

**Albany County Planning Board
June 10, 2019
Draft Minutes**

Note: Due to unforeseen circumstances beyond the control of the ACPB, these notes are abbreviated.

Present:

Dominic Rigosu, Chair, Brian Crawford, Roland Graves, David Reilly, Timothy Garufi

Albany County Planning:

Laura Trivison, Senior Planner ; Jim Mearkle Traffic Engineer ; Rob Gunther, Stormwater Program Technician

Minutes:

Laura Trivison

Guests:

Dan Hershberg
Robyn Reynolds

A call to order:

Dominic Rigosu called the meeting to order at about 3:31pm.

Dominic proposed moving the guest's cases up front. Roland Graves made a motion to move cases 06-190603311 and 01-190603305 to the front of the agenda. The motion was seconded by Brian Crawford and unanimously approved by the board.

<u>Case #:</u>	06-190603311
Project Name:	416 N. Mohawk Street
Applicant:	City of Cohoes
Project Location:	416 N. Mohawk Street
Municipality:	City of Cohoes
Parcel Size:	0.4799999999999998 acres
Zoning:	Residential 1 (R-1)
Tax Map Number:	5.19-1-3
Referring Agency:	City of Cohoes Planning board
Considerations:	The proposal includes a resident requesting to open a home occupation entailing gun repair and maintenance.
Action Type:	Special Use Permit
Juris. Determinant:	Municipal Boundary
Potential Impacts:	Town of Guilderland and City of Cohoes Municipal Boundary
Staff Notes:	The resident proposes to open a home occupation which entails the repair and maintenance of guns. The applicant is in the process of obtaining approval from Bureau of Alcohol, Tobacco, Firearms and Explosives to open this business, but needs all local approval first.
Staff Opinion:	Modify local approval to include:

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

Ms. Reynold’s addressed the board and explained that the applicant is a hobbyist, and also has security surveillance equipment on his property. She also explained the City of Cohoes had already contacted neighboring municipalities.

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

Dan Hershberg addressed the board. He asked if the board had any questions about 237 Western Ave (case# 01-190603305). The ACPB said no, and explained the staff opinion was to “Defer to local consideration.” Dan Hershberg therefore decided to make no further comment.

Brian Crawford made a motion to hear the cases recommended for defer to local consideration (01-190603305 01-190603307, 01- 190603308, 01-1906 03310, 03-190603312 , 01- 190603314, 07-190603318, 10-190603323, 13-190603325, 13-190603326, 02-190603327, 02-190603328, 02-190603329, 04-190603314, 07-190603318) and approve as is. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #: 01-190603305
Project Name: **237 Western Avenue**

Applicant: City of Albany
Project Location: 237 Western Avenue
Municipality: City of Albany
Parcel Size: 59677 SF
Zoning: Mixed-Use, Form-Based Midtown
Tax Map Number: 65.61-5-13, 65.61-5-14, 65.61-5-26, 65.61-5-27, 65.61-5-28, 65.61-5-29, 65.61-5-30, 65.61-5-31, 65.61-5-41, 65.61-5-42

Referring Agency: City of Albany Planning Board
Considerations: Major Development Plan Review/ Conditional Use Permit/ Demolition Review - Construction of a five (5)-story, +/-117,160 square foot structure with 97 dwelling units and 5,639 square feet of commercial space. Multiple existing structures at the site totaling +/-26,000 square feet will be demolished.

Action Type: Site Plan Review, Conditional Use Permit, and Demotion Review
Juris. Determinant: State Property
Potential Impacts: University at Albany

Staff Opinion: Defer to local consideration.
 1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Advisory Note: 1. Accessible routes complying with ADA must be provided during demolition & construction. This should be considered early in the design process.

Case #: 01-190603307
Project Name: **123 Morris St. & 12 New Scotland Ave.**

Applicant: City of Albany
Project Location: 123 Morris St. & 12 New Scotland Ave.
Municipality: City of Albany
Parcel Size: 0.469999999999997 acres
Zoning: Mixed-Use, Community Urban
Tax Map Number: 76.22-4-56
Referring Agency: City of Albany Planning Board
Considerations: Removal of 18 existing automobile parking spaces and the construction of 9 new automobile parking spaces.

Action Type: Site Plan Review
Juris. Determinant: State Road
Potential Impacts: US 20 (Madison Ave.)

Staff Opinion: Defer to local consideration.
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Advisory Note:

Case #: 01-190603308
Project Name: **572 Park Ave.**

Applicant: City of Albany
Project Location: 572 Park Ave.
Municipality: City of Albany
Parcel Size: 5.000000000000003E-2 acres
Zoning: Residential Townhouse (R-T)
Tax Map Number: 65.77-3-12

Referring Agency: City of Albany Zoning Board of Appeals
Considerations: Area Variance to allow for the installation of a porch and steps.
Action Type: Area Variance
Juris. Determinant: State Property and Facility
Potential Impacts:

Staff Opinion: Defer to local consideration.
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 01-190603310
Project Name: **133 Kenosha Street**

Applicant: City of Albany
Project Location: 133 Kenosha Street
Municipality: City of Albany
Parcel Size: 0.12 acres
Zoning: Two-Family (R-2)
Tax Map Number: 75.84-1-43
Referring Agency: City of Albany Zoning Board of Appeals
Considerations: Area Variance to allow for the installation of 21 feet of six-foot fencing that is more than 60% opaque in the front yard, when the maximum permitted height for fences in front yards is four feet and the maximum permitted opacity is 60%.

Action Type: Area Variance
Juris. Determinant: State Road
Potential Impacts: NYS Thruway

Staff Opinion: Defer to local consideration.
Advisory Note: 1. The City Zoning Board should consider the precedent setting nature of allowing significant area variances for fence height.

Case #: 03-190603312
Project Name: **Emilie and Roger Wright**

Applicant: Town of Berne
Project Location: 1067 Helderberg Trail
Municipality: Town of Berne
Parcel Size: 0.17000000000000001 acres
Zoning: Traditional Neighborhood Mixed-Use 1 (TN/MU1)
Tax Map Number: 79.1-1-40
Referring Agency: Town of Berne Planning Board
Considerations: Site plan review for an addition and lot line adjustment for a residential parcel.

Action Type: Site Plan Review
Juris. Determinant: State Road
Potential Impacts: NY 443 (Helderberg Trail)

Staff Opinion: Defer to local consideration.
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 04-190603314
Project Name: **Moratorium - Vape and smoke shops**

Applicant: Town of Bethlehem
Project Location: N/A
Municipality: Town of Bethlehem
Parcel Size: 0 N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: Town of Bethlehem Legislative Board
Considerations: Establishing a 6 month moratorium on the submission and processing of applications for building permits, certificates of occupancy, and land use

approvals for Vape shops, smoke shops. This would also be a moratorium on the sale, dispensing, and distribution of medical marijuana in Town.

Action Type:

Adoption of Local Law

Juris. Determinant:

Adoption of Local Law

Potential Impacts:

Future Vape and smoke shops within the Town of Bethlehem as well as the ability to sell, dispense or distribute medical marijuana.

Staff Opinion:

Defer to local consideration.

Advisory Note:

1. The ACPB acknowledges the referral's claim that the "sale of marijuana products would be an easy transition for these businesses (i.e. vape and smoke shops)" if there was an enactment by NYS of legislation to legalize the recreational use of marijuana. However these facts, as they relate to the sale of medical marijuana, are more tenuous. The ACPB encourages the Town to apply careful scrutiny to the inclusion of the sale and dispensing of medical marijuana in this moratorium and land use policy review. State Court of Appeals consistently affirm that Counties need to provide reasonable land use policies to allow the legal operation of certified medical marijuana dispensaries. While a moratorium is not an outright ban, during the Town's review process it should be acknowledged that outright bans by Cities/Towns/Villages in States that have legalized medical marijuana have been found illegal when challenged (the Beek v. City of Wyoming, 846 N.W.2d 531, 495 Mich. 1 (2014) (Compassionate Care Dispensary Inc. v Arizona Department of Health Services (2016). Prohibiting all opportunities (i.e. completely prohibiting use in all zones) of any land use that is sanctioned by State government is strongly discouraged by the ACPB. 2. To obtain medical marijuana a patient needs a script from a NYSDOH certified practitioner that is used to obtain the medical marijuana at a NYSDOH certified dispensary. Receiving patients must also be certified through NYSDOH and also obtain a NYSDOH certified card. 3. Ten certified dispensary companies exist in NYS. 4. Two are located in Albany County. 5. No medical marijuana dispensary exist within the Town of Bethlehem. 6. Six medical practitioners are located within the Town of Bethlehem who are certified with NYSDOH to legally prescribe medical marijuana to patients who meet the legal requirements. While these practitioners can prescribe medical marijuana they cannot dispense it.

Case #: 07-190603318
Project Name: **514 Old Loudon Road**

Applicant: Town of Colonie
Project Location: 514 Old Loudon Road
Municipality: Town of Colonie
Parcel Size: 7.730000000000004 acres
Zoning: Single Family Residence (SFR)
Tax Map Number: 4.4-3-22
Referring Agency: Town of Colonie Board of Zoning Appeals
Considerations: Use variance to allow the construction of a 25,200 SF building on an existing living facility site.
Action Type: Use Variance
Juris. Determinant: State Road
Potential Impacts: US 9 (New Loudon Rd.)

Staff Opinion: Defer to local consideration.
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 10-190603323
Project Name: **The Summit at Mill Hill**

Applicant: Town of Guilderland
Project Location: 2 Mill Hill Court
Municipality: Town of Guilderland
Parcel Size: 5.799999999999998 acres
Zoning: Planned Unit Development (PUD)
Tax Map Number: 51.00-3-1.141
Referring Agency: Town of Guilderland Zoning Board of Appeals
Considerations: An area variance for a sign in excess of 50 SF
Action Type: Area Variance
Juris. Determinant: State Road
Potential Impacts: NY 155 (State Farm Road)

Staff Opinion: Defer to local consideration.
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Advisory Note: 1. The Town Zoning Board should consider the precedent setting nature of allowing area variances for signs in excess of the maximum of the sign code.

Case #: 13-190603324
Project Name: Solar Law Amendment

Applicant: Town of New Scotland
Project Location: Town of New Scotland
Municipality: Town of New Scotland
Parcel Size: 0 n.a
Zoning: n/a
Tax Map Number: n/a
Referring Agency: Town of New Scotland Legislative Board
Considerations: The Amendment of the 2017 Town of New Scotland "Solar Law" to allow for proposed solar farms to be sited on the Town capped landfills
Action Type: Amendment of Local Law
Juris. Determinant: Amendment of Local Law
Potential Impacts: Brownfield Redevelopment

Staff Opinion: Defer to local consideration.

Case #: 13-190603325
Project Name: 1463 Delaware Turnpike / Subdivision

Applicant: Town of New Scotland
Project Location: 1463 Delaware Turnpike
Municipality: Town of New Scotland
Parcel Size: 82 acres
Zoning: Residential Agriculture (RA)
Tax Map Number: 106.-2-11.10
Referring Agency: Town of New Scotland Planning Board
Considerations: Subdivision of a 82 acre parcel into three parcels into a: 11.5 acre lot, 30 acre lot, and a 31.5 acre lot.
Action Type: Subdivision Review
Juris. Determinant: State Road, Agricultural District
Potential Impacts: NY 443 (Delaware Turnpike), Agricultural District, wetlands

Staff Opinion: Defer to local consideration.
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Advisory Note: 1. The Town should notify applicant that any future property development plans that involve new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway, will need a highway work permit from the New York State Department of Transportation (NYSDOT).

Case #: 13-190603326
Project Name: 463 Onesquethaw Creek Rd

Applicant: Town of New Scotland
Project Location: 463 Onesquethaw Creek Rd
Municipality: Town of New Scotland
Parcel Size: 40.22999999999997 acres
Zoning: Residential Agriculture (RA)
Tax Map Number: 118.-3-11.10
Referring Agency: Town of New Scotland Planning Board
Considerations: Subdivision of a 40.23 acre parcel to 3 different lots.
Action Type: Subdivision Review
Juris. Determinant: Farm in designated Agricultural District, County Road
Potential Impacts: NYS Designated Agricultural District, CR 301 (Cedar Grove Road),

Staff Opinion: Defer to local consideration.
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 02-190603327
Project Name: Altamont Zoning - Bozenkill

Applicant: Village of Altamont
Project Location: Bozenkill Annexation
Municipality: Village of Altamont
Parcel Size: 0 N/A
Zoning: residential conservation district (RCD)
Tax Map Number:
Referring Agency: Village of Altamont Board of Trustees
Considerations: Amendment to update the Village of Altamont zoning law to address the Bozenkill annexation.
Action Type: Amendment to Zoning Law
Juris. Determinant:
Potential Impacts:

Staff Notes: The proposal includes the update to the Village zoning law to address the recently incorporated Bozenkill annexation. The residential conservation district (RCD) will be a low density district that seeks to protect sensitive environmental features and the rural character of the area.

Staff Opinion: Defer to local consideration.
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 02-190603328
Project Name: Altamont Zoning - chickens

Applicant: Village of Altamont
Project Location: Entire Village
Municipality: Village of Altamont
Parcel Size: 0 N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: Village of Altamont Board of Trustees
Considerations: Amendment to Altamont Zoning Law to regulate the keeping of chickens.
Action Type: Amendment to Zoning Law
Juris. Determinant:
Potential Impacts: animal maintenance within the Village
Staff Notes: Amendment to Altamont Zoning Law to regulate the keeping of chickens. Regulations specify the maximum amount and safe, appropriate housing of chickens. Roosters are prohibited.

Staff Opinion: Defer to local consideration.
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 02-190603329
Project Name: 2155 Central Ave.

Applicant: Town of Colonie
Project Location: 2115 Central Ave.
Municipality: Town of Colonie
Parcel Size: 0.4699999999999997 acres
Zoning: Commercial Office residential (COR)
Tax Map Number: 16.2-2-32.1
Referring Agency: Town of Colonie Planning Board
Considerations: Site plan review for a 1685 SF one-story garage.
Action Type: Site Plan Review and Area Variance
Juris. Determinant: State Road
Potential Impacts: NY 5 (Central Ave.), wetlands

Staff Opinion: Defer to local consideration.
1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 01-190603306
Project Name: 31 New Karner Road / Stewarts

Applicant: City of Albany
Project Location: 31 New Karner Road
Municipality: City of Albany
Parcel Size: 2.25 acres
Zoning: Light Industrial (LI)
Tax Map Number: 40.20-1-1, 41.0-2-49, 41.0-2-50,
Referring Agency: City of Albany Planning Board and City of Albany Zoning Board of Appeals
Considerations: Area Variance to allow for a 166-foot front setback, where the maximum permitted front setback is 50 feet, for the installation of a 79 SF freestanding sign. Construction of a vehicle fueling station, car wash and +/- 5,290 square foot convenience retail establishment.

Action Type: Site Plan Review and Area Variance
Juris. Determinant: State and County Road
Potential Impacts: CR 157, NY 155

Staff Opinion: Modify local approval to include:
1. New Karner Road ingress/egress must be right-in, right-out only. 2. Installation of bicycle parking spaces. 3. An ADA accessible route from the road to the building should be provided. 4. The driveway location shown on the site plan is not within the site's frontage. A cross-access agreement with the neighboring landowner will be required. 5. Check dams & swale in front of the site shall be undisturbed or shall be replaced with a system of equivalent capacity. 6. Snouts / knife valves need to be installed in all catch basins in parking lots to prevent petroleum product contamination. 7. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations and that the underground storage tank (UST) systems meet both state (6 NYCRR Part 613) and federal (40 CFR 280) regulations. 8. Review by the Albany County Department of Health for food service and other required permits. 9. A highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way is required

Advisory Note: 1. Applicant should escrow sufficient funds for a sidewalk across their frontage to be built in a future project. 2. The Capital District Bicycle Plan shows New Karner Road as part of a future bike route. Bicycle parking should be provided. 3. The driveway location shown on the site plan is not within the site's frontage. A cross-access agreement with the neighboring landowner will be required. However, the ACPB prefers this location as it is further from the intersection.

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

Case #: 01-190603309
Project Name: **222 South Pearl St.**

Applicant: City of Albany
Project Location: 222 South Pearl St.
Municipality: City of Albany
Parcel Size: 0.25 acres
Zoning: Mixed-Use, Form-Based South End
Tax Map Number: 76.15-1-13
Referring Agency: City of Albany Planning Board and City of Albany Zoning Board of Appeals
Considerations: An area variance to allow for the installation of vehicle fueling pumps in front of the existing building. Conditional Use Permit to allow for the occupation of a +/- 10,890 SF property as a vehicle fueling station.

Action Type: Area Variance & Conditional Use Permit
Juris. Determinant: State Road, Wetlands, County Facility
Potential Impacts: NY 32 (South Pearl Street), Albany County Health Department

Staff Opinion: Modify local approval to include:
1. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations and that the underground storage tank (UST) systems meet both state (6 NYCRR Part 613) and federal (40 CFR 280) regulations. 2. Review by the Albany County Department of Health for food service and other required permits.

Advisory Note: 1. The City should ensure that the gas pumps meet current standards for fuel pumps and storage as they have been inactive for a length of time.

Dave Reilly mentions history of spills on site. Board agrees it needs more time for review. Laura Trivison calls the City of Albany Senior Planner, Zach Powell, and ask if the City can allow 30 more days for review. The City of Albany agrees.

Roland Graves makes a motion to table this case till the July 2019 meeting. Brian Crawford seconded the motion and it was unanimously approved by the board.

Case #: 04-190603313
Project Name: **Linde Gas LLC - Backup Pad Construction**

Applicant: Town of Bethlehem
Project Location: 76 West Yard Road
Municipality: Town of Bethlehem
Parcel Size: 9.099999999999996 acres
Zoning: Heavily Industrial (HI)
Tax Map Number: 108.00-1-9
Referring Agency: Town of Bethlehem Planning Board
Considerations: The construction of a new 96' x 56' pad and construction of new equipment for a backup nitrogen supply system at an existing air separation plant.

Action Type: Site Plan Review
Juris. Determinant: Agriculture District
Potential Impacts: Proposed site is adjacent to state designated agricultural district.

Staff Opinion: Modify local approval to include:
1. Submission of an agricultural data statement to the Town as required by Town Law for site plane approval of sites within 500 feet of a farm operation located in an agricultural district.

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

Case #: 04-190603315
Project Name: **Diversified Automotive, Truck Service Center**

Applicant: Town of Bethlehem
Project Location: 288 Creble Road
Municipality: Town of Bethlehem
Parcel Size: 33.60000000000001 acres
Zoning: Rural Light Industrial (RLI)
Tax Map Number: 120.00-5-23.14
Referring Agency: Town of Bethlehem Planning Board
Considerations: The site plan review for a commercial truck service center consisting of a 2-story 3,500 SF building and parking lot.
Action Type: Site Plan Review
Juris. Determinant: County Road
Potential Impacts: CR 155, floodzone, Vlomankill Creek

Staff Opinion: Disapprove without prejudice.
1. Inconsistencies and inaccuracies within the site plan and SWPPP prevents the ACPB from being able to sufficiently review the site plan.

Advisory Note:
1. Topography maps do not account for the large amount of fill deposited on the Lands of Marc Edward Dorsey & Michelle Lynn Dorsey (120.-5-23.2). Being that all stormwater practices are proposing to discharge off the applicants property onto the Dorsey property, updated topography maps must be submitted to ensure adequate drainage will occur through the Dorsey property.
2. Multiple times throughout the application, the applicant states that the "Total contiguous acreage controlled by applicant/owner: 67.7+/- acres". The total acreage of the proposed project consists of 33.6 +/- acres. This inconsistency is not clarified.
3. There are two driveways on the site plan, one pre-existing for Dorsey property. It is unclear if there is an easement proposed for this entrance through the Dorsey property?
4. No drains from maintenance bays, wash areas are shown on site plans.
5. Oil Water Separators are necessary for shop/wash bay drains. There are none on the site plan.
6. There is no maintenance agreement in SWPPP of Oil Water Separator.
7. Federal Wetlands Disturbance requires USACOE Nationwide Permit
8. Proposed Drainage Plan calls out "Conservation of Natural Areas 23.75 ac" on another parcel owned by Dale Richter (parcel no. 120.-2-1.1). It is unclear why this separate parcel is being included as Conservation of Natural Areas if it is not owned by Bethlehem Creble Road, LLC.

9. As quoted from page 12 of the SWPPP: "In accordance with the New York State Stormwater Design Manual and conditions of GP-0-15-002, Water Quality Volumes area reduced by the application of approved Green Infrastructure Practices and SMP's with runoff reduction capacity. The site meets the minimum runoff reduction requirement through a combination of the conservation of natural areas and bio-retention. The remainder of the required water quality treatment is provided through a P-1 Micropool Extended Detention Pond in accordance with the NYS Stormwater Management Design Manual. All Water Quality practices have been designed to treat their calculated water quality volume as well as safely conveying the 10 yr. storm event. See Appendix C for calculations and sizing of stormwater treatment practices." It is unclear what "conservation of natural areas" is the applicant referring to.

10. Albany County DPW has mandated that all development occurring along County ROW cannot discharge more stormwater in post conditions compared to preexisting conditions, up to the 25 year storm.

11. Test Pits are called out on the Existing Drainage Map in the SWPPP. Pits 1, 2, 3, and 5 show depth to water table being 48" or less. On the Proposed Site Plan, P-1 Pond has a depth of 13 feet below grade. Test Pit 1, which is in the same area as the proposed P-1 Pond, had a depth to water table as 4 feet. It is unclear how the pond adequately control the 1, 10, 25, and 100 year storm if it is overburdened by groundwater as well as stormwater.

12. The SWPPP shows that Post Construction is more than Pre Construction in Analysis Point A, which is within the ROW of Albany County. Thus, creating concern that the existing conditions within the ROW may be altered by the increased amount of flow occurring there.

13. The applicant has included a NOI to the NYSDEC for Construction Activity Permit coverage. The proposed use of the maintenance facility will require a Multi Sector General Permit for stormwater discharges leaving the property once it is developed. Referral to the NYSDEC Division of Environmental Permits for approval of MSGP coverage before construction is recommended to ensure all stormwater retention practices being proposed are adequate for permit coverage.

14. The limits of disturbance is 16 acres and applicant provided a notice of intent to apply for a construction permit.

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

Case #: 07-190603316
Project Name: Lia-Toyota - site change

Applicant: Town of Colonie
Project Location: 2116 Central Ave.
Municipality: Town of Colonie
Parcel Size: 17.850000000000001 acres
Zoning: Commercial Office residential (COR)
Tax Map Number: 16.4-5-39
Referring Agency: Town of Colonie Planning Board
Considerations: Existing Lia-Toyota site will add a salt shed and dumpster pad to the rear of the site.
Action Type: Site Plan Review
Juris. Determinant: State Road
Potential Impacts: NY 5 (Central Ave.), wetlands,

Staff Opinion: Modify local approval to include:
1. The Town of Colonie's stormwater management office review of the project site to ensure that proper drainage practices are being used in accordance with the existing SWPPP.

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

Case #: 07-190603317
Project Name: Tralongo Office Complex

Applicant: Town of Colonie
Project Location: 1214 Loudon Road
Municipality: Town of Colonie
Parcel Size: 3.2799999999999998 acres
Zoning: Office Residential (OR)
Tax Map Number: 5.3-1-5
Referring Agency: Town of Colonie Planning Board
Considerations: Development of two office buildings with a parking garage.
Action Type: Site Plan Review
Juris. Determinant: State Road
Potential Impacts: US 9 (New Loudon Rd.)

Staff Opinion: Modify local approval to include:
1 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-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land. 2. Any wetlands disturbance will require joint notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act and the NYS Department

of Environmental Conservation. 3. 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.

Advisory Note:

1. The ACPB has no objection to banking parking spaces in this proposal.

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

Case #: 07-190603319
Project Name: **Twelve Acre Reality**

Applicant: Town of Colonie
Project Location: 928 Troy Schenectady Road
Municipality: Town of Colonie
Parcel Size: 2.3999999999999999 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 18.2-5-72.2, 18.2-5-9, 18.2-5-8
Referring Agency: Town of Colonie Planning Board
Considerations: The combination of two parcels, the construction of a parking lot, maintenance shed, dumpster enclosure, modified driveway entrance.

Action Type: Site Plan Review

Juris. Determinant: State Road

Potential Impacts: NY 7, wetland, Shaker's Creek

Staff Notes: This proposal includes a lot line adjustment that will combine three parcels (two which are already owned by the applicant) into a 2.40 acre parcel. A proposed lot line adjustment will combine the entire 928 Troy-Schenectady Road parcel into the 922 Troy-Schenectady Road Parcel. Additionally, a portion of the 892A Troy-Schenectady Road Parcel will also be combines into the 922 Troy - Schenectady Road of[parcel. The proposal includes the construction of a new 14, 817 SF asphalt parking lot (which includes 42 overflow parking spaces) , construction of a 300 SF shed, removal of existing dumpster enclosure, construction of a new dumpster enclosure., a modified driveway entrance into Troy-Schenectady Road (NYS &)., and construction of a new retaining wall. The minimum green space requirement is met..

Staff Opinion: Modify local approval to include:
1. 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. 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.

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

Case #: 10-190603320
Project Name: **MA Schafer Construction**

Applicant: Town of Guilderland
Project Location: 7168 Rt. 158 Altamont
Municipality: Town of Guilderland
Parcel Size: 22.600000000000001 acres
Zoning: Rural Agricultural-3 (RA3)
Tax Map Number: 14.00-1-22.31
Referring Agency: Town of Guilderland Planning Board
Considerations: Five lot subdivision of 22.5 acres
Action Type: Subdivision Review
Juris. Determinant: State Road, Agricultural District
Potential Impacts: NY 158 (Guilderland Road)

Staff Opinion: Modify local approval to include:
1. 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.

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

Case #: 10-190603321
Project Name: **Helios Energy**

Applicant: Town of Guilderland
Project Location: 6604 Dansville Road
Municipality: Town of Guilderland
Parcel Size: 64.900000000000006 acres
Zoning: Rural Agricultural-3 (RA3)
Tax Map Number: 37.00-2-3
Referring Agency: Town of Guilderland Zoning Board of Appeals
Considerations: Special use permit for the installation of a 5 mega-watt solar array, road, and appurtenant structures. Area variance for a 7' high fence.
Action Type: Area Variance & Special Use Permit
Juris. Determinant: State Road, Agricultural District
Potential Impacts: NY 397, wetlands, agricultural district

Staff Opinion: Modify local approval to include:
1. Review by the New York State Department of Environmental Conservation Division of Environmental Permits (Region 4) to determine if permits or additional review are required due to presence of wetlands.

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

Case #: 10-190603322
Project Name: **Mezzanotte Restaurant**

Applicant: Town of Guilderland
Project Location: 2026 Western Ave
Municipality: Town of Guilderland
Parcel Size: 18612 CF
Zoning: Local Business (LB)
Tax Map Number: 51.07-2-28
Referring Agency: Town of Guilderland Zoning Board of Appeals
Considerations: An area variance for an extension that encroaches into the side yard setback
Action Type: Area Variance
Juris. Determinant: State Road
Potential Impacts: US 20 (Western Ave.)
Staff Notes: The area variance request is to allow for an addition onto the Mezzanotte Restaurant to encroach into a side yard setback. The North west corner of the proposed addition will be 9' from the property line. The minimum is setback requirement for a side yard in this zone is 15'. The parcel is zoned local business (LB). While the proposal is specifically for relief into a setback as it pertains to an addition, the site plan also shows a patio off of the addition that does up to, and past, the property line.

Staff Opinion: Modify local approval to include:
1. The town should ensure that adequate number of parking spaces is provided for both uses of the building. All parking should be delineated on the plan.

Advisory Note: 1. The property owner did not answer the second question on the area variance application which determines whether or not the benefit can be achieved by some other method other than an area variance. 2. While the area variance request relief from a minimum side yard setback to enable the construction of an addition, the site plan also shows the construction of a patio. This patio goes up to, and past, the property line. The construction of a patio and addition would eliminate a side yard setback entirely. The substantiality of the area variance is too significant, especially in the absence of an explanation why an alternative method can not be pursued. 2) The patio encroaches over the property line and into the neighbor's yard on the site plan. 3. The town should verify that the addition does not result in increase seating, and therefore increased need to parking.

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

Roland Graves announces his resignation scheduled for October.

Dominic Rigosu adjourns the meeting at 4:30PM