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

Albany County Planning:
Laura Travison, Senior Planner
Lynn Delaney, Secretary
Bill Anslow, Civil Engineer (Ex-Officio)
James Mearkle, Traffic Engineer
Rob Gunther, Stormwater Program Technician

Guests:
Peter Yetto, Ingalls & Associates
Dan Hershberg, Hershberg and Hershberg

Minutes:
Lynn Delaney

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

Brian Crawford made a motion to approve the July, August and September 2019 minutes. The motion was seconded by Roland Graves was unanimously approved by the Board.

Brian Crawford made a motion to move the following cases to the front of the agenda: 01-191003367, 01-191003368, 07-191003372, 07-191003375, 07-191003376. The motion was seconded by Roland Graves and unanimously approved by the Board.

Case #: 01-191003367
Project Name: 17 New Scotland Avenue

Applicant: BBL Construction Services, LLC
Project Location: 17 New Scotland Ave.
Municipality: City of Albany
Parcel Size: 0.50 acres
Zoning: MU-CU (Mixed Use, Community Urban)
Tax Map Number: 76.22-1-55.1
Referring Agency: City of Albany Planning Board
Considerations: Request for a Conditional Use Permit to use a 6,542 SF building as an recreation / entertainment gym

Action Type: Conditional Use Permit

Juris. Determinant: State Route

Potential Impacts: US 20 (Madison Ave)

Staff Notes: The Capital District YMCA is seeking a conditional use permit to operate a satellite health and wellness center. Seventeen New Scotland Ave. is a large, block long, apartment building with ground floor commercial spaces. The Capital District YMCA is looking to remodel three of the vacant commercial spaces in order to operate a facility following the closing of their North Albany facility. The floor plan is 6,542 SF. It will operate 7 days a week from 5:30am-9pm with an expected 2-3 employees on site during open hours. The use will serve Albany YMCA members and it is anticipated that residents of the surrounding neighborhood and local businesses will utilize the facility. YMCA Employees will have parking passes allowing access to park in the adjacent Albany Medical center parking Garage. Eight spaces in the rear lot of the building will be provided for YMCA members. YMCA members will also be able to park off-site with on-street parking on Dana and Morris Street.

Staff Opinion: Defer to local consideration.

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 01-191003368

Project Name: 140 Hamilton Street

Applicant: William Yager

Project Location: 140 Hamilton Street

Municipality: City of Albany

Parcel Size: 0.20 acres
October 24, 2019 ACPB Meeting Minutes

Zoning: MU-CU (Mixed Use, Community Urban)

Tax Map Number: 76.49-2-1

Referring Agency: City of Albany Planning Board

Considerations: Request for a Conditional Use Permit to occupy 871 SF of the ground floor of a building for artisan manufacturing

Action Type: Conditional Use Permit

Juris. Determinant: State Route, State Property

Potential Impacts: US 20 (Madison Ave), Empire State Plaza, Empire State Plaza South Mall Arterial, Mansion Historic District

Staff Notes: The property owner is seeking a conditional use permit to enable the operation of a restaurant and meadery. The property owner is seeking to operate a restaurant serving breakfast, lunch, and tapas while utilizing the Taste NY Initiative. The owner currently has a verbal agreement with OGS to use the east garage and Grand Street Lot during off hours. This is not yet a site plan review. The parcel is located in the Mansion Historic District (USN # 00140.003822)

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. One Hundred and Forty Hamilton Street is located in the Mansion Historic District (USN # 00140.003822), and is considered historically significant. The City should consult the State Historic Preservation Office in the event of future proposals to revise the structure. 2. Future site plan approval will require review by the Albany County Department of Health for food service and other required permits.

Case #: 07-1910003372

Project Name: Ayco Parking / Solar Tee
Applicant: DG New York Solar, LLC
Project Location: 629 Columbia Street
Municipality: Town of Colonie
Parcel Size: 19.81 acres
Zoning: Commercial Office Retail (COR)
Tax Map Number: 9.4-3-5.11
Referring Agency: Town of Colonie Planning Board

Considerations: Installation of a 1.14 MW solar photovoltaic (PV) carport arrays over an existing parking lot.

Action Type: Site Plan Review

Juris. Determinant: State Road
Potential Impacts: NY 9 (Loudon Road)

Staff Notes: The site plan review is for the installation of a 1.14 MW solar photovoltaic (PV) carport array split into eight individual sub-arrays: four on the southwestern portion of the parking lot (carport arrays W1-W4), and another four on the northeastern portion of the parking lot (Carport arrays E1-E4). Since solar PV modules produce DC electricity, ten 60 KW string inverters will be installed to convert the DC electricity into AC electricity. The solar arrays are expected to provide 60% of the electrical needs for phase one of the Ayco Building. Total acreage expected to be disturbed is .1 acres. The parcel originally contained multiple wetlands. The developer expected to disturb .4 acres of wetlands for which they submitted a wetland disturbance permit and a SPDES General Permit to the ACPB. For the remaining undisturbed wetlands they provided 6.54 acres of wetland buffer area. The ACPB saw the site plan for this development in September 2017 (case # 07-17092816). The Albany County Planning Board abstained from voting on the project because they lacked advisement from a planner. This 2017 referral enabled all the parking lots that currently exist on the site. In July 2019 the ACPB heard a request for an area variance to allow for carports to be constructed in front of the building (referral #07-190703341). Accessory units are not allowed in the front of the primary building without a variance in the Town of Colonie. The carport arrays are not expected to increase stormwater runoff past the sites existing capacity. The ACPB voted to "Defer to local consideration" in reference to the area variance. This site plan review is now to implement the solar arrays they received the variance for. Town of
Colonie's fire service have been consulted in the site plans and agree that the carports do not hinder rescue vehicles.

Staff Opinion: Defer to local consideration.

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 07-191003375
Project Name: Lia Honda Addition

Applicant: William Lia
Project Location: 1258 Central Ave.
Municipality: Town of Colonie
Parcel Size: 11.86 acres
Zoning: Neighborhood Commercial Office Residential (NCOR) & Industrial (IND)
Tax Map Number: 53.6-2-21.1
Referring Agency: Town of Colonie Planning Board

Considerations: The construction of a new 2,151 SF two story addition to an existing building at Lia Honda. The addition will be used for vehicle delivery and general office space. Revisions to parking lot and minor grading are included in the scope of work

Action Type: Site Plan Review

Juris. Determinant: State Route
Potential Impacts: NY 5 (Central Ave.)

Staff Notes: The construction of a new 2,151 SF two story addition to an existing building at Lia Honda. The addition will be used for vehicle delivery and general office space. Revisions to parking lot and minor grading are included in the scope of work. The site is split zoned, with a commercial zone adjacent to Central Ave.
and an industrial zone in the rear of the parcel. The property owner proposes to remove a portion of existing asphalt for the construction of the new addition. Only .03 acres will be disturbed. There will be no change to ingress, egress or utilities.

Staff Opinion: Defer to local consideration.

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact.

Case #: 07-191003376

Project Name: 21 Everett Road

Applicant: Ted DeLucia, VPC (agent for Bob Fiacco)

Project Location: 21 Everett Road

Municipality: Town of Colonie

Parcel Size: 0.53 acres

Zoning: Neighborhood Commercial Office Residential (NCOR)

Tax Map Number: 54.1-3-9

Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Construction of a building for homeowner's business

Action Type: Area and Use Variance

Juris. Determinant: County Road

Potential Impacts: CR 155 (Everett Road)

Staff Notes: Currently the property contains a two family residence and a rear garage with an above apartment. In this zone, the amount of maximum dwellings is 2 and 9,468 SF of the parcel is allowed to be developed. However the parcel has a legal non-conforming use as the garage and apartment existed before it was rezoned. The property owner is proposing to demolish the garage and build a
new structure in the rear of the parcel. The new 2,731 SF building would be a new apartment, with attached office space and garage for owner's flooring business. Because legal nonconforming use does not transfer to new construction, the property owner would need an area and use variance to enable this proposal. The proposal exceed this maximum density by 624 SF and the number of dwellings by 1. The parcel is adjacent to a Commercial, Office, Residential Zone and the Everett Road Commercial Complex. No customers are expected to visit the office, it if for the owner's personal use only.

**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. Before a ZBA can grant a use variance, state law requires that the applicant must demonstrate “unnecessary hardship.” Mere inconvenience and the fact that the land in question could be put to a more profitable use are insufficient reasons for granting a variance. The applicant should include an explanation that justifies the need for a variance with criteria set for in state statute.

Brian Crawford made a motion accept the staff recommendation to defer the following cases to local consideration: 01-191003367, 01-191003368, 07-191003372, 07-191003375 and 07-191003376. Enzo Sofia seconded the motion and it was unanimously approved by the Board.

A motion was made by Brian Crawford to review case 04-191003370, Diversified Auto before discussing the rest of the cases on the agenda. The motion was seconded by Enzo Sofia and unanimously approved by the board.

**Case #:** 04-191003370

**Project Name:** Diversified Auto

**Applicant:** Diversified Auto

**Project Location:** 288 Creble Road

**Municipality:** Town of Bethlehem

**Parcel Size:** 33.60 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, flood zone, Vlomankill Creek, South Albany Airport

Staff Notes: The site plan consists of a commercial truck service center (Diversified Automotive, Inc.) with a 2-story 34,980 SF pre-fabricated building on a 33.6 acre parcel, and parking lot. The building footprint will be 165’ x 212’. The proposal also includes a 7,060 SF covered pad area & fuel bays for the servicing and maintenance of trucks and 328,220 SF of pavement area. The development includes a new water connection on Creble Road, a new septic system, and associated parking areas (47 parking spaces and 58 truck spaces). The site is currently vacant and zoned Rural Light Industrial (RLI). It is adjacent to the South Albany Airport in the Town of Bethlehem. The Vlomankill Creek runs alongside the eastern property line and a floodway encroaches on the eastern part of the parcel. The parcel exist within the Mohawk Valley Heritage Corridor. Sixteen acres of the 33.6 acres parcel will be disturbed. 4.5 acres will become impervious. The ACPB reviewed a previous referral for this site plan in June 2019 (referral # 04-190603315)

Staff Opinion: Modify local approval to include:
1. The construction of a new septic system will need to be reviewed by Albany County Department of Health. 2. 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. 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. Diversified Auto provided sufficient response to the ACPB's recent June 2019 recommendations by providing an updated site plan and SWPPP.
Peter Yetto of Ingalls and Associates, representing Diversified Auto, speaks to the Board regarding the proposal. Peter stated that the SWPPP has been updated to be more descriptive. Rob Gunther mentioned that when he was speaking with the Town, the Town wasn’t sure about whether the green space that is being used is applicable, but other than that, all of his concerns were addressed.

Bill Anslow then asked about a previous concern regarding the site distance from a driveway and asked if that has been worked out. He also asked about the issue regarding the one way driveway that needed modification. Peter confirmed that those issues are being addressed.

Roland Graves made a motion to accept the staff opinion regarding case #04-191003370. The motion was seconded by Brian Crawford and unanimously approved by the Board.

<table>
<thead>
<tr>
<th>Case #:</th>
<th>01-191003369</th>
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<tbody>
<tr>
<td>Project Name:</td>
<td>1061 New Scotland Road</td>
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<tr>
<td>Applicant:</td>
<td>Sisters of the Holy Names of Jesus and Mary - New York, Inc.</td>
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<td>Project Location:</td>
<td>1061 New Scotland</td>
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<td>Municipality:</td>
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<td>Parcel Size:</td>
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<td>Zoning:</td>
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<td>Tax Map Number:</td>
<td>74.8-1-3</td>
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<td>Referring Agency:</td>
<td>City of Albany Planning Board</td>
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**Considerations:** Demolition of four interconnected structures used for a school and garage, totaling 77,700 SF

**Action Type:** Demolition Review

**Juris. Determinant:** Municipal Boundary, State Road

**Potential Impacts:** Town of Bethlehem and City of Albany Municipal Boundary, NY 85 (Slingerlands Bypass), wetlands

**Staff Notes:** The property owner seeks to demolish an unused 77,000 SF structure and a 700 SF unattached garage, and create total green space. Extensive landscaping and
asphalt removal is also included in the proposal. Seven acres are expected to be disturbed. The applicant included a demolition plan.

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

Dan Hershberg of Hershberg and Hershberg, representing Sisters of the Holy Names of Jesus and Mary – New York, Inc., addressed the board. Dan stated that the buildings are being taken down and grass will be planted in its place. Dominic asked if a SWPPP need to be done. Will more than one acre be disturbed? Laura Travison said that while it is being replaced with landscaping, it is a significant amount of landscaping. Rob then interjected that because they are still breaking an acre while demolishing this building so by all rights, by definition, this is would require a SWPPP. Dominic clarified that it’s not only the building, it’s also the parking lot and driveways and then the site will be cleaned up and landscaped. Dominic stated to Dan that it will go back to the City of Albany and if they agree with the ACPB findings that it is more than 1 acre, then a SWPPP will have to be done.

Enzo Sofia made a motion to accept the staff recommendation regarding case #01-191003369. Roland Graves seconded the motion and it was unanimously approved by the Board.

Case #: 07-191003371
Project Name: REI-Building Addition
Applicant: Heritage Growth Properties
Project Location: 1425 Central Ave
Municipality: Town of Colonie
Parcel Size: 20.68 acres
Zoning: Highway Commercial Office Retail (HCOR)
Tax Map Number: 42.3-1-1
Referring Agency: Town of Colonie Planning Board
Considerations: Redevelopment of a portion of the former Sears department store into a 25,600 SF retail store as well as a new 4,500 SF addition

Action Type: Site Plan Review

Juris. Determinant: State Road, Municipal Boundary

Potential Impacts: NY 5 (Central Ave.), Village of Colonie and Town of Colonie shared municipal boundary

Staff Notes: The proposal consist of a redevelopment of a portion of the former Sears department store into a 25,600 SF retail store. Additional work includes the removal of the former Sears Garden Center area and building a 4,500 SF addition. While ADA improvements are proposed, there will be no modifications to the total number of parking spaces, egress / ingress, or any drive aisles. One half of an acre is expected to the physically disturbed.

Staff Opinion: Modify local approval to include:

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

Dominic asked for clarification as to whether this request is involving one or both levels of the former Sears space. Laura stated that it is both levels but they are only putting a small 1-story overhand addition in the front. Dominic stated that the request says “portion of the former Sears” so it appears to not be taking the entire space. Laura said that they are only redeveloping a portion, but her understanding is that it will include both floors.

Brian Crawford made a motion to accept the staff opinion regarding case #07-191003371. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

Case #: 07-191003373
Project Name: Spa City Management
Applicant: Fonda Road LLC
Project Location: 6 Fonda Road
Municipality: Town of Colonie
Parcel Size: 0.58 acres
Zoning: Industrial (IND)
Tax Map Number: 5.3-2-1.1
Referring Agency: Town of Colonie Planning Board

Considerations: The construction of a new one-story 5,000 SF office building with access on Mustang Drive.

Action Type: Site Plan Review

Juris. Determinant: State Road
Potential Impacts: US 9 (Loudon Road), Mohawk Hudson Bike Trail

Staff Notes: The Property Owner proposes to construct a single-story 5,065 SF commercial office building along with utility connections and parking. The parcel is located northeasterly of the intersection with Fonda Road and Mustang Drive, is approximately .58 acres, and is presently an undeveloped vacant parcel. The scope of the work for the project involves grading, sewer, and water utilities connections, stormwater management, parking, site lighting, and a new curb cut from Fonda Road. The site plan calls for 23 parking spaces including the required number of ADA accessible spaces. Twelve parking spaces including one ADA accessible space are proposed at 6 Fonda Road and the remaining eleven spaces will located at 1 Mustang Drive and accessible via a pedestrian connection. Proposed green space is 51.4%. Less than one acre is expected to be disturbed and there are no wetlands on the parcel.

Staff Opinion: Modify local approval to include:

1. The receipt of SHPO's consultation (project number 19PR05521). The applicant requested SHPO's consultation pertaining to the parcel being potentially archeologically sensitive.
2. Bicyclist amenities should be included given the very close proximity to the Mohawk Hudson Bike Trail.
3. A correction to the driveway geometry to better enable access by larger vehicles.
4. Consultation by the local fire department for requirements for assembly space as well as the adequacy of the ingress and egress for emergency services.
1. The ACPB acknowledges the applicant's response to the Town pertaining to a shared refuse services with 1 Mustang Drive. However the Town should still require that the driveway geometry facilitates garbage pickups and access by larger vehicles in the event that the shared service agreement is discontinued.

The Board did not have any comments or questions regarding this issue. Roland Graves made a motion to accept the staff recommendation for case #07-19103373. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: 07-191003374
Project Name: Core Building Materials
Applicant: Core Building Materials - Mark Ketchoyian
Project Location: 117 Karner Rd.
Municipality: Town of Colonie
Parcel Size: 4.50 acres
Zoning: Industrial (IND)
Tax Map Number: 29.3-2-30
Referring Agency: Town of Colonie Planning Board

Considerations: Expansion of building supply yard along with the construction of a 15,000 SF metal frame building for additional storage /warehouse space, constructing a 10,000 SF metal frame building for office/warehouse, and the demolition of existing office and lean-

Action Type: Site Plan Review
Juris. Determinant: State Park
Potential Impacts: Albany Pine Bush Preserve

Staff Notes: The property owner, Core Building Materials, wants to expand their existing use of the parcel built out in two phases. Phase 1 includes the construction of a 1
story metal frame building for additional storage/warehouse space. The initial phase will also include associated driveways, power utilities and stormwater drainage area. The gross floor area of this new building is 15,000SF and approximately 20' tall. The proposed structure is intended for warehouse use and will not have sanitary sewer or water supply fixtures. Phase 2 of the project involves demolishing the existing office building in the front of the site and the front two lean-to structures. The main entrance will be redesigned to include green space and parking area. The new metal frame building will be constructed within the approximate footprint of the existing lean-to structures. The building will be used as an office and warehouse space and will incorporate a sidewalk and landscaping. A septic system will also be required. The offices to be located adjacent to the new green space area. Total acreage expected to be disturbed is 3.2 acres. There are no wetlands on site. The eastern part of the parcel, where the new phase 1 construction is planned, is currently forested. The parcel is zoned for industrial use and surrounded by developed parcels. The EAF Mapper identifies the area as potential habitat for the Frosted Elfin and the Karner Blue butterfly and designated as a sensitive archeological site. The Albany Pine Bush Preserve Commission submitted informal comments stating that the parcel is not within an area the Commission has recommended for protection and management as part of the preserve. The Commission will submit a thorough review of the application once the Town submits it to them. The NYS Office of Parks, Recreation and Historic Preservation reviewed that parcel area and determined that the project will have no archaeological and/or historic resources listed in or eligible for the NYS and National Registers or Historic Places. The site currently has 20 parking spaces. Phase two will reconfigure the layout of these spaces but will not increase the amount of parking

**Staff Opinion:**

Modify local approval to include:

1. The local fire department should review access to the site/building safety, and evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by fire code. 2. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land. 3 Compliance with the Albany Pine Bush Preserve Commission's Technical Committee's review and recommendations. 4. The construction of a new septic system will need to be reviewed by Albany County Department of Health.

**Advisory Note:**

1. The warehouse being built in phase 1 is not proposed to have water utility connections. 2. The Town should evaluate the proposed storage use as it pertains
to the 2015 International Fire Code and whether or not automatic sprinklers, or other access to water utilities, are required. 3. Phase 2 includes the construction of a septic system. The Town should make the applicant aware that other properties close to this parcel have experienced high water tables and challenges with septic system location. The applicant should not wait for phase 2 construction to begin, to assess the viability of the overall well/septic plan.

Dominic asked whether there is public water here. Laura stated that there is public water however the applicant is choosing not to use it. They are choosing to connect their office building to a well, but the storage space will not be connected to any utilities.

Roland Graves made a motion to accept the staff opinion regarding case #07-191003374. The motion was seconded by Brian Crawford and unanimously approved by the Board.

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<td>Project Name:</td>
<td>Amendment to Town of Colonie Code</td>
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<td>Town of Colonie Legislative Board</td>
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<td>Considerations:</td>
<td>Amendment to Town Code Chapter 190-71 enabling administrative review of development in Planned Development Districts</td>
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<td>Amendment of Local Law</td>
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<td>development review in Town of Colonie</td>
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Staff Notes: Chapter 190-71 in the Town of Colonie's zoning code establishes and regulates the creation of planned development district's (PDD) through a Zoning District Map amendment. This process involves a public hearing to occur before the adoption of a PDD. The proposed amendment, section H, clarifies that after a district is reviewed and adoptees, development that substantially complies with the density, location, and uses of approved PDDs does not require additional public hearings outside of a typical development / subdivision review process.

Staff Opinion: Modify local approval to include:

1. Notification of the application should be sent to neighboring Cities, Towns, Villages, and County including all required notices pursuant to GML §239-nn.

The Board did not have any questions or comments on this issue. A motion was made by Roland Graves to accept the staff opinion regarding case #07-191003382. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

Case #: 08-191003377
Project Name: Capital Volvo of Albany

Applicant: Capital Volvo of Albany
Project Location: 350 New Karner Road
Municipality: Village of Colonie
Parcel Size: 29.14 acres
Zoning: Commercial A
Tax Map Number: 29.14-1-1.1
Referring Agency: Village of Colonie Planning Board

Considerations: The construction of a new 18,500 SF car dealership and showroom.

Action Type: Site Plan Review

Juris. Determinant: Municipal Boundary, County Road
Potential Impacts: CR 157 (New Karner Road), Village of Colonie and Town of Colonie Municipal Boundary

Staff Notes: The site plan review is for the construction of a new 18,500 SF two story car dealership and showroom. The parcel currently contains a driveway. The majority of the parcel is undeveloped. A total of 2.4 acres are expected to be disturbed. The new structure is 26’ in height. Access to the parcel would come from a new curb cut onto New Karner Road. There will be roughly 97 parking spots by the dealership, and two accessible spots. The proposal also includes a porous pavement storage lot in the rear with 92 spaces.

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. Village review of the drywells. Drywells may not work. The depth to groundwater is 3’ or less. A perc test should be reviewed by the Village and modifications to the plan made if needed.
3. Clarification of green space requirements. The Village needs to determine whether the applicant is using green space in the front yard to obtain the green space requirements set by the Village. That area is in the Albany County Right of Way and does not belong to the applicant.
4. A shared access agreement (including a maintenance agreement) should be referenced in the deed for the property, due to the proposed applicant use of the Village owned driveway. Particular attention needs to be given to snow and ice removal from the asphalt driveway adjacent to porous pavement. No sand can be used on a porous pavement, or it will clog.
5. The Albany County Department of Public Works will not allow the Albany County right-of-way to be used for car loading/unloading. The applicant needs to show a designated area on the site plan for car carrier loading and unloading that is not in the County right-of-way.
6. Re-profile the entrance of the driveway to accept a future sidewalk (1.5% slope)
7. Notification of the application should be sent to the Town of Colonie, including all required notices pursuant to GML §239-nn.
8. Submission of the application to the Albany Pine Bush Preserve Commission for review and receipt of recommendations.

Advisory Note: 1. New vehicle displays will also not be allowed in the Albany County ROW. 2. Given that the driveway may need to be widened for loading and unloading, the...
driveway may be too close to property line. 3. If the driveway is altered, 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.

Dan Hershberg of Hershberg and Hershberg, represented Capital Volvo to address any questions or comments by the Board. Dan stated that he “takes issue with the comment that porous pavement next to standard pavement creates a problem because it has been done many times. Lia Auto for example has done this and are able to control it quite well so I don’t feel that it creates a problem. Our idea is to expand the pavement with porous pavement to reduce the flow. We have done infiltration tests and water table tests on site to say that our SWPPP design will work. The agreement will be executed with the builders that the owner will maintain that driveway in perpetuity. We were granted a variance in the percentage of green for the front yard from the Village of Colonie, so we are not using any of the right a way to account for any of the green space.”

Dominic asked about front entrance and the loading and unloading of vehicles. Dan stated that they have identified on the site plan a place for the trucks to come in, drop the cars and pull out. Dan reiterated that this is addressed on the site plan. Dominic asked Jim Mearkle if he had reviewed the site plans. Jim stated that he had and said that without the turning path on the plan, he was unsure whether the truck would have a path to loop around or whether it would have to back out. Dan said that he was guessing that Jim had been looking at an earlier version of the plan. On the revised plan submitted to the Village they have shown this area. Coming in the driveway, the truck would go behind the building, pull forward and drop the cars, back out and then over and out of the lot. Dominic confirmed with Dan that it has been addressed in the updated plan. Dominic then asked Laura if she needs the updated plan. She stated that she can leave it up to the Board’s discretion, but said that an updated plan would be nice. She also said that there are certain things the Town of Colonie should forward to her such as the agreement about the driveway which states that the owner will take care of it in perpetuity.

Enzo then asked for the square footage of the encroachment of the porous vs non-porous areas. Specifically, he was looking for information regarding run-off and the location of the dry well. Dan provides a map for the Board to review so he can show the area. Dan then clarifies that they test the groundwater and infiltration at these 4 locations (pointing on the map). Enzo asks about the amount of square footage of each. Dan states that the total porous pavement area is 34% of the site. Rob asks about the depth of the groundwater and Dan replied that it was about 6ft. Rob asks whether the Town/Village has any concerns about snow and ice operations salting their access driveway as they’ve done for many years. He further says that his biggest concern is that they are going to have the same crew doing the same thing that they have been doing for years and might just drop a load for sand and salt. Dan clarifies that his client will handle all of the plowing operations including the driveways. In addition there will be signage about the porous pavement and the maintenance manuals will be clear on what areas have porous pavement and what areas do not.

Laura stated that she could rewrite this to “still demand that the town has full understanding of who is maintaining the driveway and then say that, especially as it pertains to snow and ice removal, that no
sand can be used next to porous pavement. I could put the sand notification in the requirement for the deed and that the responsibility for the maintenance needs to be in the deed”.

Rob added that the requirements for the maintenance of non-porous pavement should be in the deed also.

With these modifications made, Roland Graves made a motion to accept the staff recommendation regarding case #08-191003377. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

Case #: 12-191003378
Project Name: Harmony Prima Lofts, LLC

Applicant: Harmony Prima Lofts
Project Location: 1 Broadway
Municipality: Village of Menands
Parcel Size: 9.60 acres
Zoning: Broadway Business District (BBD)
Tax Map Number: 66.5-3-13.1
Referring Agency: Village of Menands Legislative Board

Considerations: Subdivision review to enable a separate tax parcel for a self-storage unit

Action Type: Subdivision Review

Juris. Determinant: Municipal Boundary, State Road
Potential Impacts: The City of Albany and Village of Menands municipal boundaries, NY 32 (Broadway), historically significant property.

Staff Notes: The property owner seeks to subdivide the parcel to create a new, approximately 10,000 SF parcel on the site for a self-storage unit. An existing reciprocal easement for ingress and egress to an adjoining storage building will be extended to provide egress and ingress to this site. The property owner seeks to convert a 1 story building with a basement to a self-storage space. The larger parcel currently contains the Albany Lofts at Broadway, an apartment complex. The complex was originally the Albany Felt Company's manufacturing site, and later
the company's corporate headquarters. It is listed on the state and national registries of historic places (NR # 13NR06511). The specific building on the proposed new parcel is a storehouse originally built in 1902. It is a single-story brick building, front-gabled with a rectangular plan. Entrance is gained on the north side through an overhead door and adjacent person-door. East of the doors are three oversized windows which have structural glass block. A smaller bricked-in window sits directly below the gable peak. An existing full length brick addition was built onto its east side to increase space. The ACPB has previously reviewed multiple variances and site plans for this parcel. The previous referral numbers were: 12-141102128, 12-141102127, 12-140802034, 12-140802032.

**Staff Opinion:** Modify local approval to include:

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

**Advisory Note:**

1. The storehouse on the proposed new tax parcel was constructed in 1902 and is considered historically significant. The Village should consult the State Historic Preservation Office if the creation of a new parcel results in future proposals to revise the structure.

Dan Hershberg of Hershberg and Hershberg represented Harmony Prima Lofts, LLC to answer questions and address any comments from the ACPB. Dan confirmed that they are doing a historic rehabilitation of the building. Roland Graves asked if this is the old Albany Felt location. Dan confirmed that it is, and that the building is a storage building that has always been used for storage, but now the owners want to use it as a storage location for the tenants of the building.

Brian Crawford made a motion to accept the staff recommendation for case #12-191003378. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

**Case #:** 13-191003379  
**Project Name:** Land of William Lawyer  
**Applicant:** William Lawyer  
**Project Location:** 3263 New Scotland Road  
**Municipality:** Town of New Scotland  
**Parcel Size:** 10.00 acres
Zoning: Commercial (COM)
Tax Map Number: 93.-2-15
Referring Agency: Town of New Scotland Planning Board

Considerations: Adjust lot line between two adjoining parcels to transfer 2 acres from parcel 93.-2-14 to parcel 93.-2-15

Action Type: Subdivision Review

Juris. Determinant: State Road, NYS Designated Agricultural District
Potential Impacts: NY 85 (New Scotland Road), NYS Designated Agricultural District

Staff Notes: The property owner want to adjust the adjacent boundary between two adjoining parcels to transfer 2 acres from parcel 93.-2-14 to parcel 93.-2-15. After the lot adjustment the parcel 93.-2-14 would be 12.2 acres and acre 93.-2-15 would be 10.25 acres. The larger parcel currently has no structures on it, and would remain vacant. The smaller parcel has a dwelling and a garage. The larger north parcel is a NYS 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 subdivision approval of sites within 500 feet of a farm operation located in an agricultural district.

The Board did not have any comments or questions regarding this issue. A motion was made by Roland Graves to accept the staff opinion regarding case #13-191003379. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: 15-191003380
Project Name: Hostash Land Annexation

Applicant: Gregory Hostash
Project Location: 209 Cr 361 and adjacent parcel
Municipality: Town of Rensselaerville
Parcel Size: 5.44 acres
Zoning: Agricultural / Rural Residential (A/RR)
Tax Map Number: 149.-1-32.10, 149.-1-32.20
Referring Agency: Town of Rensselaerville Planning Board

Considerations: The land annexation of 1.36 acres to be added to a an adjacent 4.08 acre lot

Action Type: Land Annexation

Juris. Determinant: County Road, Municipal Road
Potential Impacts: CR 351, CR 361 (Town Line Road), Town of Rensselaerville and Town of Westerlo municipal boundary, wetlands

Staff Notes: Property owner Gregory Hostash owns parcel 149.-1-32.10, which is 76.50 acres. He proposes annexing 1.36 acres to combine with the southern neighboring parcel 149.-1-32.20 owned by Dennis and Shannon Hostash. The new parcel, with the annexed land, would be 5.44 acres. Parcel 149.-1-32.20 currently has a mobile home on it. The intention is to demolish that home and construct a new dwelling, driveway, and leach field in the future.

Staff Opinion: Modify local approval to include:

1. Notification of the application should be sent to the Town of Westerlo, including all required notices pursuant to GML §239-nn. 2. The location of wells and septic should be evaluated by Albany County Department of Health as part of the subdivision of the land.

Bill Anslow asked about adding that future wells will need to be reviewed by Albany County. Laura stated that she would add an advisory stating that wells will need to be reviewed by Albany County Health Department.

Dominic stated that an advisory about needing a Highway Permit also needs to be added.
With those additions, a motion was made by Roland Graves to accept the staff recommendations for case #15-191003380. The motion was seconded by Brian Crawford and unanimously approved by the Board.

<table>
<thead>
<tr>
<th>Case #:</th>
<th>18-191003381</th>
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<tbody>
<tr>
<td>Project Name:</td>
<td>Thompson's Diner</td>
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<tr>
<td>Applicant:</td>
<td>Ronald Thomson Jr.</td>
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<tr>
<td>Project Location:</td>
<td>585 State Route 143</td>
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<tr>
<td>Municipality:</td>
<td>Town of Westerlo</td>
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<td>Parcel Size:</td>
<td>0.65 acres</td>
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<td>Zoning:</td>
<td>RH (Residential Hamlet)</td>
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<td>Tax Map Number:</td>
<td>139.9-3-16</td>
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<td>Referring Agency:</td>
<td>Town of Westerlo Planning Board</td>
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</tbody>
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**Considerations:** A site plan review for a mini-mart with food service and retail space on a parcel that had similar uses before a year of vacancy

**Action Type:** Site Plan Review

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

**Potential Impacts:** NY 143, CR 401, Westerlo Town Park

**Staff Notes:** The site plan review is for a parcel that already has a mini-mart, food service, and gas canopy on site. The site remained vacant for over a year. The new owner wants to redevelop the site for similar uses and add three new retail spaces to the rear of the warehouse building that currently exist. The current building is roughly 4,640 SF. The owner would like to divide this structure: a +/- 1,914 SF mini-mart and diner, and three +/- 50 SF retail spaces in the rear. The rear western edge of the parcel is adjacent to the Westerlo Town Park. This use is permitted within this zone with a site plan approval and the obtainment of a special use permit.
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.

3. Review by NYSDOT for angled parking and parking adjacent to state route regulations. NYSDOT often does not allow parking that will result in vehicles backing up onto state routes. This is a potential vehicular accident hazard.

4. Ensure that all main entrances to the diner and retail spaces are accessible pursuant to ADA requirements.

There were not any questions or comments from members of the Board. A motion was made by Enzo Sofia to accept the staff recommendation regarding case #18-191003381. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #:

18-191003383

Project Name: Solid Waste Management Code - TOW

Applicant: Town of Westerlo

Project Location: Town of Westerlo

Municipality: Town of Westerlo

Parcel Size: 0.00 N/A

Zoning: N/A

Tax Map Number: N/A

Referring Agency: Town of Westerlo Legislative Board

Considerations: To repeal and replace existing local laws, rules, and regulations related to the collection, transportation, disposal, management, and recycling of solid waste within the Town of Westerlo

Action Type: Amendment of Local Law
Juris. Determinant: Amendment to Local Law

Potential Impacts: solid waste management in the Town of Westerlo

Staff Notes: To repeal and replace existing local laws, rules, and regulations related to the collection, transportation, disposal, management, and recycling of solid waste within the Town of Westerlo. The amendments to the law are relatively minor. There is an increase in definitions including clarifications for: commercial waste, commercial waste collection, contraction and demolition debris, disposal, industrial waste, industrial non-process waste, recyclable materials, and mandatory recycling. Mostly the law clarifies existing town regulations pursuant to waste removal (i.e. permitting, accepted waste, recycling practices).

Staff Opinion: Modify local approval to include:

1. Notification of the application should be sent to neighboring Cities, Towns, Villages, and County including all required notices pursuant to GML §239-nn.

Roland Graves asked why they are looking to amend the law and then create a new law. Laura stated that they want to consolidate and better define the law. The new law is almost identical to the old, but they wanted definitions added. For example, in the town code they have no definition for commercial waste that they wanted to add that as well as include information about a permitting program that now exists. Laura stated that essentially their town code had not been updated in a long time so certain recycling definitions also need to be put in. Laura said that she reviewed the old code and then compared it to the new one that is proposed looking to see if there is anything that pertains to Albany County, particularly to the County Dump, but that the changes were all things related to adding definitions and clarifying permitting regulations.

Enzo Sofia made a recommendation to accept the staff recommendations regarding case #18-191003383. Roland Graves seconded the motion and it was unanimously approved by the Board.

Unfinished Business: None

New Business:

The books that were requested by Jim Mearkle have been ordered.

The recording equipment was also ordered, but has not come in yet. We are hoping to have it before the end of the year.

Brian Crawford has a conflict and is unable to attend the December 19, 2019 meeting. A discussion was had about the date being very close to the holiday and concerns about having enough voting members at
that meeting. A decision was made to move the December ACPB meeting up to Tuesday, December 17, 2019. This will not affect the submission deadline for the towns and villages.

Dominic clarified that the November meeting will remain the same, Thursday, November 21, 2019, but the December meeting will now be held on Tuesday, December 17, 2019.

**Adjourn:**

Roland Graves made a motion to adjourn at 4:13pm. The motion was unanimously approved by the Board.