **Site Plan Review**

Juris. Determinant: State or County Road
Potential Impacts: CR 151 - Albany Shaker Road

Staff Notes: Site plan review application with the proposed construction of 9946 sft addition containing a freezer, refrigerator and additional storage space. A new stormwater management area will be created for the rooftop drainage and will be tied into the existing stormwater management area. The hours of operation are from 7 am to 4.30 pm, Monday to Friday with 120 employees. No additional parking spaces are offered. No increase in estimated water and sewer usage as there will be no increase in employees. Landscaping is not proposed as the building is screened from neighboring properties by existing tree lines. As per the SEAF, less than 1 acre of land disturbance is expected from the following proposal. Proposed action is a permitted use and is consistent with the surrounding context. It will connect to existing water and wastewater supply. The project site is listed sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO). The stormwater will flow toward stormwater management area which ultimately discharges to a storm sewer system.

Staff Opinion: Modify Local Approval to Include
1. Review by the Albany County Department of Health for food service and other necessary permits should be required.
2. Review by the New York State Office of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources should be required prior to final approval.

Advisory Note:

Jeff La Fontaine made a motion to accept the Staff Opinion for the following **Case#07-2607040886**. The motion was seconded by Michael Allain and was also approved by Aimee McKane and Brian Crawford.

Case #: 10-2607040896
Project Name: David Berschwinger Area Variance

Applicant: David Berschwinger
Project Location: 10 Lennan Drive
Municipality: Town of Guilderland
Parcel Size: 7.64 acres
Zoning: RA3- Rural Agricultural
Tax Map Number: 49.00-3-17
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Area Variance application to subdivide the property and create Lot 1, approximately 0.99 acres. The Residential Agriculture (RA-3) District requires a minimum lot size of 3 acres, with an exemption allowing one lot to be reduced to 2 acres. The proposed Lot 1 does not meet the minimum lot size requirement or exemption threshold and requires an Area Variance.

Action Type: Area Variance

Juris. Determinant: State or County Road
Potential Impacts: Depot Road

Staff Notes: Area Variance application has been submitted for a minor three-lot subdivision of a 7.64-acre parcel. Proposed Lot 1 is approximately 0.99 acre and does not meet the 3-acre minimum lot area requirement for the Residential Agriculture (RA-3) Zoning District. Proposed Lots 2 and 3 are approximately 3 acres each and comply with RA-3 dimensional standards. As part of the subdivision, approximately 0.65 acres will be conveyed to the Town for the Lenann Drive right-of-way. Public water is available along Lenann Drive; however, public sewer is not available. Future development (Single Family Homes) will utilize individual on-site wastewater systems subject to approval by the Albany County Department of Health. According to the applicant's narrative, existing lots along Lenann Drive are generally less than 3 acres, and future single-family homes on the proposed lots will be consistent with the surrounding neighborhood character. The project is expected to generate typical construction-related noise. Stormwater management will comply with NYSDEC Stormwater Regulations and Town of Guilderland requirements. The applicant indicates that the project will generate approximately three peak-hour vehicle trips and will not adversely impact local traffic, existing utilities, or neighborhood character. The proposed action is not expected to result in an

undesirable change to the area, as surrounding properties include lots ranging from approximately 0.25 to 0.5 acres.

Staff Opinion:

Defer to Local Consideration

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

Advisory Note:

1. The Town Zoning Board should consider the precedent setting nature of allowing significant area variances in the Residential Agriculture District.

Brian Crawford noted that the proposed area variance represents a significant request with potentially precedent-setting implications. Michael Allain asked whether rural land use is common in the Town. Brian confirmed that it is, while noting that the existing zoning may warrant future reviews or updates. He also mentioned that approval of the request could potentially result in spot zoning. The Board discussed whether the request indicates a broader need for rezoning or additional consideration before granting the variance, given its potential town-wide impact. Ann Marie Salmon clarified that any decision regarding rezoning or broader zoning considerations would ultimately be the Town's responsibility. Brian further noted that the County Planning Board should bring such considerations to the Town's attention when reviewing similar requests. Gopika Muddappa recommended adding an advisory note directing the Zoning Board of Appeals to consider the precedent-setting nature of the request. Jason Thomas noted that area variance applications are generally evaluated on a case-by-case basis, even when they may have precedent-setting implications. Following discussion, the Board agreed to add Advisory Note #1, highlighting the need for the Zoning Board of Appeals to consider the potential precedent-setting nature and broader implications of the proposed variance.

Jeff LaFontaine made a motion to accept the Staff Opinion with the addition of an Advisory Note#1 for the following **Case#10-2607040896**. The motion was seconded by Michael Allain and was also approved by Aimee McKane and Brian Crawford.

Case #:

10-2607040897

Project Name:

David Berschwinger Subdivision

Applicant:

David Berschwinger

Project Location:

10 Lennan Drive

Municipality:

Town of Guilderland

Parcel Size:

7.40 acres

Zoning:

RA3 - Residential Agricultural

Tax Map Number:

49.00-3-17

Referring Agency:

Town of Guilderland Zoning Board of Appeals

Considerations:	Proposed three-lot subdivision of a 7.4-acre vacant parcel, consisting of Lot 1 at approximately 0.99 acres and Lots 2 and 3 at approximately 3 acres each. As part of the subdivision, approximately 0.65 acres will be conveyed to the Town for the Lenann Drive right-of-way.
Action Type:	Subdivision Review
Juris. Determinant:	State or County Road
Potential Impacts:	Depot Road
Staff Notes:	Subdivision Review application submitted proposing a minor three lot subdivision from a 7.4-acre vacant parcel, consisting of Lot 1 at approximately 0.99 acres and Lots 2 and 3 at approximately 3 acres each. As part of the subdivision, approximately 0.65 acres will be conveyed to the Town for the Lenann Drive right-of-way. As per the SEAF form, 3.5 acres of land disturbance is expected. Proposed action is a permitted use and is consistent with the predominant character of the existing built or natural landscape. Public water is available along Lenann Drive; however, public sewer is not available. Future development (Single Family Homes) will utilize individual on-site wastewater systems. The property is listed sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. The EAF Mapper indicates that wetlands or other regulated waterbodies may be present on or near the project site. Property consists of Norther Long Eared Bat listed as endangered species by the state or Federal Government. Storm water runoff from the construction of the three homes will be managed on-site and will be fully compliant with the Town & NYSDEC requirements and regulations.
Staff Opinion:	Modify 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.

Advisory Note:

1. As per the Full Environmental Assessment Form, the project site contains federally enlisted endangered species such as Northern Long Eared Bat. 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 to be present in the project site.

Michael Allain made a motion to accept the Staff Opinion for the following **Case#10-2607040897**. The motion was seconded by Aimee McKane and was also approved by Jeff LaFontaine and Brian Crawford.

Case #:**03 -2607040898****Project Name:****Lippert Subdivision****Applicant:**

Timothy Lippert

Project Location:30 Bradt Hollow Road
44 Bradt Hollow Road**Municipality:**

Town of Berne

Parcel Size:

56.87, 63.25 acres

Zoning:

RAF- Residential/Agricultural/Forestry

Tax Map Number:113.-1-4.33
113.-1-3**Referring Agency:**

Town of Berne Planning Board

Considerations:

Proposal to subdivide two lots of 56.87 acres (parcel number 113.-4-4.33) and 63.25 acres (parcel number – 113.1-3) to create two more plots.

Action Type:**Subdivision Review****Juris. Determinant:**

Farm in Designated Agricultural District

Potential Impacts:30 Bradt Hollow Road
44 Bradt Hollow Road**Staff Notes:**

Subdivision review application submitted seeking to divide existing plot of 56.87 acres to create two lots of 30.10 (Lot1) and 26.80 (Lot2) acres. Another 63.25 acres parcel will be subdivided to create Lot 3 of 24.4 acres and Lot 4 consisting of 38.65 acres. As per the SEAF Form, no land

disturbance is expected. Proposed action is permitted use. The water supply would be proposed through drilled well and wastewater utilities would involve onsite septic tanks.

Staff Opinion:

Modify Local Approval to Include

1. An AG data sheet should be provided since the property is located in an Agricultural District as per Section 305-a of the New York State Agricultural and Markets Law.

Advisory Note:

Michael Allain made a motion to accept the Staff for the following **Case#03 -2607040898.** The motion was seconded by Aimee McKane and was also approved by Jeff LaFontaine and Brian Crawford.

Case #: **17-2607040888**

Project Name: **Rezoning Parcels**

Applicant: City of Watervliet

Project Location: 200 Nineteenth Street, 208 Nineteenth Street, 210 Nineteenth Street
1803 Second Ave, 1805 Second Ave, 1839 Second Ave

Municipality: City of Watervliet

Parcel Size: 0.86 acres

Zoning: Business

Tax Map Number: 32.59-6-13; 32.59-6-12; 32.59-6-11;
32.59-6-16; 32.59-6-15; 32.59-6-14;

Referring Agency: City of Watervliet Legislative Board

Considerations: Proposal to rezone the parcels located at the southwest quadrant of Second Avenue and Nineteenth Street from the Business District to the Mixed-Use 1 (MU-1) District.

Action Type: **Rezoning**

Juris. Determinant: State or County Road

Potential Impacts: 2 Nintheenth Street,
Second Avenue

Staff Notes:

Rezoning previously disturbed sites at the intersection of Second Avenue and Nineteenth Street. The property was the site of the former Off-Track Betting (demolished in 2025) and is currently the site of two auto repair shops, a lawyer's office and a single-family home. Currently the properties are zoned business which prohibits residential or mixed use. However, these parcels that measure 0.46 acres 200 feet along Broadway and 100 feet along the 4th Street; 0.8 acres and 1.3 acres respectively. As the few remaining developable sites, marketability of the properties is improved with potential for greater density. The location is impacted by proximity to I-787, Congress Street Bridge. Watervliet Comprehensive Plan of 2011 identifies a need for housing. The change to Mixed Use (MU-1) zoning would enable construction of housing opportunities that would match the character of adjacent properties on Nineteenth Street and second avenue. As per the SEAF, no physical disturbance is expected. Proposed action is consistent with the existing context of the surrounding. Property is adjacent to St. Ann Maronite Catholic Church listed on the National or State register of Historic Places. Property is also designated sensitive for archaeological sites on NY State Historic Preservation Office (SHPO) archaeological site inventory.

Staff Opinion:

Modify 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:

Aimee McKane made a motion to accept the Staff for the following **Case #17-2607040888**. The motion was seconded by Jeff LaFontaine and was also approved by Michael Allain and Brian Crawford.

Case #:**17-2607040893****Project Name:****Small Engine Repair Business****Applicant:**

James Fuller

Project Location:

2114 Broadway

Municipality:

City of Watervliet

Parcel Size:

0.15 acres

Zoning: R3-Residential
Tax Map Number: 32.59-5-21
Referring Agency: City of Watervliet Zoning Board of Appeals

Considerations: Proposal to rent the existing building (garage) for the operation of a small engine repair shop.

Action Type: Use Variance

Juris. Determinant: State or County Road
Potential Impacts: I-787

Staff Notes: Use variance application submitted to operate a small engine repair shop in an existing garage. No exterior modifications are proposed. The commercial use is non-conforming in a R3 residential district. As per the use variance applicant, applicant states that the current garage structure is unsuitable for residential use without substantial reconstruction. Continued commercial use is necessary for a reasonable return. The property operated as a repair facility for decades, and the proposed engine repair shop is less intensive than prior truck repair operations. Applicant alleges that the hardship is not self-created as the building design and historical commercial use predates the current ownership. Proposed hours of operation are Monday to Friday 8 am to 8 pm, Saturday 8 am to 4 pm and is closed on a Sunday. Currently 6-10 off-street parking spaces are available. As per the SEAF form, no physical disturbance is expected. Proposed action will connect to existing water supply. Interactive mapping shows that the Property falls under 1% annual chance flood hazard area.

Staff Opinion: Modify Local Approval to Include
1. Consideration should be given to the proposal's compatibility with the surrounding residential neighborhood and its potential effects on community character. In addition, the Town should thoroughly assess the potential for fuel, oil, and other automotive fluids to spillage or leakage, from both past use and the proposed use which could result in soil and groundwater contamination and ensure that appropriate safeguards and environmental protection measures are in place.
2. The applicant should be required to submit a variance hardship test form to showcase that the hardship is not self-imposed.

Advisory Note:

Michael Allain made a motion to accept the Staff for the following **Case#17-2607040893.** The motion was seconded by Aimee McKane and was also approved by Jeff LaFontaine and Brian Crawford.

Unfinished Business –

None

New Business –

- a. The next meeting of the ACPB will be on **Thursday, July 16th, 2026,** and the deadline for municipalities to submit referral items for review will be **July 6th, 2026.**

Adjourn – Ta-Sean Murdock motion to adjourn was made at 4:37 PM by the motion was seconded by Aimee McKane, also approved by Brain Crawford.