

**Albany County Planning Board  
Minutes  
May 13, 2019**

**Present:**

Dominic Rigosu, Chair, Roland Graves, Yomika Bennett, Brian Crawford, Tim Garufi, Dave Reilly, Jim Mearkle, Rob Gunther

**Albany County Planning:**

Laura Trivison

**Minutes:**

Janis Dunham Relyea

**Guests:**

Barry Howe  
Karen Howe  
Stephen Schmitt  
Joan Leary  
Pat Foster  
Cindy Mosley  
Margaret Atkinson  
Linda Muir  
Paula Thompson  
Steve Wickham  
Barbara Wickham  
Debbie Jackson  
Arthur Ferguson  
Michelle McGregor  
Donald Zee  
Regina Summers  
Mary Coleman  
Neil Gifford  
Steve Cope  
Karen White  
Marty Bannon  
Juanita Nabors  
Beverly Bardoquez  
MaryAnn Kindlon  
Vicki Lockman  
Jerry Lockman  
Kelly Fasco  
Margaret A. Callahan  
Christine Keilb  
Frances Weatherwax  
Grace Nichols  
Kathy Hodges

Sharon Cupoli  
Edward Cupoli  
Elizabeth Floyd Mair  
Steve Wickham  
Lawrence D'Arco  
Tom Hart  
Donna Hiatz  
David Ingalls  
Kevin McDonald  
Nick Costa

**A call to order:**

Dominic Rigosu called the meeting to order at 3:33 p.m.

Yomika Bennett made a motion to move cases #10-190503221, 16-190503304, 07-190503289, 05-190503279 to the front of the agenda. The motion was seconded by Roland Graves and unanimously approved by the board.

**Case #10-190503221**

Rapp Road Development  
Town of Guilderland

Subdivision site plan review for 222 units in 2 (five story) buildings. Current proposal includes dead-ending (to automobiles) Rapp Road at the Gipp Road intersection to mitigate traffic concerns. ACPB reviewed this case in March and April of 2019.

Staff opinion is to disapprove without prejudice.

1. The proposed project is in a Transit Oriented District (TOD) zone. A TOD tries to “support and incentivize development that adequately protects nearby residential neighborhoods and utilizes resources within and near the TOD’s (including) direct vehicle access to the interstate highway system and business community.” The proposed project fails to comply with the stated of TOD in multiple ways:
  - a. The proposed obstruction of traffic at Gipp Road cuts off access to the highway system and business community and is out of the scope of typical TOD traffic calming measures.
  - b. The proposed project is not appropriately concentrated near existing mass-transit.
  - c. The proposed project does not adequately protect the character of historical and non-historical adjacent neighborhoods.
  - d. The proposal does not sufficiently address the preservation of bicycle and pedestrian traffic through a dead end.
  - e. The proposed project drastically exceeds the total number of parking spaces required by Town of Guilderland Zoning requirements.
2. The solution to dead-end Rapp Road at Gipp Road is problematic:
  - a. An approved emergency access plan, for both municipalities should be submitted with the application.
  - b. Further traffic studies are needed. It is unclear which percentage of traffic will be diverted to Gipp, and which to the Crossgates Ring Road.

- c. The Albany County Planning Board agrees that traffic deterrent initiatives are vital in preserving Rapp Road. However, it remains unclear if there are future unintended negative consequences from dead-ending the road.
- 3. New York State General Municipality Law 96-a. Protection of historical places, buildings, structures, works of art states”  
In addition to any power or authority of a municipal corporation to regulate by planning or zoning laws and regulations or by local laws and regulations, the governing board or local legislative body of any county, city, town or village is empowered to provide by regulation special conditions and restrictions for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, works of art and other objects having special character or special historical or aesthetic interest or value. Such regulations, special conditions and restrictions may include appropriate and reasonable control of the use or appearance of neighboring private property within public view or both.
- 4. The Rapp Road district was designated to the Nation’s list of properties worthy of preservation in 2002. The Director of NYS Technical Preservation Bureau within the State Historic Preservation Office, has advised that the impact of traffic and high density development as having an adverse impact on the historical preservation of the Rapp Road historical community.
- 5. The origin of the Historical Rapp Road community is an African American community that migrated from Shubuta, MI during the Great Migration. The community is singular in Albany County in its living presentation of the agrarian lifestyle that remained intact through the entire community’s chain migration to the north and the subsequent five generations. Multiple decedent families from the original property owners still live on Rapp Road. The Great Migration was the largest migration of the United States citizens in American History that culminated in the mass urbanization of most of the migrants. The historical Rapp Road community provides an alternate and unique oral and living history that is increasingly hard to maintain as development and density continues to encroach.
- 6. Two 5 story buildings, with 4,300 s.f. of ground floor commercial space are antithetical to the community character that currently exist along Rapp Road. The degree of difference in height and density between the proposed development and existing residential development with frontage on Rapp Road is significant.
- 7. Sections C.2b, E.2.n, E.2.o, E.2.p, E.3.c, E.3.h and D.1.b.b. on the Full Environmental Assessment Form is incorrectly filled out and provides inaccurate information.
- 8. The application should include the results of a coordinated SEQR review, including DEIS.

Tom Shepardson, attorney for Rapp Road developers addressed the board. He stated we have provided the board with expert reports, we have provided more reports at the board’s request there are no countywide impacts as a result of this project we feel the records before the board warrants the board ought to approve rather than disapprove the project or at minimum defer to local consideration.

Donna Hinch from Wyland Lane in the City of Albany adjacent to the project. I have submitted a letter to the board. The project is out of character with the existing residential neighborhood it does not adequately protect the current residents because the intense development is right on top of instead of away from the existing residential neighborhood and that is required by the TOD district, additionally the TOD district requirements speak to direct interstate access but ironically this project will eliminate interstate access for the existing residents which is in total contradiction of the TOD district objective. Questions to ask yourself as you consider this application? Why is there only one TOD district in town?

Why does it appear that the district includes residential property? Why does the project have so much parking when it is a Transit Oriented Development why is there a need for parking if you have public transit? Why does the project direct traffic to Western Avenue instead of taking it away and alleviating it and putting it on the ring road? Why develop a new parcel when you have on your lot underutilized parcels that are directly on the Ring Road which is adjacent to a major destination that is another goal of a TOD district. The solution is simple, move the development closer to the mall which is also closer to the amenities that are needed to be part of a TOD district. Re-route Gipp Road and Rapp Road and put it behind the development and that will develop an underutilized portion of the property. It would preserve the existing residential neighborhoods, then traffic would be diverted to the Ring Road, removing traffic from Western Avenue and Rapp Road. And it would adequately protect neighbors from impacts such as light, noise and traffic. In my opinion there needs to be compromise before the project continues.

Steven Cope of Westmere Terrace addressed the board.

A fifty year old residential community adjacent to Rapp Road most have been Guilderland tax payers for 30-40 years none the less not one family on our street got a notice from Pyramid about a plan to build a huge housing project right in the middle of our neighborhood we discovered it from reading the Altamont Enterprise that the planning had been going on for quite some time. When we did finally see the site plan we discovered it directly contravenes the clear language of the Guilderland TOD "to adequately protect nearby residential neighborhoods and to focus intense development away from existing residential neighborhoods" Protect focus away even a casual observer can see the proposed density and scale of this project is completely out of character inconsistent with the scale of adjacent neighborhoods the proposed plan does not comply with town code section 253a in direct contravention with the TOD goals it proposes to gobble up the prime feature of our neighborhood which is a tree lined cul-de-sac that we have been cultivating for decades. Pyramid proposes to build a 5 story building within mere feet of our homes now residents would have 5 stories of tenants staring into our back yards and swimming pools, lights, noise, garbage dumpsters, traffic. I ask seriously would you want this just a few feet from your house? I think not. Once we began to grasp the details of the project we formed a neighborhood association and have discovered 8 more neighborhood associations who are having the same experience we are. Wilan Lane, Westmere Terrace, Paden Circle, Woodridge Court, Historic Rapp Road, Save the Pine Bush, Pine Bush Neighborhood Association and Guilderland Citizens for Responsible Growth. As of Saturday night these groups are joining forces to represent one large group which will represent us. We have decided to be in dialogue with one possibly two national advocacy groups to come in on our behalf. As far as we know the applicant for this project has not made a convincing argument that this development adds a social, cultural or environmental advantages to our town. There has been no comprehensive social impact statement done and the project gobbles up more of the Pine Bush I am asking why in this day and age neighborhoods have been brought so late into the process? It sets us up to combat with Pyramid had we been brought in earlier we could have worked this out. We do not want to be into a fight, Pyramid has put a lot of time and money into this and we have really reasonable concerns. This is poorly thought out planning and we respectfully urge the planning board to intervene on our behalf.

Tom Hart from Westmere Terrace I am not prepared to say anything today, so I will defer to my neighbors.

Margaret Atkinson of Wilan Lane addressed the board a lot of concern is for people on a street off of Gipp like Wilan, Paden if they close that we are cut off completely we are stranded and getting access to

the Northway, Thruway, Western Avenue. Our other concern is that we are a street in Albany and we are surrounded by Guilderland and there is big concern about emergency services, how will they reach us, ambulance, along with everyday things like mail, trash/recycling and snowplowing in the winter. Because we are the last street in Albany often times our services are delayed. The re-routing of the roads could be highly problematic and really needs to be reconsidered.

Linda Muir of Wilan Lane addressed the board. Margaret and I have the same concerns.

Kathy Hodges of Guilderland addressed the board, I am a 30 year resident and a member of Save the Pine Bush generally they are very negative about further development in the Pine Bush. As resident of Guilderland I don't see the need for additional development in that area I think it is one of our great treasures with many unique qualities of Guilderland and surrounding areas is our natural area, it is a treasure and I think we need to continue to do everything that we can to preserve that natural resource because once it's gone we can't get it back.

Debbie Jackson of Wilan Lane addressed the board. Donna and Maggie brought up most of my issues, I have a question about the document you are reading from is that a document that we have access to? Is that the minutes of a prior meeting?

Dominic replied, the document is from today's meeting you will have access to the information after the Town of Guilderland gets our decision letter, you can request a copy from the Town of Guilderland.

Laura Trivison added, if the board votes on what was said it will go into the official record and be available for the public next month.

Debbie Jackson asked to verify are you disapproving the project.

To which Dominic replied, yes.

Debbie asked if there was any mention of emergency services?

Laura replied, yes.

Grace Nichols of Save the Pine Bush addressed the board. Generally speaking Guilderland Town Board is the Lead Agency and we recommend that they issue a positive declaration for an environmental impact statement. It is new for us to address the County but if you have the power to issue a positive declaration for an environmental impact statement this is beyond the threshold of what an environmental impact statement we are talking 5 stories, more than two hundred cars, Stormwater quality, the oil, the gasoline that spills, we are talking about an area that has not been assessed for what is there, we need to evaluate the value of the biodiversity and compare it with other lands. So it appears the land trade section proposed somewhere we saw that in a letter from the commission is premature we don't have enough information and without an environmental impact statement we can't even think of that yet. I am even nervous about moving it somewhere else and without an environmental impact statement we can't know which areas are most vulnerable and most biodiverse. At this point I would hope that you could recommend a positive declaration under the State Environmental Quality Review Act, so that we have all of the information before we proceed with anything.

Steve Wickham of Executive Drive addressed the board I am also running for Albany County Legislature in District 30 which includes Crossgates Mall, Gipp Road, Paden, Wilan Lane, Pine Lane and the Rapp Road Historic District. I've had the opportunity to meet with and hear from the residents in these neighborhoods and surrounding communities. I agree with them the proposed development will have more negative impacts for all of them that can be outweighed by some minor changes to the current

plan. By my count there are at least 450 existing houses that are directly impacted by this development, it should be noted the existing plan will add 222 units adding half as many as already exist. Frankly should this development, should it go in at all should be closer to the mall between Rapp Road and the existing Mall Road which in this partially protected area that is currently proposed to build on I think should be designated as forever wild. Both protect the existing neighborhoods and the many endangered species that are thought to be existing on this property. Building closer to the mall is a much more in alignment with the spirit of the TOD district. I would like to add besides being further away from the residential area being closer to the mall it is on much lower ground so a five story building would not be perceived as tall as they are. If the lower level on these are for commercial, I would think being closer to the mall would be more appealing to the commercial tenants. If the lower level has commercial occupants it is not clear to me if the traffic study includes that. Also, the current proposed location is about ½ mile from the CDTA bus stop with no direct access to get there I would expect that most people would use a car to get to the bus stop or drive to work directly if they move the development closer to the mall its only 500 feet from Macy's entrance, and I would think more foot traffic in the mall would be desired by Pyramid, since that is what they are trying to do, increase their bottom line. Lastly, I would like to emphasize it is my understanding there are about 26 developments being proposed within Guilderland and to my knowledge there is no comprehensive study regarding the effects of these developments.

Lawrence D'Arco, President of Board of Directors of Village in the Green Condominiums addressed the board. Our condominium complex is off Pine Lane which is parallel to Gipp on the north side. There are about 130 condominiums and 5 story complex is out of character for the neighborhood we border the Pine Bush a lot of our neighbors are coyotes, bob cats, deer and they are all over the place. We feel it would be much better if the development is closer to the mall. I am not surprised about proposed barrier on Rapp Road but I am concerned about emergency vehicles getting thru. We live in that part of Albany that sticks out of the city, on the north is Colonie and the south is Guilderland. How are emergency vehicles going to navigate that, they will definitely lose time and will be a great inconvenience for our neighborhood to get Western Avenue or onto the Northway using the Crossgates access road. I would also like to commend the board for being against this project.

Kelly Fasco from Village in the Green addressed the board. I am glad Lawrence said everything that he did and I am opposed to this project and I am glad that you are not in agreement with the proposal. Like Lawrence said we have turkeys on our road. There is also a development going up on Pine Lane and to have an additional complex going up in this area is going to already add a disturbance to all of the Pine Bush and everything around it. There will be increased traffic to close off any part of Rapp Road is something that is going to increase the traffic I don't know what that will do to the residents of Pine Lane and Gipp Road I don't think its fair to those of us who have lived here for so long to do anything to change what is already there that is working will effect all of us and our access to both Western and Washington, those are my thoughts along with what everyone else said especially having access for emergency vehicles.

Juanita Nabors of Rapp Road addressed the board. I came to this meeting with the intention of not speaking but I think I need to educate everyone. I have lived on Rapp Road since 1945 when we moved to Rapp Road the only residents on Rapp Road were people from the migration. Rapp from Gipp Road was only 3 houses, Pine Lane only had 3 houses, Wilan was not there, Westmere Terrace was not there we have been there a total of 90 years our historical district at one time went all the way down to the thruway but when they put Washington Avenue Extension thru we got cut off from part of our district.

Walmart and Home Depot are sitting on Rapp Road Historical District. Residents of the Historical District actually had property on that lane. The short cut that people take thru there is Springsteen Road, which continues pass McDonalds and goes all the way down Walmart. It's not that we are not concerned about our neighbors, we are. Back in March I asked the question how many of you when you are backing out of your driveway have to wait for 5 to 10 cars to go by? That includes Wilan, Pine and Westmere Terrace. That's the issue on Rapp Road. Three weeks ago a blueprint of the traffic flow was submitted to Mayor Sheehan's office we went down to look at it. Then she and the City Traffic Engineer came out around 4 pm and she watched traffic and she said it is too much traffic. She also pointed out the road was not equipped to handle the traffic. We have been working with Pyramid in regard to the traffic and I feel we have come to some type of an agreement, we are just waiting on the city to sign off on it. I feel your concern, but right now in front of my house is a dip and when it rains it's like a lake that runs thru the area of Rapp Road, I was waiting for Bev to pick me up a car came thru there the speed limit is 20 mph and that car came thru doing almost 50 mph, he was in the middle and the water was splashing on both sides of his car. I feel your pain but you don't have the same pain that we have with the traffic that flows thru the historic districts.

Karen White addressed the board. She asked what happens now? I have picked up on some of the problems that you have just read thru. If you disapprove this, what happens then? Where does the process stand?

Dominic replied, If the board accepts staff opinion and disapproves it goes back to the town of Guilderland for them to review our comments and they can over-ride our comments with a super majority or accept our comments.

She asked about the super majority.

Laura replied, If there are 5 members a super majority is a majority plus one.

Dominic asked if it was a 5 or 7 member board and then asked if it was referred by zoning or planning?

Laura replied, 5 members and referred by planning.

So a super majority would over-ride your recommendation and at that point they can do whatever they want?

Laura responded, NYS is a home rule state, so cities, towns and villages have direct jurisdiction over their planning. They do their own planning and zoning and they have a zoning board of appeals. WE just oversee certain things that have a county-wide impact that have certain jurisdictional determinants. The only reason this is before us is because of a municipal line, environmental concerns and it is near a county road. Most planning items doesn't always come before us, just because it happens within the county doesn't mean the county planning would review the project.

Beverly Bardequez, President of the Rapp Road Historic District addressed the board. I have been deliberating over everything that has been said, 89 years our historic district has been on Rapp Road. We've had all kinds of encroachments, this is not the first. My main objective and my only objective is to protect and preserve my community our community you all have not seen the changes we have seen, we've lost part of our community as Juanita said even now within our community there is part that we no longer have, a house just sold two weeks ago I want the road closed and the reason I want the road closed because Rapp Road at our end is used just like Washington Avenue Extension it is a short cut and a thuro-fare that comes right straight down. Every day I see my neighbors pass by and some continue on across western avenue going on to where ever they are going. If that road is not closed we are going to have a hornets nest in our district because there will be nothing to control the traffic and you won't suffer from it but we will. There has got to be some way that we can have a meeting of the minds so

that we are all satisfied. I am not in favor of the traffic continuing to come thru our neighborhood and the closure between Gipp and Pine is an option and a solution, that is what I want, like I said my objective is to protect and preserve our community. We've had deer, turkeys, coyotes all of it little red foxes all thru the neighborhood there is so much traffic now they couldn't get across the road if they wanted to so they go down the other end occasionally I see deer grazing in my field but with all that traffic. I am not trying to make your life difficult, but I want the road closed; and with good reason my little grandson gets off the school bus every day and I hold my breath until he gets across that road, he is 9 Years old. If you had children on your road that had to contend with that traffic you'd be concerned too. I am just putting it out there so that you know I am not willing to risk the board saying no and Guilderland saying yes and then we are stuck with nothing.

Christine Kielb addressed the board, She is from Menands a lover of the Pine Bush I appreciate it as a sanctuary and a buffer against traffic and all the development and I think we need to preserve it and maintain the buffers around it as much as we can also protecting in from things like oil, antifreeze and pesticides.

Margaret Callahan of Wilan Lane. I respect the historical district however the City of Albany shouldn't expect Pyramid to fix a long standing problem, it should not be put onto their development. They could move the project over to where they store the snow plows and make that forever wild or turn it over to the Pine Bush, preserve the Pine Bush I respectfully ask that each and everyone of the members approve the disapproval.

Barry Howe of Westmere Terrace our street is nice and quiet we know there will be progress at some time but they really should move the project closer to Crossgates, they want to take our cul-de-sac away and put in a hammer head and that word is not even defined in the town code. I have spoke to the tow planner about this at length, I have spoke to Mr. Soos and we will have other meetings. We are entitled to the quiet enjoyment of our property and this will destroy that for us and future generations.

George Williams addressed the board. He asked if the board has seen the proposals that have been put up in the last 3 weeks.

Laura asked if he is referring to the closure between Gipp and Pine

He said, yes and did the board look at the road they are building to go around to the complex.

Laura replied no, because that was not submitted we can't vote on that

He said I am not talking about voting I am asking if you looked at it, I think you should get a good look at it and then you would have more understanding why we want to block off the road it's not about you won't be able to get around but agrees with his cousins and place it by the big hotel but we still want Rapp Road closed regardless of where they put it.

Laura explained that because it is close to a municipal line the board will still review and give some sort of comment on it. But it completely relies on Pyramid submitting it Guilderland and Guilderland would submit to us. I think the board is eager to look at it, I have heard rumors that it is on the table and it seems the proposal to dead end between Gipp and Pine would allow Westmere Terrace to still get to the ring road, it would allow for traffic mitigation for the historical community, not everyone here would be happy with that but a larger group of people would be happy with that the Pine Bush could go ahead with their exchange but some people may want more of a buffer. The board would be happy to review that but the only thing being voted on today is whether or not the apartments will go in at the corner of Gipp and Rapp and what is included in that site plan is a dead end at the Gipp and Rapp intersection and the people coming down Rapp Road could take a right onto Gipp. That is all that we have it is a site plan

review and is the latest site plan submitted there has been no traffic study that includes a cut off at Gipp and Pine. So unfortunately the board can not vote on that today.

A woman addressed the board, she did not state her name, If that happens 44 homes on Wilan Lane will be cut off from the City of Albany, all services fire, police, snow, garbage and our property values will drop.

If there were to be a road closure, the applicant would have to be different since it is a City of Albany Property, therefore Pyramid would have to work that out with the City of Albany.

Dominic Rigosu said those designs are all speculative, we are not here to discuss that, we are here to discuss the application that is in front of us.

Juanita Nabors addressed the board stated that a buffer would be there that would allow for emergency vehicles to get thru someone from the emergency department came out with the Mayor and they are working on a plan.

Dominic wants to make clear that conversations happening with the City of Albany and the Town of Guilderland we do not have that information, we can't act on hearsay and we don't know if it is factual or not or if something was misinterpreted. One of the County's recommendations is to provide an emergency access plan, and this will go back to the Town of Guilderland. WE know that conversations are happening behind the scenes but we don't know how factual they are we are not here to listen to discussion regarding this.

Beverly Bardequez addressed the board if the board says no today and Guilderland says yes next week who stands to suffer?

Dominic said he does not know how quickly Guilderland will react to this there is still a lot of planning to go forward with this and many questions that need to be addressed and resolved.

Laura said to be specific if Guilderland says yes to the site plan you will get a dead end at Gipp and Rapp unless Pyramid changes and obviously there is time to change that and that is what the board is voting on today because that is what is on the application and that is what will go back to Guilderland for review.

Dominic said, if the applicant changes the design does a re-work with Gipp he asked if we would see it again.

Laura said yes, if there is a completely different site plan Guilderland would have to re-submit and the same is true with the City of Albany, if they are going to construct something within 500 feet of a municipal boundary, that would include a rotary or a dead end, like Dominic said, this is a process and I believe there will be more opportunities to have your say.

Speak to issue of the 5 story apartment building, it is really difficult to really determine how invasiveness of the structure without seeing it, we on Westmere terrace have requested the applicant provide elevation drawings from the perspective of the yards that are in closest proximity to it and most significantly for the decision makers is to have an objective in full uniform perspective as to what this will truly look like for people who have to live with it. Despite having feedback that this is reasonable request, no such document has been produced. I would urge the board members to try to produce those drawings because I think it will provide very good insight as to what this really going to look like. In regards to traffic, this is already a congested area and right now there is no strategy for re-routing the

increased traffic that this project is going to produce without debilitating some other area. What I think we can all agree on, you don't mitigate a problem by upsizing the adverse contingent.

I am asking the board members in its present incarnation this development does not make sense, it will strain resources it is going to exasperate existing problems and it is going to deface long standing neighborhoods. I urge you to preserve it.

Dominic asked if anyone from Pyramid would like to address the board.

Tom Shepardson declined further comment.

Neil Gifford of the Pine Bush addressed the board. Since there are so many Pine Bush supporters in the room it would make sense to give the perspective of the Pine Bush Commission. The Pine Bush Preserve is located across three municipal boundaries City of Albany, Town of Guilderland, Town of Colonie a rare fire dependent ecosystem that supports a whole bunch of rare species. The commission of course is trying to build a preserve that would encompass the darkest green shading that is on the map (a map of the Pine Bush was on the easel) 3,300 acres are currently protected by working proactively and with the municipal planning boards as with applicants and private property owners who are interested to sell or donate property to be protected as part of the preserve. Our ultimate goal is to go from the 3,300 acres we have now to hopefully someday encompass the lime green colors shown on the map that are scattered about which is about 5,000 acres in size. Within the Pine Bush study area there is protected land and there are lands that we have identified through our own SEQR process and environmental assessment as recommended for full protection areas we would like to see added to the preserve and areas with partial protection which are areas that have some important resources but also certainly room for some economic development. The commission is non regulatory outside of our boundaries in the preserve, we only work as an advisor as well work with applicants and municipal planning agencies within the commission which includes, the City of Albany, the Town of Guilderland and the Town of Colonie. He pointed out the Crossgates area, what is also referred to as the south east section of the preserve working with the County and the Nature Conservancy some important pieces of property have been fully protected and added to the preserve, particularly along Pine and Gipp Lane working with private developers and the City of Albany we have been able to establish cooperative agreements that effectively protects important properties in the area commonly called the butterfly hill or Crossgates hill that has the butterflies on it. To be able to build that linkage between the butterfly preserve and the Pine Bush Preserve proper in cooperation with The Albany Catholic Diocese and the Daughters of Sara Jewish Foundation we have been able to establish some really good agreements, working collectively to try and find balance between economic development and conservation. In regards to this project, aside from the traffic, the proposal is within an area that is recommended for partial protection that is of relatively low ecological value, in other words it's not high quality pine pitch oak barrens. I understand that since the application was initially proposed the applicant has met with a variety of us in this room looking for ways to strike a balance. From the perspective of conservation for the Pine Bush we believe the revised proposal adequately does that, it's not perfect but again we are always working for ways to strike balance, ideally we would be able to protect it all realistically we are not able to do that. They have proposed increasing a buffer on the northern end of partial protected area 57 and fully protecting what we call area 62 on the north side of the butterfly preserve which actually includes a large sand dune that has highly restorable pitch pine scrub oak barrens on it and hosts a variety of species including the state and federally threatened Karner Blue as well as the hognose snake, green snakes and a whole bunch of birds. I have been at this job for over 22 years, I have worked with Pyramid before as well as a wide variety of applicants and developers this is the first time that I have worked with an applicant the genuinely wants to find balance, whether everyone agrees with that balance that is up to you. But from

the perspective of what the commission is trying to do we believe the applicant has adequately addressed the environmental concerns as they relate to protecting the preserve in particular the land protection but also if they are adequately able to in some way reduce the volume on Rapp Road as Beverly pointed out more beautifully and eloquently than I could, species need to cross the road and the traffic by its self prevents that from happening. Any measure that is taken that can reduce that traffic volume while still providing emergency services and access to your homes is a step in the right direction and the commission would certainly advocate for those kinds of solutions.

I understand the vote today on the application as it is proposed I would hope that at some point the application could be modified to encompass all of these various things that Pyramid has considered working with various parties in this room and in the end it is a project that is well balanced that everyone can support.

A resident who did not state her name addressed the board. Stated this is a question for Pyramid, right now they are suggesting we close Rapp Road from Gipp so we can't go to Western and also want to close Pine so we can't go to Washington Avenue Extension therefore that means everybody in that area has to go out the other end of Gipp Road you are talking about 400 houses that suddenly only have one back road to go out to Western Ave that is already a super busy road, but you may solve the Rapp Road problem but now creating a Gipp Road problem.

Laura said to be clear, I want to be clear about what is hear say and what is not, this proposal between Gipp and Pine has not been seen by the Albany County Planning Board and I have not heard from anybody that it will be a simultaneous dead end at Gipp again, I want to be clear I do not know this is conjecture, but my assumption when I heard this proposal was it will be one or the other one solution is dead end between Gipp and Pine and that would allow for the TOD goals with access to the ring road, the other is to dead end at Gipp which would divert traffic off of Rapp onto Gipp those are the two proposals and the planning board has only seen one.

A resident who did not state her name addressed the board. I was struck by your visuals and presentation that was made we have seen it in other situations, we are talking about land preservation, natural land that we can never recreate if we let it go we will never see it again, I was really struck by the visuals here that the area that some of us would like to see preserved is not just about the pine trees and the wildlife that many of you are experiencing its not just about all the other parts of the ecology. In a day and age where we know our environment is in trouble the air we breathe in this room and pollution that comes with more and more traffic this picture is about the air the you are breathing and the environment and we need to think in those terms that compromise is important I wonder if this is something that we really want to compromise because it's not just the welfare or interest of Crossgates expansion it's not just in the interest of those of us here it's about all of us and preserving whatever space we can for our grandchildren, that's what we are looking at.

Dominic Rigosu agrees with the staff recommendations, there are still a lot of questions, a lot of holes in the application especially regarding an emergency access plan. Does this project meet the requirements of a TOD district? That is something the Town of Guilderland needs to revisit to see if this actually qualifies. We heard from Neil regarding preservation. The dead end road, the traffic and presentation of historic district.

Roland Graves made a motion to accept staff opinion. The motion was seconded Brian Crawford and unanimously approved by the board.

**Case #16-190503304**

Adoption of Zoning Law

Village of Voorheesville

The adoption of a new zoning code and map for the Village of Voorheesville.

Staff opinion is to modify local approval to include:

1. Notification of the proposed adoption of new zoning law should be sent to all adjacent municipalities, including all required notices pursuant to GML 239-nn.

**Advisory Note:** The Village Zoning Board should consider the impact any new zone may have in creating legal non-conforming uses. Before a ZBA can grant a use variance, state law requires that the applicant must demonstrate “unnecessary hardship” A pre-existing nonconforming use of a plot at the time of purchase does not always meet the standard of “unnecessary hardship”, especially if there has been an interruption of the previous use over a period of time. Any perceived need for a new zone that will cause an increase in request for use variances should be thoroughly examined.

Yomika Bennett made a motion to accept staff opinion. The motion was seconded by Brian Crawford and unanimously approved by the board.

**Case#07-190503289**

Loudon Road PDD

606 & 608 Loudon Road, Town of Colonie

Proposal includes construction of 30,000 s.f. retail building, 4 story, (101 unit) senior independent living apartment and 3 story senior assisted living building (99 beds) and all associated parking (343 parking spaces – which 175 will be enclosed) and 2 access driveways.

Staff opinion is to modify local approval to include:

1. A Notice of Intent filed with the NYSDEC 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 NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-15-003) for construction activities that disturb more than one acre of land.
2. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.

**Advisory Note:** The Town of Colonie and NYSDOT may want to consider consolidating and offsetting high volume driveways to increase safety.

Nicholas Costa, Advanced Engineering addressed the board, he showed the site plan for the former Hoffman Playland site, the Hoffman’s currently own the parcel and plan to sell to the developer. The site plan includes retail space, senior living and assisted living facility. The site will be re-developed. The site is fully developed and is covered with asphalt and several buildings it is proposed to be re-developed all the proposed parking and circulation and infrastructure such as water and sewer already exist on the site the building is proposed to have underground parking and Stormwater. Currently there

are several entrances along Loudon Road, they have proposed to have only two. NYSDOT has given us the green light, they are in agreement with the traffic study and location of access roads. NYSDOT is installing a new traffic signal here, and there will be an access road that will use the light.

Dominic asked who is the neighbor?

New Loudon Village includes Bellini, apartments and town homes.

Roland asked if all of the parking would be underground?

Nick replied only the parking for apartments will be underground, there will be surface parking for the retail space.

Dominic said if you look at the site and look at the roadway all the parking is behind the building and your proposing parking front of the building.

Nick replied, The existing Hoffman's parking is in the front of the site, the rides and other buildings are scattered toward the back of the site.

Roland asked is this a 62+ community?

Donald Zee attorney for the developer replied, we originally proposed 62+ but after talking to the Town Planning Board the requested a 55+ community.

Roland asked will this have a direct impact on the school system.

Donald replied no we are only putting in 1 and 2 bedroom and studio apartments, we don't anticipate having any school age children in the development. The development is kind of unique we are talking about providing 60 meals per month included in the rent, you get breakfast and dinner it is somewhat upscale we think it's necessary in the town of Colonie, if you look at the town's comprehensive plan that was prepared after looking at the 2010 census the biggest population was between people aged 55 and 64 a 31% increase in that demographic 10 years later that 31% will now be aged 65-75 and they will be the occupants of this community. Sage Life did a marketing analysis and chose this site of any site in the capital district because of the demographics the median income and they have found throughout the capital district these communities are in isolated areas, this spot to the south has Newton Plaza, coffee shops go to the north and there is Bellini's and people like to have a cocktail every once in a while and they like to have lunch. There will also be an indoor swimming pool and a roof top deck, four story building will be fine, Hoffman's Playland had a 40 foot high Ferris wheel and the train with the whistle. We feel that we are down zoning the property, it is currently N Zone with senior apartments we did a traffic study that was submitted to both town and county, we will generate less traffic.

Roland asked about buying or renting

Donald said it's all rental

Roland asked so you can go from apartment to assisted living and Nick said yes, and one partner could be in an independent living and the other could be in assisted living which is very convenient

Had a neighborhood meeting we invited residents/business within 500 we also invited Save Colonie now moving forward they are involved in the community 17 people showed up to the meeting. The Hoffman's were concerned about the site being it is their legacy and they thought this type of development would create the least amount of traffic. They had offers from McDonald's, Cumberland Farms those types of uses and they didn't want that to be their legacy.

Michelle McGreggor of GSX ventures addressed the board she wanted to add at the meeting everyone had access to all of our experts not only legal experts, Nick was there, traffic study VHV, the Hoffman's were there, the architect was there. We had every one of our experts. We also had visual elevations we believe our project is in line with the proposed comprehensive plan where they talk about redeveloping

commercial sites, this is an infill, a site that was Hoffman's Playland for 65+ years now it is vacant and we think it is appropriate, it's vacant and the comprehensive plan talks about redeveloping these vacant parcels.

Dominic asked if they considered moving the retail building closer to the road and the parking in the rear of the building?

Roland added is that part of the comprehensive plan, new urbanism?

Nick replied we are keeping the retail traffic away from the apartments, the architect that this will be an interactive area, like a piazza.

Proposing to have some upscale restaurants one of the developers is Tom Burke who owns 15 Church in Saratoga proposing to have a chef come in and the piazza having tables chairs for residents and customers of the retail businesses.

A motion to accept staff opinion was made by Roland Graves. The motion was seconded by Yomika Bennett and unanimously approved by the board.

### **Case #19050503279**

Biers Site Plan

2029 River Road, Coeymans

Filling and grading to establish four pads for a warehouse site plan review.

Modify local approval to include:

1. Approval should be contingent on receipt of a geo-technical analysis to determine whether the subgrade can withstand 40' placed fill without failure.
2. The 6 NYCRR Parts 360 Department of Environmental Conservation Permit Is Pending. Project should not commence till the permit is acquired.

Advisory:

The developer should consider orienting the warehouse pads in such a way that brings them even further away from the floodplain.

David Ingalls of Ingalls Associates addressed the board, in response to the comments sent to us from the April meeting and at that time the board recommended to disapprove without prejudice hoping to supply information to the board and to answer questions in hopes to get an approval to move forward with the project.

Laura replied the town did not send the full application, for example we asked for a SWPPP and the supplied the SWPPP there were several things they sent to us that we did not previously have.

Dominic said the Stormwater and traffic staff both looked at this application and had some interesting comments regarding a geotechnical analysis, was a geotechnical analysis done on the soil?

David said I don't know if specifically a geotechnical analysis done on the soil there has been similar filling that has occurred in the area before, even on this site and without any issues. We are comfortable from a geotechnical standpoint, that everything we will be putting there will be a base cover, gravel concrete but it will be more of a gravel material and is pretty stable and will be compacted format. My background is in Geotechnical. When the geotechnical questions first came up we would be satisfied that would work reasonable 1 on 3 slope angle so there would be stable side slopes.

Rob Gunther asked if this current application is for RCA fill or approved clean fill because we saw a change in application?

David replied we have used RCA fill on the site, what we are trying to do is clean it up a little, the board did see this application in August of 2018 at that point we were just trying to get level pad areas coming off of the road. Mr. Biers has a mulching operation and he wanted to use that for processing of material or as a lay down area. That was approved by the Town of Coeymans it is the same application that the town did see. At that time the board came back with modify to local approval, since that time there has been a reduction then at that point in August the application was 40 acres would be disturbed, we got it down to 35 the flat pad area was about 25 acres, now we have tiered the pad down to 19.5 acres. We come off of SR 144 relatively level, dropping down about 10 or 12 feet and then create a 2<sup>nd</sup> pad area, we tried to reduce the magnitude of the disturbance or fill also added 4 warehouse buildings, this is the industrial zone so we would like to convert the land into 4, 70,000 s.f warehouses being proposed so working thru DEC since Nov of 2018, they changed the category of the fill now it is regulated as part of 360 regulations. Looking for beneficial use, industrial warehousing which is very in demand in that area. I think it's a good fit, it is the industrial zone

Laura asked why you don't want the town to table this until you get the NYCCR 360 permit? The town is waiting on that permit. Is there a way that we can look at this after NYSDEC has? In general if there is a DEC permit we would prefer to see the application after NYSDEC has done their review, it would help the board decide. We did see a reduction. There was a series of modifications when there was a larger amount of fill in question and one of the modifications was go to the NYSDEC, Ingalls did go to DEC and they disapproved the application. So the reason we are leaning toward a disapprove is because the DEC has come back not in favor of this project and that could change with the granting of NYCRR 360.

Rob Gunther stated that a geotechnical review of the site would be beneficial to the developer it is a requirement in other towns within the county we don't know how structural stable that site is you may have settling years on that will cause damage to the warehouses bringing in upwards of 200 cubic yards of fill that is going to have a substantial impact on the site, I don't know if it is a requirement or if it can be a recommendation tied in the with article 360 permit with the flood plain infringement, Coeymans Creek already has flooding issues upstream we see flooding on Miller Road, Krugger Road there have been issues mitigated with various projects the DEC has implemented and essentially you will be bottlenecking the end of the creek so you will see upstream impacts

I was thinking you have the warehouses running east west because you are avoiding federal wetlands on the property but instead of running east west you run south getting out of the floodplain and you won't have to bring in as much fill and you probably won't need the 360 permit. Carver has been doing a lot up there but step back and think what would happen to the hydraulic strength of that creek? 15'x15' footer that is proposed will those hold up?

I think if the DEC has their eyes on this hopefully they can give good input.

David Ingalls replied that he is comfortable with the geotechnical aspects of the area. Mantling the clay soils with the concrete aggregate which makes a better structural area. We've had experience with similar projects in that area. Relative to the flood plain we do have a floodplain development permit locally from the Town of Coeymans Building Dept., they are the authority for that permit. We have actually set back an additional 50' from the stream that wasn't in the original application we are not

proposing any development in the floodway, so we think that we have mitigated that. Regarding the warehouse position we are running them parallel to the road, north south.

Rob says what he is getting at is running them out into the floodplain

Jim suggested moving the western most building to the southeast corner

Trying to avoid the wetlands.

Rob said over five acres of disturbance at one time you have to do it in phases.

David said we do this project in stages.

Rob said, it is required as part of the SWPPP and bringing in fill can get messy to isolate.

Rob talked about another property 5 or 6 miles north that used the RCA fill and found at inspections the water that left the site is green in the retention pond, DEC is aware of it, not sure if it will impact your part 360 permit.

David said not sure if we have testing results but we are doing something a little different looking to infiltrate Stormwater into the fill material vs. discharge hopefully we get a lot of infiltration rather than discharge. We are hoping to not get a denial.

Dominic made mention of the Normanside failure and another slide on Delaware Avenue. I think getting a geo-tech is a good idea and a critical item. As Rob said a lot of surrounding areas have it in their code.

Typically the geo-tech before we design the foundation for the building in terms of creating pad areas and building lifts we are creating our own slope rather than building on a slope, typically when you build on a slope that is when you have slope failures. It's relatively flat in the lower areas we are building up and as you create the weight you compress the soil unless you build 50 feet on one day.

Rob said there is no language as to how the fill will be brought in.

David replied typically 12 inches or less, mechanically compacted materials varies differently by load, usually granular, but we can add it to the application.

Dominic asked about the increased velocity downstream

Rob replied you have the floodplain downstream and floodwater rises and expands into the floodplain slows the velocity down you see less property damage due to the velocity slow down so when you see a constriction of the floodplain you will see a rise in the velocity and the water will move faster rather than slowing down. On the western shore of the creek is a bedrock cliff so you might see some issues with erosion. Especially with the right and turn at the bottom, two bridges and a waterfall we really don't know what the increased velocity will be downstream but there will be some.

Right now the staff opinion is to disapprove, Rob and Jim have both looked at this closely.

Yomika said if the geotechnical analysis doesn't need to be done because the of the construction pattern, the mantling. After listening to the conversation my concern would be if we did change this to approve and waited for DEC and DEC thought we were going to address this the only that that we would have some certainty on that would it happen in the future.

David replied we wouldn't be adverse to having approval with modifications, if the board is concerned with the geotechnical and the 360 permit with DEC make those recommendations. And we would definitely do the geotechnical analyses before constructing the building.

Dominic feel the geotechnical analyses should take place before the construction begins.

The project can not begin until the 360 Dec permit has been issued.

The staff opinion will now be modify local approval to include:

1. Approval should be contingent on receipt of a geo-technical analysis to determine whether the subgrade can withstand 40' placed fill without failure.

2. The 6 NYCRR Parts 360 Department of Environmental Conservation Permit Is Pending. Project should not commence till the permit is acquired.

The developer should consider orienting the warehouse pads in such a way that brings them even further away from the floodplain.

A motion to accept staff opinion was made by Yomika Bennett. The motion was seconded by Brian Crawford and unanimously approved by the board.

### **GML 239 CASES RECOMMENDED FOR DEFER LOCAL CONSIDERATION**

Roland Graves made a motion to hear the **12** cases recommended for defer to local consideration and approve as is. The motion was seconded by Roland Graves and unanimously approved by the board.

#### **Case #01-190503283**

303 Sheridan Avenue  
City of Albany

Proposal includes a demolition plan for 303 Sheridan Avenue to create greenspace for the neighboring Interfaith Partnership for the Homeless housing. Ornamental fencing and landscaping is proposed. Property is condemned and in deteriorated condition. Debris diversion plan was submitted with the City's application but was not in the County's.

#### **Case #01-190503284**

86 Dana Avenue  
City of Albany

Area variance to allow for a 10 foot rear setback on the 86 Dana Avenue parcel only. The minimum rear setback is an R-M district and is 15 feet.

**Advisory Note:** The City Zoning Board should consider the precedent setting nature of allowing area variances for setbacks.

#### **Case #04-190503285**

198 Elsmere Avenue  
Town of Bethlehem

An area variance for an accessory apartment 434 s.f. over the allowed area.

#### **Case #07-190503286**

DeNooyer Land Merger  
941 Albany Shaker Road, Colonie

Area variance for a pre-existing set-back below set-back requirements.

**Advisory Note:** The Town Zoning Board should consider the precedent setting nature of allowing an area variance for setbacks.

#### **Case #07-190503291**

Pepsi Beverage Center  
1 Pepsi Cola Drive (401 Old Niskayuna Road), Town of Colonie

Proposal involves site improvements to existing beverage plant that include: constructing a 224 s.f. pre-fab steel office building and 80 s.f. pre-fab restroom building, and adding a security chain link fencing around the tractor trailer turnaround.

**Advisory Note:** The Town should ensure all adequate erosion and sediment controls are in place and that the property owner is complying with the Town of Colonie grading permit.

**Case #07-190503292**

Ridgeback Hospitality

661 Albany Shaker Road, Town of Colonie

Site Plan Review-Removal of existing 9,500 s.f. restaurant and construction of 4,200 s.f. building addition to existing hotel.

**Advisory Note:** The Town should ensure that the property owner is aware of the regulations for construction activities that disturb one or more acres of land. The applicant proposes that .96 acres of land will be physically disturbed during construction. The Albany County Planning Board recommends the applicant meet all necessary requirements for Stormwater management should land disturbances exceed one acre, including submission of a A Notice of Intent filed with the NYSDEC 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 NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-15-003). Persons commencing work on such a project before obtaining the required permits, and any contractors engaged in any work, are subject to enforcement action by the DEC, which may include civil and/or criminal court activity, fines and/or an order to remove structure or materials or perform other remedial action.

**Case #10-190503295**

1871 Western Avenue, Town of Guilderland

Area Variance for a side yard setback to allow for the construction of an addition.

**Advisory Notes:**

1. This application includes a significant number and type of variances from town code regulations. The ACPB advises the Town Zoning Board to consider whether the alleged difficulties were self-created and whether the benefits sought by the applicant can be achieved by some feasible method other than area variance, or if the variance requested is for the minimum amount necessary.
2. The Town Zoning Board should consider the precedent setting nature of allowing an area variance for setbacks.

**Case #10-190503296**

1871 Western Avenue Sign

Town of Guilderland

Area Variance for signage in excess of 50 s.f.

**Advisory Note:** This application includes a significant number and type of variances from Town code regulations. The ACPB advises the Town Zoning Board to consider whether the alleged difficulties were

self-created and whether the benefits sought by the applicant can be achieved by some feasible method other than area variances, or if the variance requested is for the minimum amount necessary.

**Case #10-1190503297**

Mill Hollow Two  
5060 Western Turnpike, Guilderland  
Area Variance request to permit the installation of a 9' privacy fence.

**Advisory Note:** The Town Zoning Board should consider the precedent setting nature of allowing an area variance for fence height.

**13-190503299**

705 New Salem Road  
Town of New Scotland  
Site Plan Review for a 2 story addition to the rear of an accessory building. Addition will replace a deck.

**Case #19-0503201**

Jacob Irwin/J&J Construction Shop Building  
SR 32 at mile marker 1046, Town of Westerlo  
Area Variance for a 52' front yard setback instead of required 100' ACPB reviewed the site plan in February 2019 (18-190203201).

**Advisory Note:** The Town Zoning Board should consider the precedent setting nature of allowing an area variance for a setback.

**Case #18-190503303**

Liehaber Subdivision  
708 CR 405, Town of Westerlo  
Subdivision of one 68.453 acre lot into two lots. Lot 1A (8.653 acres) and Lot 1B (59.84 acres).

**GML 239 CASES RECOMMENDED FOR MODIFICATION**

**Case #17-190503287**

Fucillo Parking Lot  
2250 Central Avenue, Colonie  
Proposal includes site plan review of existing parking lot at Fucillo Volkswagon Dealership. Installation of Stormwater management, yard setback with additional greenspace, landscaping, pavement for additional 138 parking spaces in an existing parking lot as well as closure of northernmost curb cut that currently exists.

Staff opinion is to modify local approval to include:

1. A Notice of Intent filed with the NYSDEC 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 NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-15-003) for construction activities that disturb more than one acre of land.

Roland Graves made a motion to accept staff opinion. The motion was seconded by Brian Crawford and unanimously approved by the board.

**Case #07-190503288**

J Luke Medical Office

767 Troy Schenectady Road, Town of Colonie

Site plan merges two tax parcels. Includes construction of a 40,000 s.f., 3 story, office building with underground parking.

Staff opinion is to disapprove without prejudice:

1. The egress to Whitney Road should be greater or equal to 75' from the intersection. As shown, conflicts, delays and collisions are likely.
2. The intersection between the service road and the main driveway is too close to the State Highway. As shown, conflicts, delays and collisions are likely.
3. The basement floorplan as shown on the concept site plan shows no access from the garage to the upper floors. Extending the stairs and elevator into the garage space will reduce the parking below the required minimum.
4. A Notice of Intent filed with the NYSDEC 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 NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-15-003) for construction activities that disturb more than one acre of land.

Yomika Bennett made a motion to accept staff opinion. The motion was seconded by Brian Crawford and unanimously approved by the board.

**Case #07-190503290**

Mini Warehouse/Storage Facility

37 Old Sparrowbush Road, Town of Colonie

Site plan review. Plan includes 17 self-storage units and parking.

Staff opinion is to modify local approval to include:

1. A Notice of Intent filed with the NYSDEC 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 NYSDEC SPDES General Permit for Stormwater Discharges (GP-0-15-003) for construction activities that disturb more than one acre of land.

**Advisory Note:** According to the Town of Colonie Zoning Law, mini warehouse/self storage units are allowed in HCOR zones by special use permit. A SUP was not included in the application. An SUP should be acquired by the property owner, if it hasn't been already.

**Case #07-190503293**

Vibrant Creative, Inc.

543 Loudon Road, Town of Colonie

Use Variance-Request for a use variance to change business from interior design group to advertising agency.

Staff opinion is to modify local approval to include:

1. Notification to the owner that their property is listed on the National Register of Historic places (register number 00NR01646).
2. Review by the NYS Department of Parks, Recreation and Historic Preservation for potential impacts on archeological and historic resources.

**Advisory Notes:**

1. Property has a long and possibly uninterrupted, history of legal non-conforming uses.
2. The property is currently zoned in a single family residential district with an historical overlay.
3. In 2002 the property is listed on the National Register of Historic Places as the old Newtonville School (register number 00NR01646).
4. The property owner answered “no” to the question, “Does the site contain a structure that is listed on either the State or National Register of Historic Places?” on the supplied Short Environmental Assessment Form. This suggests the property owner may be unaware of the historical significance of the site.

Roland Graves made a motion to accept staff opinion. The motion was seconded by Yomika Bennett and unanimously approved by the board.

**Case #10-190503305**

1438 Western Avenue Medical Center

Town of Guilderland

Area Variance and Special Use Permit to enable the construction of a proposed 3600 s.f. medical office building.

Staff opinion is to modify local approval to include:

1. Review by the Albany County Department of Health for the backflow preventer required on the water line due to the use of medical offices.

**Advisory Note:** The Town Zoning Board should consider the precedent setting nature of allowing an area variance for a setback.

Yomika Bennett made a motion to accept staff opinion. The motion was seconded by Roland Graves and unanimously approved by the board.

**Case #13-190503300**

Alton Mattice Food Truck

1369 Indian Fields Road, Town of New Scotland

Site plan review to allow a food truck operation.

Staff opinion is to modify local approval to include:

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

Brian Crawford made a motion to accept staff opinion. The motion was seconded by Yomika Bennett and unanimously approved by the board.

**Case #13-190503301**

Stewart's Corp

1360 Indian Fields Road, Town of New Scotland

Request for area variances for rear and front setback to enable building, sign and gas canopy.

Staff opinion is to modify local approval to include:

1. Due to the fact the project includes gasoline storage and fuel pumps it should be considered a "hot spot" use requiring Stormwater management design that protects groundwater.
2. Review by the NYSDOT to determine potential jurisdiction under bulk petroleum storage regulations.

Brian Crawford made a motion to accept staff opinion. The motion was seconded by Roland Graves and unanimously approved by the board.

Meeting adjourned at 5:44 p.m.

The next Albany County Planning Board meeting is on Thursday, June 20, 2019 at 3:30 p.m. at the Albany County Department of Public Works at 449 New Salem Road, Voorheesville, NY 12186.