Present:
Dominic Rigosu, acting chair; Roland Graves, Vice Chair; Enzo Sofia, Brian Crawford, Tim Garufi (Ex-Officio), David Reilly (Ex-Officio), Shawn Thelan, Commissioner Mgmt & Budget.

Albany County Planning:
Laura Travison, Senior Planner
Lynn Delaney, Secretary
Bill Anslow, Civil Engineer (Ex-Officio)

Guests:
Elizabeth Floyd Mair, Altamont Enterprise

Minutes:
Lynn Delaney

A call to order:
Dominic Rigosu called the meeting to order at 3:40pm.

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

Brian Crawford made a motion to move the following referrals to the front of the agenda and vote on them as a group:
01-191103390, 01-191103385, 01-191103384, 01-191103386, 01-191103387, 01-191103388, 01-191103391, 01-191103395, 01-191103398, 01-191103399, 01-191103400.

The motion was seconded by Roland Graves and unanimously approved by the Board.

<table>
<thead>
<tr>
<th>Case #:</th>
<th>07-191103390</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name:</td>
<td>Keeler / Sprinter Vans Maintenance Building Addition</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Alkin LLC (Alexander Keeler)</td>
</tr>
<tr>
<td>Project Location:</td>
<td>1075 Troy Schenectady Road</td>
</tr>
<tr>
<td>Municipality:</td>
<td>Town of Colonie</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>43.35 acres</td>
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<tr>
<td>Zoning:</td>
<td>Commercial Office Residential COR</td>
</tr>
<tr>
<td>Tax Map Number:</td>
<td>8.3-1-39.1-1</td>
</tr>
<tr>
<td>Referring Agency:</td>
<td>Town of Colonie Planning Board</td>
</tr>
</tbody>
</table>
Considerations: A site plan review entailing the construction of a new 8,250 SF addition to be used as a maintenance building at an existing car dealership.

Action Type: Site Plan

Juris. Determinant: County Road, State Road, Agricultural District,

Potential Impacts: NY 7 (Troy Schenectady Rd), CR 151 (Albany Shaker Rd), NYS designated Agricultural District, wetlands

Staff Notes: The property owner proposes a one-story 8,250 SF addition to an existing standalone building. Once the new building is constructed the total building area for the site will be approximately 138,068 SF. The site selected for the purpose of the building location is behind the former Smart Car building and nearest to the Car Wash. The building will be used to service Sprinter Vans (commercial use vans). The proposed area of site does not have existing NYS or USACE wetlands, although a relatively small corner of the rear of the tax parcel is in a flood zone. The circulation for the proposed maintenance building will utilize the same access as the car wash. There is no change to existing egress, ingress, or parking. The proposed facility will be developed to capture the storm water runoff and direct it to underground storage and infiltration system before recharge in to the local pervious soils. Roughly a quarter of an acre is expected to be disturbed.

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:

Case #: 04-191103385
Project Name: Moratorium Extension- vape and smoke shops and medical marijuana dispensaries

Applicant: Town of Bethlehem
Project Location: N/A
Municipality: Town of Bethlehem
Parcel Size: N/A
Zoning: N/A
ACPB November 2019 Meeting Minutes

Tax Map Number: N/A

Referring Agency: Town of Bethlehem Legislative Board

Considerations: A 6 month proposed extension on an existing June 26, 2019 moratorium on the submission and processing of applications for building permits, certificates of occupancy, and land use approvals for vape and smoke shops and the sale of marijuana, or marijuana products, or the sale, dispensing, and distribution of medical marijuana.

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 Notes: Since the original moratorium the planning staff has researched the public health consideration related to electronic smoking, vaping, and options for the regulation of tobacco and marijuana products. The Town Code does not currently give the Town authority to prohibit vape/smoke shops from schools even through electronic cigarettes are tobacco products. The original reasoning for the moratorium was that the Town has noticed the increase of Vape and Smoke shops since 2015 in their municipal boundary, one that is 1800' from a school. The Town has public health concerns about the sale and distribution of Vape products as well as tobacco. The town also acknowledges the high potential for NYS to legalize recreational use of marijuana, and that a business model change of Vape and Smoke shops would be easy and incentivized by such legislation once enacted. With this in mind the Town has expressed interest in preemptively codifying reasonable zoning and land use code on Vape and Smoke shops. In July 2014, NYS enacted the Compassionate Care Act that legalizes and regulates the use of medical marijuana. The moratorium also includes the sale, dispensing, and distribution of this legal use. Since the original moratorium The planning board has researched zoning and licensing rules to reduce exposure, especially to youth, to the number of retailers selling tobacco and vapor products. Staff is requesting further time to now draft a policy. This is an extension of a previous referral (# 04-190603314). In June, 2019 ACPB voted to defer to local consideration. There was a lengthy advisory that cautioned the town from considering distinct uses (medical marijuana dispensaries and vape/smoke shops) under one land use policy, and from prohibiting all opportunities (i.e. completely prohibiting use in all zones ) of any land use that is sanctioned by State government.

Staff Opinion: Defer to local consideration.

Advisory Note: 1. The ACPB continues to encourage the Town to apply careful scrutiny to a land use policy for distinct uses. Vape, smoke, recreational marijuana sales and marijuana paraphernalia sales, currently exhibit a different geo-spatial pattern than medical marijuana dispensaries. Tobacco use and medical marijuana use
ACPB November 2019 Meeting Minutes

are currently regulated under separate NYS laws and medical marijuana use is completely prohibited in any public space. It is currently illegal in New York State for a medical marijuana dispensary to exist on the same street or avenue and within one thousand feet of a building occupied exclusively as a school, church, synagogue or other place of worship.

<table>
<thead>
<tr>
<th>Case #</th>
<th>01-191103384</th>
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<tbody>
<tr>
<td>Project Name</td>
<td>152 Washington Ave.</td>
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<tr>
<td>Applicant</td>
<td>152 Washington LLC</td>
</tr>
<tr>
<td>Project Location</td>
<td>152 Washington Ave.</td>
</tr>
<tr>
<td>Municipality</td>
<td>City of Albany</td>
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<tr>
<td>Parcel Size</td>
<td>0.20 acres</td>
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<tr>
<td>Zoning</td>
<td>Mixed-Use, Community Urban (MU-CU)</td>
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<tr>
<td>Tax Map Number</td>
<td>76.24-7-1</td>
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<tr>
<td>Referring Agency</td>
<td>City of Albany Planning Board</td>
</tr>
</tbody>
</table>

Considerations: Site plan amendment review to change previous approved plan for 35 residential units and a 1-story 3489 SF addition to 34 residential units, an office unit, and a 1-story 3489 SF addition.

Action Type: Site Plan Amendment Review

Juris. Determinant: County Facility, State Road

Potential Impacts: NY 5 (Washington Ave.), Albany County Department of Social Services

Staff Notes: Site plan amendment review to change previous approved plan for 35 residential units and a 1-story 3489 SF addition to 34 residential units, an office unit, and a 1-story 3489 SF addition. This site plan was deferred to local consideration in July 2019 by the ACPB (referral number 01-190703332). It is being re-referred to assess this minor adjustment.

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 #: 04-191103386
Project Name: Hoffman Car Wash Site Plan Amendment

Applicant: Hoffman Development Corp
Project Location: 55 Delaware Ave.
Municipality: Town of Bethlehem
Parcel Size: 1.50 acres
Zoning: Commercial Hamlet (CH)
Tax Map Number: 86.06-2-2.4
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan amendment review to enable the installation of two automated teller stations in the drive-thru lane for the car wash.

Action Type: Site Plan Amendment Review

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

Staff Notes: Property owner is proposing to install two automated point of sales tellers within an existing parking lot at a car wash. The project also includes new concrete curbing and will disturb approximately 1,500 Sf of existing asphalt. No new egress/ingress is proposed for this project. The amount of impervious surface will remain the same and there is no wetland disturbance.

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 #: 04-191103387
Project Name: Pine Hollow Arboretum Change of Use

Applicant: Pine Hollow Arboretum
### Considerations:

A site plan review to allow the change of use from a single family residence to a conservancy.

### Action Type:

Site Plan Review

### Juris. Determinant:

State Road

### Potential Impacts:

NY 85 (New Scotland Road), NY 140 (Cherry Ave.), wetlands, historic district

### Staff Notes:

The Pine Hollow Arboretum has been in operation on the parcel since 2012. The property was conveyed to the Arboretum, a tax exempt organization, by its late founder Dr. John Abbuhl in July 2017. The property was conveyed with the intent of providing headquartered office to conduct business. The Arboretum purposes to change the use of the property from a private residence to a conservancy. It has 2 full time staff members, 1 part time seasonal staff member and 1 contracted educator.

### 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:

Case #: 04-191103388

Project Name: Collier Land Division

Applicant: Brian Collier

Project Location: 143 Fernbank Ave.

Municipality: Town of Bethlehem
Parcel Size: 0.53 acres
Zoning: Core Residential
Tax Map Number: 86.17-4-31
Referring Agency: Town of Bethlehem Planning Board

Considerations: Subdivide the .53 acres parcel into a .33 acre parcel and a .20 acre parcel.

Action Type: Subdivision Review

Juris. Determinant: State Road
Potential Impacts: NY 335 (Elsmere Road)

Staff Notes: The property owner would like to subdivide a corner .53 acre parcel into a .33 acre parcel and a .20 acre parcel. The existing driveway, and proposed new driveway on the new parcel, both are on Fernbank aver. Both parcels would connect to Town sewer and water. The resulting new parcel would have a new single family residence and driveway.

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 #: 07-191103391
Project Name: Hoblock Home

Applicant: William Hoblock
Project Location: 33 Colonial Green
Municipality: Town of Colonie
Parcel Size: 2.02 acres
Zoning: Residential Single family Residence (SFR)
Tax Map Number: 54.2-6-51
Referring Agency: Town of Colonie Zoning Board of Appeals
Considerations: Area Variance to enable the construction of a new single family residence with a 75.5’ front yard setback when a 95’ setback is required.

Action Type: Area Variance

Juris. Determinant: Municipal Boundary

Potential Impacts: Village of Menands and Town of Colonie Municipal Boundary

Staff Notes: The area variance is requested by the property owners to enable the demolition of the existing residence and the construction a new single family residence. The new residence would have a 75.5’ front yard setback that is 19.5’ within the 95’ required front yard setback for this parcel. The owner states several hardships that necessitate the variance. First is the variance requirement was established in a 1937 subdivision and is very large, potentially the largest setback requirement of any subdivision map filed with the Town of Colonie. It is over double the minimum requirement in the Town of Colonie code for front yard setbacks for SFR. Additionally, the property owners seek to maintain an existing pool that currently is on the side of the house. They wish to have the new house better shield the pool and have it more behind the house for privacy. Finally there are utility wires in the rear of the property, which results in the property owner wanting to increase the square footage of the backyard to make available more land that isn't occupied by the electrical wires and thereby make their yard more functional.

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. The town should ensure that the property owner is aware of the regulations for construction activities that disturb land greater than one acre.

Case #: 10-191103395

Project Name: Great Oaks Office Parks

Applicant: The Rosenblum Companies

Project Location: SE corner of the Church Road /Western Ave. Intersection (100, 200, and 300 Great Oaks Boulevard)

Municipality: Town of Guilderland

Parcel Size: 16.30 acres

Zoning: Business Non-Retail Professional BNRP District (BNRP)
ACPB November 2019 Meeting Minutes

Tax Map Number: 52.19-1-4.1, 52.19-1-4.2, 52.19-1-4.3

Referring Agency: Town of Guilderland Legislative Board

Considerations: Rezoning a 16.3 acres from a Business Non-Retail Professional BNRP District to a Planned Unit Development District to enable the construction of 120 apartment units in two separate buildings.

Action Type: Rezoning

Juris. Determinant: State Road

Potential Impacts: NY 20 (Western Ave.) and NY I87.

Staff Notes: The property owner is requesting a change in zone of 16.3 acres (3 adjacent tax parcels), from a Business Non-Retail Professional BNRP District to a Planned Unit Development District to enable the construction of 120 apartment units in two separate buildings. The parcels exist at a nexus of zones in the town. Directly to the north, and across Western Ave., is a Local Business zone with a Transit Oriented Development overlay, across Church Road to the west is a Single family Residence Zone (R15) and adjacent to the south is a Multiple Residence Zone (MR). The adjacent parcel to the south is an existing apartment complex, Woodlake Apartments. Great Oaks Office Park currently consist of one 3-story office building and two 2-story office buildings on three parcels. The applicant is proposing to construct two apartment buildings within the Great Oaks Office Complex. One apartment building will be a 174,740 SF 5-story building with 78 units, and 124 internal garage parking stalls. This building is expected to house amenities that will serve both residential and office tenants, including a cafe/market space, conference facility/business center, fitness, shower, and bicycle storage facilities, and an outdoor patio area. The other 64,889 SF apartment building will be 4-stories with 42 units and 32 internal garage parking stalls. Approximately 28.2% of the site will remain open space, 18.8% building coverage, 44.5% pavement coverage, and 8.5% gravel coverage. The project will include 156 garage parking spaces and 680 surface parking spaces. No new ingress or egress is proposed due to the proposed new construction. Fifty three new trips are expected to be generated by the development during weekday commuter hours. The property owners, Rosenblum Companies, have operated this office park for four decades and received several awards for sustainable design: "Earth Award" from The Building Owners and Managers Association, a "Sustainable Communities IMPACT Award" from the Stakeholders, Inc., and a "Green Award" from the Town of Guilderland. Rosenblum has noticed a decline in demand for office space and subsequent longer vacancies, while there is an increased demand in the region for amenity and transit oriented multifamily housing. This is not a site plan review at these stage.

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. The town should ensure that the property owner is aware of the regulations for construction activities that disturb land greater than one acre.
2. The Town should ensure that the property owner is aware that review by the Albany County Department of Health is required for food service.
3. The rezoning should be sent to the Fire Department for review and comment. Under Section 503.1.2 of the International Fire Code it states the fire code official is authorized to require more than one fire apparatus access road based on potential impairment of a single entrance.
4. Proposed rezoning and increased density of the site may require additional fire access. Section D104 on the 2015 International Fire Code requires two means of fire apparatus access for certain size commercial buildings and building heights. If the existing structures or the proposed buildings meet the requirements for an additional fire apparatus access then it should be determined how this will be addressed prior of rezoning as the site has limited access.

Case #: 10-191103398
Project Name: Spruce Plaza

Applicant: Michael Davidson
Project Location: 1 Twenty West Drive
Municipality: Town of Guilderland
Parcel Size: 1.82 acres
Zoning: Local Business (LB)
Tax Map Number: 39.00-2-103
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Request for a special use permit to allow the construction of a 14,740 SF mixed-use building, parking spaces, and landscaping

Action Type: Special Use Permit

Juris. Determinant: State Road
Potential Impacts: US 20 (Western Turnpike)

Staff Notes: The property owner is requesting a special use permit to enable the construction of a 14,740 SF mixed-use building. Driveway access would be on Twenty West Drive. The
site is 1.82 acres and roughly 1 acre is expected to be disturbed. The plaza will include a proposed dental office and manicure/pedicure day spa, a restaurant, an office space and a residential apartment.

**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. The town should ensure that the property owner is aware of the regulations for construction activities that disturb land greater than one acre.

**Case #:** 13-191103399

**Project Name:** Danz Development / Site Plan 124

**Applicant:** Danz Development

**Project Location:** 1903 New Scotland Rd

**Municipality:** Town of New Scotland

**Parcel Size:** 8.60 acres

**Zoning:** Commercial (COM)

**Tax Map Number:** 73.-4-13

**Referring Agency:** Town of New Scotland Planning Board

**Considerations:** A site plan review for the renovation of an existing building into six apartment units.

**Action Type:** Site Plan Review

**Juris. Determinant:** State Road

**Potential Impacts:** NY 85 (New Scotland Rd.)

**Staff Notes:** The property owner is proposing the redevelopment of the existing building into a six unit residential apartments. The six apartments will be constructed in the existing three levels. Utilities already exist on site. A tenth of an acre is expected to be disturbed. There will be 13 parking spots, and one will be an accessible parking spot. No new ingress or egress is proposed. Federally Jurisdictional wetlands, and a corresponding floodplain, exist on the parcel. Storm water management will be designed and
constructed using a detention basin which will maintain or reduce storm water runoff from impacting downstream properties

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. Accessible parking in a gravel lot will need intensive maintenance to keep it accessible, especially during winter and spring thaw. The Town should make sure this meets ADA requirements.

Case #: 13-191103400

Project Name: Lands of Mauro

Applicant: Maureen Mauro

Project Location: South side of Rowe Rd and east side of Onesquethaw Creek

Municipality: Town of New Scotland

Parcel Size: 52.40 acres

Zoning: Residential Agriculture (RA)

Tax Map Number: 119.-2-18.21

Referring Agency: Town of New Scotland Planning Board

Considerations: The subdivision of 5 acres from a 52 acre parcel to enable the construction of a single family home on the smaller lot.

Action Type: Subdivision Review

Juris. Determinant: Agricultural District

Potential Impacts: Agricultural District, Historic District, wetlands, flood zone

Staff Notes: The property owner seeks to subdivide of 5 acres from a 52 acre parcel to enable the construction of a single family home on the smaller lot. Lot being created has an existing well and DOH approved septic area. There are wetlands and flood zones on the parcel. The remaining parcel will continue to be farmed.
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. The town should ensure that the property owner is aware of the regulations for construction activities that disturb land greater than one acre.

2. The town should ensure that the property owner is aware of the regulations for construction activities that disturb wetlands.

Case 01-191102291, Hoblock home in Colonie, Roland Graves asked that an advisory be added reminding them that a SWPPP will need to be completed. Laura Travision stated that it is an area variance right now and that’s why it wasn’t put on there because they will come back to us. Roland asked that when they do come back to us with this case, that a SWPPP be added. Laura will add an advisory note to ensure that the property owner is aware of all regulations for construction activities that disturb land greater than 1 acre.

With that change noted, a motion to accept the staff recommendations for referral #'s 01-191103390, 01-191103385, 01-191103384, 01-191103386, 01-191103387, 01-191103388, 01-191103391, 01-191103395, 01-191103398, 01-191103399 and 01-191103400 was made by Enzo Sofia. The motion was seconded by Roland Graves and unanimously approved by the board.

<table>
<thead>
<tr>
<th>Case #:</th>
<th>13-191103401</th>
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</thead>
<tbody>
<tr>
<td>Project Name:</td>
<td>Lands of Morse</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Sara and Andrew Morse</td>
</tr>
<tr>
<td>Project Location:</td>
<td>244 Normanskill Rd.</td>
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<tr>
<td>Municipality:</td>
<td>Town of New Scotland</td>
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<tr>
<td>Parcel Size:</td>
<td>108.00 acres</td>
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<td>Zoning:</td>
<td>Residential (R2)</td>
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<td>Tax Map Number:</td>
<td>62.-4-13.1</td>
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<td>Referring Agency:</td>
<td>Town of New Scotland Zoning Board of Appeals</td>
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<tr>
<td>Considerations:</td>
<td>An area variance to allow for more than 25% expansion of pre-existing legal non-conforming use of more than one dwelling on a parcel.</td>
</tr>
<tr>
<td>Action Type:</td>
<td>Area Variance</td>
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</tbody>
</table>
Juris. Determinant: Municipal Boundary, County Road, Farm in designated Agriculture District

Potential Impacts: CR 203 (Normanskill Rd & Johnston Rd), Town of New Scotland and Town of Guilderland municipal boundaries, wetlands, flood zones

Staff Notes: The property owner is requesting an area variance to allow for more than 25% expansion of a dwelling that is a pre-existing non-conforming legal use because there are more than 2 dwellings on the same parcel. The property owner wants to demolish a current dwelling and construct a new structure that will exceed the 25% allowance. A new septic is being designed.

Staff Opinion: Disapprove.

1. Due to substantial amount of wetlands and flood zones on the site, the construction of a new septic system, and the property traversing a municipal boundary, the Albany County Planning Board found the referral materials to be unacceptable for review purposes. All future referral applications for an area and/or use variance, subdivision review, special use permit, and/or site plan review are required to include an official drawing or rendering of the proposed site of new construction and septic system prepared by a licensed architect, landscape architect, engineer, or land surveyor. The applicant will also need to submit an Environmental Assessment Form and an Agricultural Data sheet.

Advisory Note: 1. The location of wells and septic should be evaluated by Albany County Department of Health before a building permit is issued.

Dominic asked why the drawings were not acceptable and Laura stated that there weren’t any drawings included with the referral. The majority of their property is in a flood zone and the municipal boundary goes right through the property. That is why she is requesting a site plan.

A motion was made by Brian Crawford to accept the staff recommendation for referral # 13-191103401. The motion was seconded by Roland Graves and unanimously approved by the Board.

Case #: 04-191103389
Project Name: Selkirk Industrial Park

Applicant: Cannon Development LLC

Project Location: 1387 River Road

Municipality: Town of Bethlehem

Parcel Size: 26.83 acres

Zoning: Mixed Economic Development
ACPB November 2019 Meeting Minutes

Tax Map Number: 134.00-3-2

Referring Agency: Town of Bethlehem Planning Board

Considerations: A site plan review, entailing the construction of a 28,275 SF warehouse with accompanying sidewalks, driveway, and parking areas.

Action Type: Site Plan Review

Juris. Determinant: State Road

Potential Impacts: NY 144 (River Road), NY 396 (Maple Avenue), NY Interstate 87

Staff Notes: The property owner is proposing the construction of a 28,275 SF warehouse with accompanying sidewalks, driveway, and parking areas on a 26.83 acre parcel. The tax parcel forms a horseshoe shape around a smaller parcel and is currently vacant and forested. The property is bounded by the NYS Thruway to the west, Exit 22 on the NYS Thruway to the north, River Road (NY 144) and a Rural Riverfront zone to the east, and Maple Avenue (NY 396) to the south. The site is located entirely within the Mixed Economic Development (ME) zoning district. The entire area of construction is contained in the southern portion of the parcel near Maple Avenue. Building coverage will be 2.4% of the site, paved area will be 3.7%, and approximately 93.9% of the property will remain open space. The site will have 29 surface parking spaces. The proposal includes a new access driveway on NY 144. The project will connect to a water main that already exist on site. For sanitary waste there will be a new septic system. Fire hydrants will also be installed as well as fire detection and suppression systems. There are three federal jurisdictional wetlands on the property. The submission included a SWPPP and 3.4 acres are expected to be disturbed. Cannon Development proposed to the Town in 2018 a larger industrial park on this parcel with three warehouses. There are parcels across the street (NY 144) that are single family residences. The warehouse will be used primarily as for storage for crane and rig equipment, and construction materials.

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.
2. The local fire department should evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by building code.
3. The construction of a new septic system will need to be reviewed by the Albany County Department of Health.
There weren’t any questions or comments from the Board. A motion was made by Roland Graves to accept the staff recommendation regarding referral #04-191103389. The motion was seconded by Brian Crawford and unanimously approved by the Board.

<table>
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<tr>
<th>Case #:</th>
<th>07-191103392</th>
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<tbody>
<tr>
<td>Project Name:</td>
<td>Serio Subdivision</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Cillis Builders, Inc.</td>
</tr>
<tr>
<td>Project Location:</td>
<td>60 Dunsbach Ferry Road</td>
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<tr>
<td>Municipality:</td>
<td>Town of Colonie</td>
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<tr>
<td>Parcel Size:</td>
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<td>Zoning:</td>
<td>Single Family Residence (SFR)</td>
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<tr>
<td>Tax Map Number:</td>
<td>9.2-3-5</td>
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<td>Referring Agency:</td>
<td>Town of Colonie Planning Board</td>
</tr>
<tr>
<td>Considerations:</td>
<td>A site plan review and subdivision of a parcel to create 14 residential lots along a proposed street to be dedicated to the Town.</td>
</tr>
<tr>
<td>Action Type:</td>
<td>Subdivision Review &amp; Site Plan Review</td>
</tr>
<tr>
<td>Juris. Determinant:</td>
<td>State Road, Agricultural District</td>
</tr>
<tr>
<td>Potential Impacts:</td>
<td>I 87</td>
</tr>
</tbody>
</table>

**Staff Notes:**
The property owner is proposing to make a conservation subdivision to create fourteen new residential lots along a proposed new street to be dedicated to the Town. The single family residence will range from 1,751 - 2,881 SF with a maximum building height of 25' for a one-story building and 35' for a two-story. The original parcel is 9.67 acres and currently vacant. It is a NYS designated agricultural district and a portion of the parcel was recently used for farming. The conservation subdivision would result in the majority of the residential lots have a density of 1.44 units / acre, and one lot (lot 7) being 3.95 acres with only one house on it. Sixty five percent of lot 7 will be conserved and not cleared. Lot seven is where the majority of the existing wooded area currently exist. The subdivision would connect to the Town's water, sewer, and electrical utilities. The parcel contains wetlands that the property owner purposes to fill in.

**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. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Storm water Pollution Prevention Plan has been prepared and is being implemented, or submission of a Storm water Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Storm water Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.

3. The receipt of a Construction Activity Permit is GP-0-15-002.

**Advisory Note:**

1. The proposed new road should be moved to Pollock Road to reduce impacts.

2. If the parcel is within 500' of a farm operation, the submission of an agricultural data statement to the Town is required by Town Law for subdivision approval of sites located in an agricultural district.

3. It has been noted in the 2013 Findings Statement for the Final Supplemental Generic Environmental Impact Statement - Bought Road- Columbia Street GEIS Route 9 Transportation Update there are extended wait times to take left turns from Dunsbach Ferry Road delaying traffic turning right onto Route 9. The Town may consider making improvements at this intersection as recommended in this report that include installation of a traffic light, construct a separate eastbound right-turn lane or evaluate re-aligning Dunsbach Ferry Road and create a four –way intersection with Belmar Parkway South intersection at Bought Road.

Roland Graves asked for clarification of the exact location which was provided.

There weren’t any questions or comments from the Board. A motion was made by Roland Graves to accept the staff recommendation regarding referral #07-191103392. The motion was seconded by Enzo Sofia and was unanimously approved by the Board.

**Case #:** 14-191103404  
**Project Name:** Brew House / Tap Room

**Applicant:** Curtis / Denise Wilsey  
**Project Location:** 1098 Main Street  
**Municipality:** Village of Ravena  
**Parcel Size:** 0.13 acres  
**Zoning:** Commercial Business  
**Tax Map Number:** 68.40-1-18  
**Referring Agency:** Village of Ravena Zoning board of Appeals and Planning Board
Considerations: Site plan review to enable the conversion of a store front to a brew house.

Action Type: site plan review

Juris. Determinant: State Road

Potential Impacts: NY 143 (Main St)

Staff Notes: The property owners are proposing to rehab the existing store front into a brew house. The proposed hours of operation (open to the public) for the project are Wednesday – Saturday from 4PM – 11PM. There will be no change in waste management for the property. Waste will be picked up in the rear of the building with plenty of access for garbage trucks to the dumpster. The four apartments on the second and third floor will continue to be rental space.

Public and street parking for patrons are < 350 ft. from the proposed project site. The owners anticipate the need for approximately 10 parking places for the tap room to be fulfilled by the thirty-five available public parking spaces.

Staff Opinion: Modify local approval to include:

1. Review by the Albany County Department of Health for food service and other required permits.
2. All necessary license and permits from NYS Liquor Authority for the distillery business.

Roland Graves asked whether a liquor license is required for this. Laura said that she put in her Staff Opinion that all necessary license and permits will be necessary.

There were no further comments from the Board. A motion to accept the staff recommendation for referral #14-191103404 was made by Brian Crawford. The motion was seconded by Roland Graves and unanimously approved by the Board.

Case #: 07-191103393
Project Name: DeNooyer Collision Center - site modification
Applicant: DeNooyer Realty Corp
Project Location: 2041 Central Ave.
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Municipality: Town of Colonie
Parcel Size: 2.97 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 17.13-2-17.2
Referring Agency: Town of Colonie Planning Board

Considerations: A site plan review for the remodeling an existing building and reconfiguring its interior for the purposes of expanding a car repair operations.

Action Type: Site Plan Review
Juris. Determinant: State Road
Potential Impacts: NY 5 (Central Ave.)

Staff Notes: The site currently contains a single two-story commercial building which houses an automotive body shop and offices. The Owner is proposing to remodel the building and reconfigure its interior for the purpose of expanding their repair operations. A key component of this remodel involves the addition of new overhead doors facing Central Avenue to allow vehicles to enter the new service area. In order to accommodate the new overhead doors, the existing paved driveway /parking area in the front of the building will need to be removed, re-graded and re-paved. Roughly 13,690 SF will be disturbed by this project. Parking spaces will be decreased by 17, leaving 57 spaces remaining.

Staff Opinion: Modify local approval to include:

1. A NYSDOT Highway Permit will be needed for the new gas connection.

Dominic asked if this was natural gas. Laura stated the James Mearkle, Traffic Engineer, asked for that to be added. There were no other comments from the Board.

A motion was made by Roland Graves to accept the staff recommendation for referral # 07-191103393. The motion was seconded by Brian Crawford and unanimously approved by the Board.
Case #: 07-191103394

Project Name: DeNooyer New Car Storage Lot

Applicant: DeNooyer Realty Corp

Project Location: 941 Albany Shaker Road

Municipality: Town of Colonie

Parcel Size: 7.17 acres

Zoning: Airport Business Are (ABA)

Tax Map Number: 18.-2-47, 18.-2-60, 18.-2-48, 18.-2-46

Referring Agency: Town of Colonie Planning Board

Considerations: A site plan review that entails the combining of four parcels, demolition of four existing single family homes, and the conversion of two commercial buildings into an office and prep building for a car dealership. Additionally, a 3.2 acre new car storage lot for approximately 530 vehicles is proposed to be constructed.

Action Type: Site Plan Review

Juris. Determinant: County Road, State Road, Agricultural District,

Potential Impacts: CR 151 (Albany Shaker Road), CR 160 (Sicker Road), wetlands

Staff Notes: DeNooyer Realty Corp. is the owner of four adjacent properties, 941 Shaker Road, 2 Sicker Road, and 4 Sicker Road. And 6 Sicker Road, totaling 7.17 acres. The property owner is proposing to combine all four parcels into one, and construct a 3.2 acre new car storage lot. The site currently contains four single-family homes, and two commercial buildings. The single family homes and all associated pavement, accessory structures, and utilities will be removed. The commercial buildings will remain, one as an office, and the other as a prep garage for the new vehicles which will be stored on site. The existing asphalt driveway and parking area at 941 Albany Shaker Rd will remain as the site ingress and egress. The site expects to store 530 vehicles and have 3 parking spaces for employees. Existing water and sewer services connected to the existing commercial building will remain. Roughly 5 acres are expected to be disturbed by this project. There is a federal jurisdictional stream running along the southern property line along with a corresponding flood zone. Storm water is expected to be handled by a bio retention filtration/detention area. The proposed site statistics are: 0.6% building, 44.8% pavement and crusher run, and 54.6 % greenspace. Berms and landscaping are proposed in the Albany County ROW.
Staff Opinion: Modify local approval to include:

1. There must be a maintenance agreement referenced in the deed to the property for the berm and landscaping in the County ROW.
2. A highway work permit will be required by the Albany County Department of Public Works for all work within the right of way of CR 151 and CR 160.
3. Consideration should be given to moving the access south of the bus pull-out.
4. Landscaping should also screen the view of the lot from northbound CR 151 traffic, looking across Sicker Rd and Shaker Creek.
5. The oil water separator must tie into Town sanitary and sewer.
6. Provide callouts on the site plans for stabilized construction access.
7. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Storm water Pollution Prevention Plan has been prepared and is being implemented, or submission of a Storm water Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Storm water Discharges (GP-0-15-003, May 1, 2015) for construction activities that disturb more than one acre of land.
8. The receipt of a Construction Activity Permit is GP-0-15-002.
9. There should be no increase in discharge up to the 25 year storm threshold in the Albany County roadway drainage.
10. 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.

Roland asked Bill Anslow “what are they putting in the ROW?”

Bill Anslow stated that “they are proposing a berm and some trees to kind of block off the parking from the street. Conversations were had with downtown and they agreed to this as long as the maintenance agreement was added to the deed which is the first thing we put in. Secondly, as far as the location of the entrance, I talked with the engineers and they are maintaining that they want to use the existing access as it sits now. They can’t connect to Sicker because it would go over wetlands so that’s not an option. Moving it south of the bus turn out I don’t believe is an option either.”

Bill went on to state that he knew that James Mearkle had mentioned that but in talking with the engineers, they want to keep the existing access. He stated that it does encroach on their neighbor’s property but it is far enough away it shouldn’t be a problem.

Laura Travison stated that if the Board agrees, she is happy to remove the advisement about the bus stop and also the part about access should be off Sicker Rd.

The map is pulled out for Board members to look at and Bill A. points out the sections that are being discussed so everyone can have a visual.

Dominic confirms with Bill A. that there are only 3 parking places for employees and that there won’t be the public coming in and out generally speaking as it is being used for storage of vehicles. Bill stated that initially it will be car carriers delivering the vehicles that will be stored there and once the lot is filled, that will also be minimal.

Roland Graves asked if there will be a detail shop on site. There are two commercial buildings that they are keeping. One will be an office and one will be for detailing the cars.
Bill A recommended taking out the portion of the staff opinion that mentions that access should be off Sicker Road because that isn’t really possible. Laura T. reminds the board that with removing that sentence, she needs to re-word the section that refers to south of the bus pull out. Bill A. said to add something like “consider moving the entrance”.

With those changes noted, a motion was made by Roland Graves to accept the staff recommendation for referral #07-191103394. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: 10-191103396
Project Name: 2027 Western Ave. - Bank
Applicant: Lia Realty Group
Project Location: 2027 Western Ave.
Municipality: Town of Guilderland
Parcel Size: 0.87 acres
Zoning: Local Business (LB)
Tax Map Number: 51.07-1-1
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Property owner applies for a special use permit to enable a major remodel of an existing building in order to re-tenant it with a Chase Bank and Drive-Thru ATM.

Action Type: Special Use Permit

Juris. Determinant: State Road, County Road

Potential Impacts: US 20 (Western Ave.) CR 157 (New Karner Rd.)

Staff Notes: The property owner is proposing to re-tenant an existing building to a Chase Bank with a drive-thru ATM. The parcel is serviced by an access on Western Ave and an access to New Karner Rd. Both existing access drives are proposed to remain. The existing site currently developed with an 8,330 SF 1-story masonry building, asphalt pavement, parking striping, concrete curbing, and light poles. The owner is proposing to demolish approximately 1,530 SF of the eastern side of the existing building. The new drive-thru ATM is proposed on the eastern side of the building where the portion of the existing building is proposed to be demolished. The project site lies within the Local Business (LB) Zoning District and the use is permitted by acquiring a special use permit and subject to a site plan review. Approximately half an acre is expected to be disturbed.
Storm water is proposed to maintain existing tributary flow patterns to the NYSDOT sewer system on Western Ave. Storm water drainage is proposed to be reduced to the sewer as additional greenspace areas are part of the project. Utility connections will remain the same. Thirty-one parking sites will remain.

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

1. Request a resolution from the Albany County Department of Public Works for obtaining an access agreement to enable traffic circulation within the County right-of-way.

**Advisory Note:**
1. The ACPB strongly encourages the property owner to consider cross-access with the adjacent retail buildings and former Rite-Aid.

Dominic asked Laura to explain #1. Laura pulled out the map to show the Board what she is referring to in her recommendation. She pointed out that there is a lot of internal circulation that’s already happening before they pass County right-of-way. Dominic stated that we need to be a little clearer on this. Laura stated that this is up to the ACPB discretion as to how it should be addressed. In order to request an easement, a formal Resolution from Albany County would need to be obtained. Laura stated that she would add the wording to her staff opinion.

With no further comments from the Board, a motion was made by Roland Graves to accept the staff recommendation for referral #10-191103396. The motion was seconded by Enzo Sofia and unanimously approved by the Board.

**Case #:** 10-191103397

**Project Name:** Regal Cinemas

**Applicant:** Regal Cinemas

**Project Location:** 1 Crossgates Mall Rd.

**Municipality:** Town of Guilderland

**Parcel Size:** 4.96 acres

**Zoning:** Transit Oriented Development (TOD)

**Tax Map Number:** 52.01-1-4.7

**Referring Agency:** Town of Guilderland Zoning Board of Appeals

**Considerations:** Height variance for vertical addition to existing cinemas to allow the cinema roof height to increase by 24’.
Action Type: Area Variance

Juris. Determinant: Municipal Boundary, State Park


Staff Notes: Regal Cinemas is seeking an area variance to enable the property's roof from 24' to 70' 6" above grade for a new IMAX screen which will be 50' tall. The existing building is used as a multi-screen movie theater. The entire theater and both lower and upper lobbies are being refurbishes with new seating platforms and new finishes throughout, and a new coffee and smoothie bar in the existing lobby. The box office will move the theater main lobby. There will be a new VIP area and bar in the upper level. The VIP auditoriums will have recliner seats. There will be a new 4DX auditorium. This auditorium has scents, fog mist and the seats move. The hours of operation and deliveries will be the same as already established.

Staff Opinion: Modify local approval to include:

1. Notification of, and the receipt of a review by, the Albany Pine Bush Technical Committee and by the NYSDEC Regional and Central Office staff. Any comments by the Albany Pine Bush Commission should be considered due to the property's proximity to the Preserve's boundary and the potential impact of increasing the existing building shadow extents of the New Karner "Butterfly Hill".

Advisory Note:

1. The area known as "Butterfly Hill" is under management of NYSDEC and of priority to the Pine Bush Conservancy.
2. The town should consider the precedent that will be set for surrounding properties on Crossgates Ring Road to make similar rezoning requests.
3. The Town may want to consider a traffic analysis provided by the applicant for the impacts to the Crossgates' Ring Road, I87, and Town Roads. The applicant should clarify if they expect an increase in trips due to increase in customer services.

Laura Travison stated that she looked for the Pine Bush opinion of this proposal to see if there was a potential for impact to this area that they were concerned with. Typically before an application like this is submitted, the Pine Bush Technical Review opinion is given to ACPB. However, the Pine Bush had not heard of this proposal and therefore couldn’t give an informed opinion. They requested that nothing occurs with regard to this until they have a change to look over the material. The property behind the Regal Cinemas is known as “Butterfly Hill” and is the area where the Karner Blue Butterfly reproduces. She was told that the DEC also has some sort of regulatory control over that property even though it’s in the hands of Regal Cinemas. Laura was invited to attend a meeting with DEC and the Pine Bush to explain
this further. That meeting is scheduled for 12/3/19. This is why the recommendation is that nothing should be done until the recommendation from the Pine Bush is received. The Pine Bush is going to rely on the DEC review so there are multiple steps to this process. There was an engineering report that stated the shadow extend would not greatly impact the Karner Blue Butterfly enough to not do it, but that is not the Pine Bush review and they are the specializing authority on this topic.

Guilderland has a standard operating procedure to send all of their information to the Pine Bush first, but in this case they hadn’t done that. This is a long standing agreement and because they had not received this, the Pine Bush has asked for time to review it.

A motion was made by Brian Crawford to accept the staff recommendation for referral # 10-191103397. The motion was seconded by Roland Graves and unanimously approved by the Board.

<table>
<thead>
<tr>
<th>Case #:</th>
<th>13-191103402</th>
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<tbody>
<tr>
<td>Project Name:</td>
<td>Historic Preservation Law D of 2019</td>
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<tr>
<td>Applicant:</td>
<td>Town of New Scotland</td>
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<tr>
<td>Project Location:</td>
<td>Town of New Scotland</td>
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<tr>
<td>Municipality:</td>
<td>Town of New Scotland</td>
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<tr>
<td>Parcel Size:</td>
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<td>Tax Map Number:</td>
<td>n/a</td>
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<tr>
<td>Referring Agency:</td>
<td>Town of New Scotland Legislative Board</td>
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<td>Considerations:</td>
<td>Proposed Law to authorize the Town to develop regulations for preservation of historic landmarks. This is a joint venture with the Village of New Scotland</td>
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<tr>
<td>Action Type:</td>
<td>Adoption of Local Law</td>
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<tr>
<td>Juris. Determinant:</td>
<td>Adoption of Local Law</td>
</tr>
<tr>
<td>Potential Impacts:</td>
<td>Historic Preservation in the Town</td>
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<tr>
<td>Staff Notes:</td>
<td>The proposed amendment to New Scotland's existing historic Preservation law adjusts for joint oversite with the Village of Voorheesville and establishes the governing boards to the Town Board of the Town of New Scotland and the Village Board of Trustees of the Village of Voorheesville. Further adjustments are made to how many appointed</td>
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members will be on the Historic Preservation Commission and minor commission rules (i.e. when the commission meets)

Staff Opinion: Modify local approval to include:

1. Notification of the local law should be sent to all adjacent municipalities, including all required notices pursuant to GML §239-nn.

Advisory Note: 1. The ACPB supports the historic preservation planning effort being done by the Town, Village, and their residents.

There weren’t any questions or comments from the Board. A motion was made by Roland Graves to accept the staff recommendations for referral #13-191103402. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: 18-191103403
Project Name: Westerlo Local Law No. 4 Notice of Highway Defects

Applicant: Town of Westerlo
Project Location: Town of Westerlo
Municipality: Town of Westerlo
Parcel Size: n/a
Zoning: n/a
Tax Map Number: n/a
Referring Agency: Town of Westerlo Legislative Board

Considerations: Adoption of Local Law No. 4 providing for written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks, and culverts in the Town of Westerlo.

Action Type: Adoption of Local Law

Juris. Determinant: Adoption of Local Law
Potential Impacts: Civil action standing requirements in the Town of Westerlo
Staff Notes: The proposed Local Law No. 4 states that providing for written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks, and culverts in the Town of Westerlo is required before a civil action can be commenced against the Town, or the Superintendent of Highways for damages or injuries to persons or property sustained by reason of defective, out of repair, unsafe, dangerous, or obstructed condition of any highway, street, bridge, culvert, or crosswalk open to the public in the town of Westerlo.

Staff Opinion: Modify local approval to include:

1. Notification of the local law should be sent to all adjacent municipalities, including all required notices pursuant to GML §239-nn.

Bill Anslow asked what prompted this referral. Board members discussed the implications of changes to law for municipalities.

There weren’t any additional questions or comments from the Board. A motion was made by Enzo Sofia to accept the staff recommendations for referral # 18-191103403. The motion was seconded by Roland Graves and unanimously approved by the Board.

Unfinished Business:

Nominating new Board members – Dominic stated that he has someone who is interested and he will have him submit a resume. Dominic recommended that maybe they should schedule a meeting with this individual to discuss the information regarding the ACPB.

Bylaw Amendment – Laura met with Thomas DuBois (Albany County Attorney) to draft a proposal to add an amendment to the Bylaws. The proposal would add an additional Article which would outline how referrals work, specifically how and when they are to be submitted. The GML states that in absence of your own law, you have to accept submissions in a certain way including using the postmark date as the date something is considered to be submitted. This can be a challenge because sometimes things can take almost a week to arrive from the date it was mailed. Because of this, it would be helpful to remove the postmark as the qualifier for date of submittal and the only way to do that is by establishing our own rule. Tom’s recommendation to address this issue is by amending the Bylaw.

The wording that the Board is being asked to review is as follows:

**ARTICLE VII, Section 3.** Referrals shall be submitted to the Senior Planner or their designee no later than twelve (12) calendar days prior to the Board’s meeting date. Referrals may be submitted by hand, via mail, or electronically to the Boards’ Senior Planner. If a referral is submitted electronically, any site plans
larger than 11x14 shall be submitted to the Board’s Senior Planner or their designee by hand or via mail eleven (11) day prior to the Board’s meeting date. Full receipt of all referrals shall be effective from the actual receipt of the referral and documents pertaining thereto.

There will be other sections to this Article that will also be added but that will be discussed at another time. For now, Section 3 is the portion the Board will need to review so it can be discussed at the December 17, 2019 meeting.

Laura also stated that the GML states that we can have 12 days prior for submittal but Albany County has been asking for 10. This proposal suggests that we change it to the 12 days that are allowable in the GML. Laura then stated that if and when this is approved, she can offer a training to the town representatives to go over the new rules.

If the Board would like to amend anything else in the Bylaws, Tom would be happy to help.

**2020 Board Meeting Schedule:** The schedule will continue to be the third Thursday of every month for the Board meeting but the dates that submissions need to be in may change from 10 days prior to 12 days prior depending on how the Board decides to vote on the addition to the Bylaw.

**2019 Board training hours:** Everyone has met the minimum requirements but if anyone has any additional training dates that they have not given to Laura, please do so before the December meeting.

**Change to December Board Meeting:** In anticipation of the Costco case being submitted in December, the Board decided to change the meeting time to 2:30 instead of 3:30 to allow the first hour to get our internal business completed and then we would be able to address Costco (if applicable) at 3:30 or shortly thereafter. It was recommended that we book the larger space at Cornell Cooperative Ext. in case the Costco case is submitted.

A motion was made to Adjourn by Roland Graves. The meeting Adjourned at 4:32pm.