**Present:** Dominic Rigosu, acting chair; Roland Graves, Vice Chair; Brian Crawford; Enzo Sofia; Tim Garufi (Ex-Officio); David Reilly (Ex-Officio).

**Albany County Public Works Office:** Laura Travison, Senior Planner; Lynn Delaney, Secretary; William Anslow, Civil Engineer (Ex-Officio)

**Minutes:** Lynn Delaney

**Call to Order:** Dominic Rigosu called the meeting to order at 3:41PM.

A motion was made by Roland Graves to approve the November ACPB meeting minutes. The motion was seconded by Brian Crawford and unanimously approved by the Board.

A motion was made by Brian Crawford to approve the December ACPB meeting minutes. The motion was seconded by Roland Graves and unanimously approved by the Board.

Roland Graves made a motion to move the following referrals to the front of the agenda and to vote on them as a group: 01-200103420, 04-200103421, 04-200103422, 07-200103424, 11-200103427, & 11-200103428. All of these referrals have a staff recommendation to defer to local consideration. The motion was seconded by Brian Crawford and unanimously approved by the Board.

<table>
<thead>
<tr>
<th>Case #:</th>
<th>01-200103420</th>
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<td>Project Name:</td>
<td>745 Broadway</td>
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- **Applicant:** Broadway 915 LLC  
- **Project Location:** 745 Broadway  
- **Municipality:** City of Albany  
- **Parcel Size:** 0.45 acres  
- **Zoning:** Mixed-Use Community Urban (MU-CU)  
- **Tax Map Number:** 65.83-1-28  
- **Referring Agency:** City of Albany Zoning Board of Appeals  
- **Considerations:** An area variance to allow a larger setback than zoning rear setback requirements.  
- **Action Type:** Area Variance  
- **Juris. Determinant:** State Road  
- **Potential Impacts:** NY 32 (North Pearl St.)
Staff Notes: The property owner realized they will need a substantial rear area variance during a preliminary site plan review with the City of Albany. The front of the property to one Broadway and the rear faces Jackson St. The rear setback requirement for Jackson St is 10’. The applicant is proposing a building to be adjacent to Broadway with a parking lot in the rear, which would result in a 114.3’ setback. Currently the entire lot is a parking lot. Ultimately the plan involves the construction of a 5 story building with commercial space and parking on the first floor and apartment on the upper four floors. This is an updated request where the applicant reduced the rear setback from 196’ to 114’.

Staff Opinion: Defer to local consideration.

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

Case #: 04-200103421
Project Name: Feather's Fitness Factory

Applicant: James Featherstonhaugh
Project Location: 14 Booth Road
Municipality: Town of Bethlehem
Parcel Size: 0.58 acres
Zoning: Commercial Hamlet (CR)
Tax Map Number: 86.09-4-30
Referring Agency: Town of Bethlehem Planning Board

Considerations: A site plan review to convert an existing building into a fitness facility and café.

Action Type: Site Plan Review

Juris. Determinant: County Property, State Road
Potential Impacts: NY 443 (Delaware Ave.), Albany County Rail Trail

Staff Notes: The site plan review encompasses a conversion of an existing nursery to a fitness facility and a health café. The existing building area will remain roughly the same size after the proposed modifications, although the footprint will be changed slightly. The existing 4300 SF building will be renovated, and a portion of the covered walkway...
will be enclosed. The existing roof will remain as will most of the exterior facade. The building will accommodate approximately 3,078 SF of fitness studio area and 1,209 SF cafe. An additional 100 SF will be a covered patio utilized by the cafe in warmer weather. The total SF of the building will increase by 368 SF. The total footprint, including the patio will be 4,468 SF. There will be 31 parking spaces. There are not wetland on site. Stormwater will drain into an existing catch basin. The property will connect to public utilities. The project will disturb .37 acres. The project will reduce impervious surface by 9%.

Staff Opinion: Defer to local consideration.

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

Advisory Note: 1. Given the proximity to the Albany County Helderberg-Hudson Rail Trail, the Town should consider asking the applicant to install bike parking on the property.

Case #: 04-200103422

Project Name: Key Bank - Delmar Branch - Four Corners

Applicant: Key Bank

Project Location: 370 Delaware Ave.

Municipality: Town of Bethlehem

Parcel Size: 0.90 acres

Zoning: Hamlet

Tax Map Number: 85.16-4-5

Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review to enable the a 215 SF addition to an existing Key Bank

Action Type: Site Plan Review

Juris. Determinant: State Road

Potential Impacts: NY 443 (Delaware Ave.), NY 140 (Kenwood Ave.),

Staff Notes: An existing Key Bank at Four Corners in Delmar submitted a site plan for a 215 SF addition to serve as office space for the bank. The envelope of the building will remain
the same and there is no proposed change to grading, egress/ingress, or parking capacity. The Key Bank is across the street from a historically significant post office listed on the National Registry of Historic Places: NR Number: 94NR00700NR.

**Staff Opinion:** Defer to local consideration.

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

**Case #:** 07-200103424

**Project Name:** Hoffman's Car Wash Modification

**Applicant:** Town of Colonie

**Project Location:** 1329 Central Ave.

**Municipality:** Town of Colonie

**Parcel Size:** 2.92 acres

**Zoning:** Neighborhood Commercial Office and Residential (NCOR)

**Tax Map Number:** 42.3-2-42

**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review to partially demolish an existing car wash and retrofit the remaining structure to industry specifications. The use would not change.

**Action Type:** Site Plan Review

**Juris. Determinant:** State Road, County Road

**Potential Impacts:** NY 5 (Central Ave.), CR 156 (Fuller Rd.)

**Staff Notes:** The proposed project is to rehabilitate an existing 7,886 SF car wash building, 3,577 SF of the building will be demolished and the remaining 4,309 SF will be retrofitted to meet requirements necessary by the owner's business use, in addition to improving circulation. Parking layout will be redesigned to allow for sixteen vacuum parking spaces, one accessible parking space, and nine employee parking spaces. No additional buildings are proposed and no new connection to municipal water and sewer services are necessary for the project. The existing impervious surface areas is being
reduced by approximately 4,650 SF. The expected total area of disturbance is .82 acres.

Staff Opinion: Defer to local consideration.

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

Bill Anslow asked for confirmation that Hoffman's Car Wash does not have any access changes as part of this referral. Laura Travison stated that there are no access changes noted. Bill did not have any further questions or concerns.

Case #: 11-200103427
Project Name: Hog Farming Law

Applicant: Town of Knox
Project Location: N/A
Municipality: Town of Knox
Parcel Size: N/A
Zoning: N/A
Tax Map Number: N/A
Referring Agency: Town of Knox Legislative Board

Considerations: Amendment to zoning law regarding the definition of "Hog Farming"

Action Type: Amendment of Zoning Ordinance

Juris. Determinant: Amendment of Zoning Ordinance
Potential Impacts: Agricultural uses

Staff Notes: Several residents in the Town of Knox would like to raise hogs and pigs as agricultural livestock. The current zoning ordinance allows no hog or swine farms in Town other than by special use permit in agricultural districts. No other livestock are restricted this way. The town argues that this ordinance is a result of arbitrary land use policy during the mid-twentieth century in rapidly urbanizing towns that target hog and pig farming.
Today it is recognized that properly managed hog and swine farming operations present no more or less of a potential of nuisance, and restricting them is incongruous with agricultural district protections. Therefore the Town seeks to make the proposed changes to the zoning ordinance: 1. Remove from Article II Section 20, page 9 the line "Farm, Hog or Swine: A farm used for the raising of more than ten hogs; or raising any number of hogs for the purpose of sale, barter or exchange.  2. Also remove from Article IV Section 42, page 29: the line that begins with "Agricultural -swine or hog farm". These two amendments will result in hog and swine farms in Town to be regulated in the same way as all other livestock operations.

**Staff Opinion:**
Defer to local consideration.

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

**Advisory Note:**
1. Notification of the amendment to the zoning ordinance should be sent to all adjacent municipalities, since previous special use permits for hog farms within 500’ of a Town boundary would have triggered notification requirements pursuant to GML 239-nn.

**Case #:** 11-200103428

**Project Name:** Home Occupation Law

**Applicant:** Town of Knox

**Project Location:** N/A

**Municipality:** Town of Knox

**Parcel Size:** N/A

**Zoning:** N/A

**Tax Map Number:** N/A

**Referring Agency:** Town of Knox Legislative Board

**Considerations:** Amendment to zoning law regarding definition of "Home Occupation"

**Action Type:** Amendment of Zoning Ordinance

**Juris. Determinant:** Amendment of Zoning Ordinance

**Potential Impacts:** Mixed Use Land Policy
Staff Notes: Currently the Town of Knox has a zoning ordinance that allows property owners to conduct business out of their residence with a special use permit form the Zoning Board. The use is considered a secondary use, and no more than two people can be employed as a result of the business. The Town of Knox proposes to expand the ordinance to include an accessory dwelling on the property, enabling a secondary business to be conducted from a residence and/or an accessory dwelling. The Town also wants to add the word "visible" to the requirement that there be no exterior storage related to the secondary business use.

Staff Opinion: Defer to local consideration.

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

A motion was made by Enzo Sofia to accept the staff recommendations for the following referrals: 01-200103420, 04-200103421, 04-200103422, 07-200103424, 11-200103427, and 11-200103428. The motion was seconded by Roland Graves and unanimously approved by the Board.

Case #: 07-200103423

Project Name: DiSanto Parking Expansion

Applicant: Mark DiSanto

Project Location: 14 & 16 Fuller Road

Municipality: Town of Colonie

Parcel Size: 0.30 acres

Zoning: Commercial Office Retail (COR)

Tax Map Number: 42.17-4-12, 42.17-4-11

Referring Agency: Town of Colonie Planning Board

Considerations: Site plan review for a parking expansion on two lots. No change is proposed to curb cuts, but traffic circulation will change. The Oak St. curb cut will be a one way entrance, while the Fuller Rd. curb cut will be a one-way exit.

Action Type: Site Plan Review

Juris. Determinant: County Road, State Road
Potential Impacts: CR 156 (Fuller Rd.), NY 5 (Central Ave.)

Staff Notes: Site plan review for a parking expansion on two lots. No change is proposed to curb cuts, but traffic circulation will change. The Oak St. curb cut will be a one way entrance, while the Fuller Rd. curb cut will be a one-way exit. There will be an additional 5 parking spots, creating a total of 10 (one will be an accessible parking spot) and black top area will increase by 14.35%. Albany County Department of Public Works asked the previous owner for an easement to update the sidewalk and the owner refused. The Town has conditioned approval for this site plan review on DPW receiving that sidewalk easement now.

Staff Opinion: Modify local approval to include:

1. The applicant provide the Albany County Department of Public Works with a sidewalk easement and that information should be recorded in the deeds of lands. The Department of Public Works needs to update the sidewalks along Fuller Road to current accessibility standards and match adjacent sidewalk upgrades.

Advisory Note: 1. The Town should encourage the applicant to contact Albany County Department Public Works with any questions regarding the easement.

The Board requested that the Advisory Note indicates that the Albany County DPW should be contacted with questions regarding the easement (change is noted above). With that change, a motion was made by Roland Graves to accept the staff recommendation for referral # 07-200103423. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: 10-200103425
Project Name: 1st National Bank

Applicant: First National Bank of Scotia
Project Location: 8 New Karner Rd
Municipality: Town of Guilderland
Parcel Size: 1.00 acre
Zoning: Local Business (LB)
Tax Map Number: 51.02-1-4
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: A special use permit to enable an exterior lighting plan.
Action Type: Special Use Permit

Juris. Determinant: County Road, State Road


Staff Notes: A special use permit to enable an exterior lighting plan. The property owner wants to install additional lighting for safety and security. The proposal includes adding five street lamps, two wall packs, four ceiling lights in the vestibule to replace the existing lights. The installation will be done by Core Electric.

Staff Opinion: Modify local approval to include:

1. The ACPB found the application incomplete. The applicant should be submitting a Site Lighting Plan as required by Town Law to ensure all existing and new site lighting patterns conform with Article “280-28 Lighting” of the Town of Guilderland Zoning and Land Use Law. Approval should be conditioned on submission of a Site Lighting Plan.

A motion was made by Roland Graves to accept the staff recommendation for referral # 10-200103425. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: 10-200103426
Project Name: Woodscape Dr.

Applicant: Verizon Wireless

Project Location: 271 Woodscape Dr.

Municipality: Town of Guilderland

Parcel Size: 0.25 acres

Zoning: Single Family Residential (R10)

Tax Map Number: 63.12-2-34.4

Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Special use permit for the installation of a microcell telecommunications antenna on top of an existing utility pole.
Action Type: Special Use Permit

Juris. Determinant: Municipal Boundary

Potential Impacts: Town of Guilderland and Town of Bethlehem municipal boundary

Staff Notes: The applicant is seeking a special use permit to be able to replace a 27.67’ utility pole with a 34’ utility pole with a single small cell antenna mounted on the proposed utility pole centerline height of 35.8’ above ground level. The new utility pole would also have electric and telecommunication equipment on the proposed utility pole at a minimum height of 8’ above grade. The pole is in the Town right-of-way. The proposed purpose of the new utility pole is to provide additional wireless bandwidth and improved performance to the dense residential area generally east of McKownville Park.

Staff Opinion: 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.

A motion was made by Brian Crawford to accept the staff recommendation for referral # 10-200103426. The motion was seconded by Roland Graves and unanimously approved by the Board.

Case #: 15-200103429
Project Name: Hallenbeck SUP

Applicant: Troy Hallenbeck
Project Location: 4912 Potter Hollow Rd.
Municipality: Town of Rensselaerville
Parcel Size: 1.20 acres
Zoning: Hamlet
Tax Map Number: 180.-2-22
Referring Agency: Town of Rensselaerville Planning Board

Considerations: Special use permit to enable housing livestock.
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Action Type: Special Use Permit

Juris. Determinant: County Road


Staff Notes: The property is zoned Hamlet. Animal agricultural uses are allowed in this zone with a special use permit. The property's northern boundary is adjacent to a NYS designated agricultural district.

Staff Opinion: Modify local approval to include:

1. The EAF states the total acreage to be physically disturbed as the equivalent size of the parcel (1.2 acres). Physical disturbance over an acre would require the submission of a Stormwater Pollution Prevention Plan. Because this is a request for a special use permit, the ACPB considers this an error. The applicant must submit to the Town a corrected EAF. If this is not an error, than a SWPPP must also be submitted as well.

2. Submission of an agricultural data statement to the Town as required by Town Law for special use permit approval of sites within 500 feet of a farm operation located in an agricultural district.

Roland Graves asked how many livestock they are looking to have. Laura Travison clarified that “this is a proposed farm right in the middle of an Ag. District. It’s technically zoned Hamlet, but it’s the only parcel zoned “Hamlet” on that side of the road”. Laura indicated that they can’t begin to plan for anything on the property until they get the special use permit. She noted that if they look to build anything on the property we will see this again.

A motion was made by Roland Graves to accept the staff recommendation for referral # 15-200103429. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

OLD BUSINESS:

Addition of Bylaw Amendment – Article VII Referrals. This was discussed in length at previous meetings but it had not been voted on yet. In addition to addition Article VII, the recommendation was made to remove the requirement for the Board Secretary to Certify Maps as previously outlined in Article II Section 4 as this is now the responsibility of the Senior Planner. There was also a correction of a few typos in the document.

With no further comments or questions by the Board a motion was made by Enzo Sofia to accept the proposed additions and changes to the By-laws of the Albany County Planning Board. The motion was seconded by Brian Crawford and unanimously approved by the Board.
Laura will notify all the towns about the changes and they will be given 60 days’ notice before the change is implemented. Laura will check to see if this is applicable to the March meeting or if it will wait until the April meeting. Once she has confirmed this, she will send out a new submission schedule.

**Approvals vs Defer** – Laura Travison has recommended that the ACPB not “approve” referrals unless circumstances are very specific. Rather than listing Approve we would state it’s a “Defer to Local Consideration” so the town can make the final decision. We can then put in the Advisory that the Albany County Planning Board fully supports this referral. Laura also went over the statistics of our referrals and decisions made on those referrals for 2019. The towns of Guilderland, Colonie, Bethlehem and the City of Albany had the highest percentage of referrals in 2019.

**Costco** – We have not received any paperwork from the Town of Guilderland regarding Costco. Laura Travison has reached out to the Town of Guilderland Planning Board and they advised us that they do not currently have anything to submit but they will give us the heads up when they do. We are required to have the Environmental Impact Statement by Feb 7th. If we need more time to review, we can ask for a mutual lengthening of time to review the EAS.

**February Planning Board Meeting Date Change** – Due to a conflict, the February meeting date needs to be changed. It was determined that switching the date from February, 20th 2020 to Tuesday, February 25th will work for all of the Board members. The time and location will not change unless we find there is a need to move to a larger location based upon referral submissions. The date change will be updated on the Albany County Planning Board webpage and on the Albany County Calendar.

**Adjourn** – a motion to adjourn was made by Brian Crawford at 4:44pm. The motion was unanimously approved by the Board.