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

**Albany County Public Works Office:** Laura Travison, Senior Planner; Lynn Delaney, Secretary; William Anslow, Civil Engineer (Ex-Officio), Robert Gunther, Stormwater Program Technician; James Mearkle, Traffic Engineer.

**Guests:** Dawn Jordan

**Minutes:** Lynn Delaney

**Call to Order:** Dominic Rigosu called the meeting to order at 2:40PM.

Board members requested more time to review the November meeting minutes. Dominic made a recommendation to postpone voting on the November Minutes until the January, 2020 meeting. All voting board members who were present agreed to the postponement.

Roland Graves made a motion to bring case **#03-191203408**, Town of Berne Industrial Scale Solar Energy Facilities Law to the front of the agenda. The motion was seconded by Dominic Riguso. Brian Crawford, the only other voting member present, recused himself from voting on this matter due to a conflict of interest. Brian Crawford is one of the local assessors for the Town of Berne.

<table>
<thead>
<tr>
<th>Case #:</th>
<th>03-191203408</th>
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</thead>
<tbody>
<tr>
<td>Project Name:</td>
<td>Town of Berne Industrial Scale Solar Energy Facilities Law</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Town of Bern Legislative Board</td>
</tr>
<tr>
<td>Project Location:</td>
<td>N/A</td>
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<tr>
<td>Municipality:</td>
<td>Town of Berne</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>N/A</td>
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<tr>
<td>Zoning:</td>
<td>N/A</td>
</tr>
<tr>
<td>Tax Map Number:</td>
<td>N/A</td>
</tr>
<tr>
<td>Referring Agency:</td>
<td>Town of Berne Legislative Board</td>
</tr>
<tr>
<td>Considerations:</td>
<td>Industrial Scale Solar Energy Facilities Law</td>
</tr>
<tr>
<td>Action Type:</td>
<td>Adoption of Local Law</td>
</tr>
</tbody>
</table>
Juris. Determinant: Adoption of Local Law

Potential Impacts: Future solar facilities in the Town of Berne

Staff Notes: The purpose of this Industrial Scale Solar Energy Facilities Law is to plan for well-sited industrial scale solar projects, in accordance with the Town of Berne Comprehensive Plan, and to protect and promote the health, safety, and welfare of the community. The purpose of this Law is to enable the Town of Berne residents, landowners, farms, and government to take advantage of solar energy resources in a way that is consistent with the nature and character of the Town in accordance with the Town of Berne Comprehensive Plan, to protect and promote the farmland and agricultural economy and culture, to ensure farmland and agricultural land are put to their highest and best use, and to protect and promote scenic and environmental resources by minimizing Industrial Scale Solar Energy Facilities, impacts on Berne’s scenic and environmental resources as outlined in the Berne Comprehensive Plan: including, but not limited to flood plains, historic sites, conservation easements, trails, parklands, wetlands, wildlife, and scenery, and areas for recreational and outdoor activities. The Law will require all applicants looking to construct large scale solar arrays to acquire a special use permit from the Town Planning Department. The site plan review requirements, fees design standards (which limit all solar farms to a maximum of 10 acres in the Town), and maintains requirements are also established in the law.

Staff Opinion:

Advisory Note: 1. The ACPB was not able to vote on this referral because one of the voting members had to recuse himself. With one less vote, the Board did not have quorum for this one referral. Staff opinion was to make local approval contingent on notification of the local law adoption to be sent to all adjacent municipalities, including all required notices pursuant to GML §239-nn. The ACPB considers this advisory sufficient response for this referral and encourages the Town Legislative Board to precede with their own vote.

Discussion was had between Board members and Laura Travision regarding the necessity to vote on this item because it is an Advisory vs something that needs to be voted on by the ACPB. It was
determined that the Advisory note would be added (change is reflected above) and a vote isn’t necessary in this case.

**Unfinished Business:**

**BYLAW CHANGE DISCUSSION:** A proposal for a Bylaw change was discussed. A new section is proposed to be added regarding the date that referrals must be received - **Article VII REFERRALS, Section 3.** The proposal is to add: *Referrals shall be submitted to the Senior Planner or their designee no later than ten (10) calendar days prior to the Board’s meeting date. Referrals may be submitted by hand, via mail, or electronically to the Albany County’s Senior Planner. If a referral is submitted electronically, any site plans larger than 11 x14 shall be submitted to the Board’s Senior Planner or their designee by hand or via mail eleven (11) days 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.*

A wording change is also proposed for **Article II, Section 4:** *The Secretary shall be selected by the Board and will have no voting privileges. The Secretary shall keep a written record of all business transacted by the Board, give notice to all members of all meetings, keep on file all official records of the Board, certify maps, records and reports of the Board, and serve notice of all public meetings. The amended Bylaw will removed the requirement for the secretary to “Certify Maps” as that is a task handled by the Senior Planner.*

Another wording change is proposed for **Article XIII Compensation, Section 2:** *All such reimbursements are required to be authorized in advance by the County Department responsible for the Board’s budget. Expenses incurred without prior authorization cannot be reimbursed to the Board member. The section crossed out would potentially be replaced by County Department of Management and Budget.*

A super majority is needed to vote on a Bylaw change. Due to the fact that we do not have enough voting members at this meeting for a super majority, this vote will need to be postponed.

**ALBANY COUNTY PLANNING BOARD MEMBERS:** A search is being conducted to find a replacement for Roland Graves who has recently moved out of Albany County. Laura Travison has conferred with John Eastman at the Department of State to confirm that Roland Graves may stay on the ACPB for a few months until a replacement can be found. A discussion was had regarding requirements/background needed to fill a spot on the Board.

**REFERRALS:**

Roland Graves made a motion to move the 7 deferred cases, **#01-191203405, 01-191203406, 07-191203410, 10-191203412, 10-191203414, 13-191203417 & 13-191203418** to the front of the agenda and to vote on them as a group. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

<table>
<thead>
<tr>
<th>Case #</th>
<th>01-191203405</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name:</td>
<td>186 First St</td>
</tr>
</tbody>
</table>
Applicant: Albany County Land Bank

Project Location: 186 First St

Municipality: City of Albany

Parcel Size: 0.07 acres

Zoning: Residential Townhouse (R-T)

Tax Map Number: 65.73-3-2

Referring Agency: City of Albany Planning Board

Considerations: Demolition review of a 2,562 SF residential structure.

Action Type: Demolition Review

Juris. Determinant: State Road

Potential Impacts: US 9 (Clinton Ave.)

Staff Notes: The property appears to have had a fire and years of neglect. The structural issues alone make it a very difficult renovation project. Major fire and water damage has caused major structural issues for this building making demolition the responsible course of action. The property is currently banked for future development with several other properties on Henry Johnson Boulevard and Clinton Avenue. If there is no interest for these clusters of properties which will likely complement development with ACDA owned properties in the same area, these properties will then be marketed as a side lot to the adjacent property owners. Our side lot policy allows for adjacent owners to purchase a lot from the land bank for yard expansion/additional greenspace. If neither of the adjacent owners are interested in purchasing the property post-demolition, the Land Bank would seek buyers from the same block to promote local ownership. The Land Bank will review any applications submitted by a qualified applicant.

Staff Opinion: Defer to local consideration.

1. This Board has found that the proposed action will have no significant countywide or intermunicipal impact.
Advisory Note:

Case #: 01-191203406
Project Name: 111 Third Ave.

Applicant: Albany County Land Bank
Project Location: 111 Third Ave.
Municipality: City of Albany
Parcel Size: 0.06 acres
Zoning: Residential Townhouse (R-T)
Tax Map Number: 76.64-2-72
Referring Agency: City of Albany Planning Board

Considerations: Demolition review of a 1,160 SF residential structure.

Action Type: Demolition Review

Juris. Determinant: County Property
Potential Impacts: 110 Catherine St. (County Property)

Staff Notes: The Albany County Land bank has determined that this structure has major structural issues due to years of water infiltration and poor maintenance and repair work that was not done. The cost of renovation project would be far too costly for most anyone to take on because of the likely damage that the entire framing system of the building has sustained. There are homeowners on the block who would likely purchase as a vacant lot.
Staff Opinion: Defer to local consideration.

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

Advisory Note:

Case #: 07-191203410
Project Name: Equipment Upgrade for Callanan Industries

Applicant: Clemente Latham Concrete / Callanan Industries
Project Location: 9 & 11 Fonda Road
Municipality: Town of Colonie
Parcel Size: 7.10 acres
Zoning: Industrial (IND)
Tax Map Number: 5.3-1-18.1, 5.3-1-18.2
Referring Agency: Town of Colonie Planning Board

Considerations: A site plan review of the reconfiguration of an existing concrete plant due to the upgrading of equipment.

Action Type: Site Plan Review

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

Staff Notes: This site plan review is for an existing concrete plant that is updating its plant equipment. The proposed plant will generally be located within the existing footprint and will result in .25 acres of disturbance. The circulation of the site will remain the same with no change to ingress or egress. In the future there is a proposal for a new access drive to be constructed east of the current access. There is no proposed disturbance to wetlands.
ACPB December 2019 Meeting Minutes

Staff Opinion: Defer to local consideration.

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

Advisory Note: 1. The property owner states their intent to move the access to the east in the future. Their current access intersects with the Mohawk Hudson Bike Trail, and the future access would as well. The Town should notify the property owner of any regulations that may exist for creating a new intersection, as well as removing an intersection, with the bike trail.

Case #: 10-191203412

Project Name: 1438 Western Ave. Signs

Applicant: AJ Signs
Project Location: 1438 Western Ave.
Municipality: Town of Guilderland
Parcel Size: 1.00 acres
Zoning: Local Business (LB)
Tax Map Number: 52.20-4-5
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Area variance to enable additional signage quantity and area.

Action Type: Area Variance

Juris. Determinant: State Road
Potential Impacts: US 20 (Western Ave.), 1 McKown Rd (NR 00106.000119)

Staff Notes: The property owner is seeking an area variance to enable an increase in amount and area of wall signs for a newly remolded business. In May 2019 the property owner received and area variance and special use permit to enable the construction of a proposed 3600 SF medical office building where Passano
Paints previously existed. The plan included 32 parking spaces (4 of which will be ADA). The area variance allowed a 14' front setback, 11' less than the required 25'. The construction is almost done and the property owner wants to install 3 additional wall signs for wayfinding, one of the front of the building and one on each side elevation. This would be in addition to the replacement panels on the stand alone sign that already exist. The total signage would be 308 SF, 260 SF over the maximum 50 SF allowance. Each individual sign will be 23' x 3.79' and read "Wellnow Urgent Care St. Peters Health Partners". Each wall sign will be a set of individual letters internally lit with LEDs. Across the street from the parcel's eastern property line is a residence listed on the National Registry of Historic Places (NR 00106.000119). The house was the home of Elias McKown, the grandson of the McKown the neighborhood is named after, and is the only example of Queen Anne Architecture in the Town of Guilderland. The ACPB reviewed a site plan for this in May 2019 (referral # 10-190503305). The recommendation was to make local approval dependent of review of by the ACDOH.

Staff Opinion: Defer to local consideration.

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

Advisory Note:

1. The Town Zoning Board should consider the precedent setting nature of allowing significant area variances to the sign code in the local business zone.

2. When granting either a use or an area variance, a zoning board of appeals must grant the minimum variance that it deems necessary and adequate. The Town Zoning Board should consider if the relief sought can be met with a smaller area variance.

3. The property is within 500' of a historically significant property (1 McKown Rd - NR 00106.000119).

Case #: 10-191203414
Project Name: Robinson's

Applicant: Robinson's Ace Hardware
Project Location: 1874 and 1890 Western Ave. Albany
Municipality: Town of Guilderland
Parcel Size: 1.35 acres  
Zoning: Local Business (LB)  
Tax Map Number: 51.12-4-47, 51.12-4-46  
Referring Agency: Town of Guilderland Zoning Board of Appeals  

Considerations: Special use permit to enable the demolition of the existing structure at 1890 Western Ave, and lot consolidation to accommodate a restriped parking lot do the Robinson Ace Hardware Store.

Action Type: Special Use Permit  

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

Staff Notes: In the local business zone, a special use permit is required for retail business to gain site plan approval. The property owner is seeking a special use permit to enable the demolition and removal of the existing building on 1890 Western Ave., and to consolidate the adjacent lots into a single parcel totaling approximately 1.25 acres. The building area will be paved and the parking lot resurfaced and restriped to accommodate better traffic flow and additional parking spaces. The existing curb cuts and site entrances will remain. The proposal would increase the 29 parking spaces to 59 spaces, Including the addition of 2 ADA cab accessible spots. A portion of the impervious area will be removed and converted to greenspace for use as a snow storage area during the winter season. A tenth 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.

Advisory Note: 1. The Town should encourage the property owner to request a resolution from NYSDOT to enable traffic circulation within the State right-of-way.
Case #: 13-191203417

Project Name: Lands of Youman's Road LLC

Applicant: Cynthia Elliot

Project Location: Great View Terrace

Municipality: Town of New Scotland

Parcel Size: 33.50 acres

Zoning: Residential Agriculture (RA)

Tax Map Number: 72.-3-40.1

Referring Agency: Town of New Scotland Planning Board

Considerations: The property owner is seeking to subdivide their 33.5 acre parcel into 3 parcels for the purpose of constructing new residences on two of the new parcels. After the subdivision that parcel sizes will be: 17 acres, 8.5 acres, and 8 acres.

Action Type: Subdivision Review

Juris. Determinant: NYS designated agricultural district

Potential Impacts: NYS designated agricultural district

Staff Notes: The property owner is seeking to subdivide their 33.5 acre parcel into 3 parcels for the purpose of constructing a new residence on two of the new parcels. After the subdivision the parcel sizes will be: 17 acres (Lot 1), 8 acres (Lot 2), and 8.5 acres (Lot 3). The intention is to connect all new parcels to public water from the Town of New Scotland. Youmans Road already divides the parcel. The new 17 acre parcel would be north of Youmans Road with the other smaller parcels south of Youmans Rd and Great View Terrace. There are wetlands on Lots 1 and 3. The parcel is within 500' of a NYS designated agricultural district.

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

Advisory Note:
1. The town should 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 they 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.

Case #: 13-191203418
Project Name: Lands of Stern - Frisenfelds

Applicant: Eric Stern and Celica Stern-Frisenfelds
Project Location: 640 Krumkill Rd.
Municipality: Town of New Scotland
Parcel Size: 2.80 acres
Zoning: Residential 2 Acres, Medium Density Residential (MDR)
Tax Map Number: 63.-4-11.13
Referring Agency: Town of New Scotland Planning Board

Considerations: Request for a special use permit to enable up to 10 hens to reside on the
property.

Action Type: Special Use Permit

Juris. Determinant: NYS designated agricultural district
Potential Impacts: NYS designated agricultural district

Staff Notes: The property owner request a special use permit to enable up to 10 hens to
reside on the property. The parcel is split zoned. Adjacent to the road, the
The parcel is zoned Medium Density Residential (MDR). The rear of the parcel is zoned Residential 2 Acres. The parcel is surrounded by a NYS designated agricultural district on all sides. Hens are allowed on this parcel as long as a special use permit is acquired.

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

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

Dominic asked for clarification as to whether Robinson’s Ace Hardware Store is in a State Right-A-Way. Laura Travison pulled the map out to review with the Board. The board felt that an advisory should be added to indicate that the property owners should be aware of policies regarding a State right-a-way.

With that advisory added, a motion was made by Brian Crawford to accept the staff recommendations for the following referrals: #01-191203405, 01-191203406, 07-191203410, 10-191203412, 10-191203414, 13-191203417 & 13-191203418. The motion was seconded by Roland Graves and unanimously approved by the Board.

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**Case #:** 03-191203407

**Project Name:** Airosmith Development co-location on Long Road Tower

**Applicant:** Airosmith Development

**Project Location:** 496 Long Road

**Municipality:** Town of Berne

**Parcel Size:** 29.69 acres

**Zoning:** RAF

**Tax Map Number:** 80.-2-43.100, 80.-2-431

**Referring Agency:** Town of Bern Planning Board
Considerations: The applicant is seeking a special use permit to add 6 panel antennas to an existing telecommunications tower, along with 15 remote radio heads, associated equipment, and 14.5’x7’ equipment platform.

Action Type: Special Use Permit

Juris. Determinant: NYS designated agricultural district, State Road

Potential Impacts: NYS agricultural district

Staff Notes: The applicant is seeking a special use permit to add 6 panel antennas to an existing telecommunications tower, along with 15 remote radio heads, associated equipment, and a 14.5’x7’ equipment platform. The parcel is within 500’ of 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 §283-a for special use permit approval of sites within 500 feet of a farm operation located in an agricultural district.

Advisory Note: There were no questions or comments from the Board. A motion was made by Roland Graves to accept the staff opinion for referral #03-191203407. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: 10-191203413

Project Name: Concept Plan Lands of Bottisti, Staats & Messere Proposed Subdivision

Applicant: Joseph Staats & Nicholas Messere

Project Location: 300 Prout Lane
Municipality: Town of Guilderland
Parcel Size: 43.24 acres
Zoning: Single family Residential District (R40)
Tax Map Number: 15.00-2-24.3
Referring Agency: Town of Guilderland Planning Board

Considerations: The subdivision of a 43.24 acre parcel into two lots. Lot 1 would consist of 25 acres and would be conveyed to an adjoining owner. Lot 2 would consist of 18.24 acres and continued to be used as an existing horse farm.

Action Type: Subdivision Review

Juris. Determinant: Municipal Boundary, NYS Park, NYS Thruway
Potential Impacts: Town of Guilderland and Town of Colonie Municipal Boundary, The Pine Bush, NYS Thruway

Staff Notes: The property owners are seeking to subdivide their 43.24 acre parcel into two lots. Lot 1 would consist of 25 acres and would be conveyed to an adjoining owner. Lot 2 would consist of 18.24 acres and continued to be used as an existing horse farm. There is no proposed new building on either of the lots at this time. The property is adjacent to the Town of Guilderland and Town of Colonie municipal boundary. The property is also across from land maintained by the Pine Bush Preserve. The rear of the property is adjacent to the NYS Thruway. There is no proposed change to access routes. The new rear parcel is landlocked, but due to it being conveyed to the adjacent property owner, access can be attained through that owners existing parcel and access.

Staff Opinion: Modify local approval to include:

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

Advisory Note:
There were no questions or comments from the Board. A motion was made by Roland Graves to accept the staff opinion for referral 10-191203413. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: 04-191203409
Project Name: South Albany Airport

Applicant: South Albany Airport Corporation
Project Location: 6 Old South Albany Airport
Municipality: Town of Bethlehem
Parcel Size: 66.30 acres
Zoning: Rural Light Industrial (RLI)
Tax Map Number: 120.00-5-20
Referring Agency: Town of Bethlehem Planning Board

Considerations: Site plan review to enable the construction of 8-10 bay T-hangar building for aircraft storage and asphalt taxi lanes for access to the new building.

Action Type: Site Plan Review
Juris. Determinant: County Road
Potential Impacts: CR 53 (Old School Road), CR 55 (Creble Rd)

Staff Notes: This site plan review entails the construction of a 6 to 8 bay T-Hangar building, including a 3,000 SF aircraft box hangar end unit. Asphalt taxi lane expansion is proposed for aircraft access to the new building. The building will provide secure covered storage for aircraft currently parked on grass/gravel in the proposed project footprint. If the fixed project budget allows, expansion of the web-based security camera system and 600 LF of security fence/access road upgrades are also included. Project may also include expansion of the access control system and green technologies such as low energy lighting replacement and solar panels on the terminal area facilities. This is a NYSDOT Aviation
Capital Grant funded project. A Zoning Area Variance was already issued for the side yard setback. The proposed project will result in approximately 1.9 acres of disturbance. A SWPPP and drainage analysis was provided in the referral application. There is 0.5 acres of existing impervious cover. The disturbed area will have 0.55 acres of impervious cover at project completion. An existing stormwater pond will be utilized to accommodate the increase in impervious cover, as well as installation of a bio retention area to meet NYSDEC Green Infrastructure requirements. The total project footprint is 24,000 S.F.

Staff Opinion: Modify local approval to include:

1. If the driveway paving alternate is selected, an Albany County Department of Public Works Highway Work Permit will be required.

Advisory Note:

The Board had a question about the Staff Opinion regarding the driveway paving. It was determined to change the wording slightly (change is noted above).

With the wording change, Brian Crawford made a motion to accept the staff recommendation for referral #04-191203409. The motion was seconded by Roland Graves and unanimously approved by the Board.

Case #: 07-191203411
Project Name: Janitronics Accessory Off Site Parking Lot

Applicant: Janitronics
Project Location: 1984 Central Ave.
Municipality: Town of Colonie
Parcel Size: 0.97 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 29.5-3-20
Referring Agency: Town of Colonie Planning Board
Considerations: Site plan review to enable the development of a new parking lot accessory to the Janitronics business operating on the neighboring parcel on Central Ave.

Action Type: Site Plan Review

Juris. Determinant: State Road

Potential Impacts: NY 5 (Central Ave.)

Staff Notes: This site plan review consists of the construction of an accessory lot for the neighboring Janitronics business on Central Ave. The proposed project consists of developing a 42 vehicle, 14,541 SF parking lot. A stormwater management basin will be proposed to manage surface runoff. No treatment is required as the disturbance will be less than an acre. The parking addition is proposed in order to meet requirements necessary by the adjoining property tenant business use. No building or utility extensions are proposed as part of this project. Two billboards already exist on site, and a shed. Half an acre is expected to be physically disturbed. The ACPB reviewed the special use permit referral for this parcel in August 2019. The previous referral number was: 07-190803347

Staff Opinion: Modify local approval to include:

1. Previous approval by the ACPB for the special use permit needed to construct this lot, depended on the construction of a safe, accessible pedestrian crosswalk across Massachusetts Ave. from the parking lot to business building. The Albany County Planning Boards recommends that the Town site plan approval also be contingent on the construction of this crosswalk.

Advisory Note: 1. The town may want to require the property owner to add additional landscaped screening on Central Ave.

A motion was made by Roland Graves to accept the staff recommendation for referral #07-191203411. The motion was seconded by Brian Crawford and unanimously approved by the Board.

Case #: 10-191203415
<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Corporate Circle</th>
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</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Hoffman Enterprise</td>
</tr>
<tr>
<td>Project Location:</td>
<td>19-27 New Karner Road</td>
</tr>
<tr>
<td>Municipality:</td>
<td>Town of Guilderland</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>5.60 acres</td>
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<tr>
<td>Zoning:</td>
<td>General Business District (GB) and Light Industrial (LI)</td>
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<tr>
<td>Tax Map Number:</td>
<td>40.20-1-2, 41.00-2-51, 41.00-2-50</td>
</tr>
<tr>
<td>Referring Agency:</td>
<td>Town of Guilderland Zoning Board of Appeals</td>
</tr>
</tbody>
</table>

**Considerations:**
An area variance and special use permit to enable the construction of a local shopping center and fast-food/drive-thru restaurant.

**Action Type:**
Area Variance and Special Use Permit

**Juris. Determinant:**
County Road, Municipal Boundary, NYS Park

**Potential Impacts:**
CR 155 (New Karner Road), Town of Guilderland and City of Albany Municipal Boundary, The Pine Bush Preserve

**Staff Notes:**
The property owner proposes the construction of two buildings to include retail/flex space and a drive thru restaurant or bank. The larger building is proposed to include a 25,000 SF retail/flex space building. The other building will be a 2500 SF bank or drive-thru restaurant. The proposal includes 152 parking space. As ultimate the uses are not yet determined the parking is designed to "bank" a minimum of 15 parking spaces for future development. Roughly 4 acres are expected to be disturbed. Access will be on Corporate Circle Road that said this development is connected to the New Karner Stewart’s that will have a right in - right out access onto New earner Road. The special Use Permit is automatically required for retail, office, and restaurants to be built in this zone. The area variance is to allow parking in a setback that is required to create a residential buffer. This is not substantial and consist of pavement that provides access to the actual spots to just exceed the setback, not the parking spots themselves.
Staff Opinion: Modify local approval to include:

1. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both the Corporate Circle parcels and the adjacent Stewart's Shop Corporation parcel.
2. The cost of the sidewalk should be escrowed and the sidewalk should not be built as portrayed. The sidewalk as portrayed on the site plan affects the Albany County stormwater practice.
3. A shared maintenance agreement for post construction stormwater practices will be needed and should be referenced in the deeds for both the Corporate Circle parcels and the adjacent Stewart's Shop Corporation parcel.
4. Due to the overall total expected disturbance area between the Stewart's development and Corporate Circle, the property owners will need to provide 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 as well as a joint Construction Activity Permit, GP-0-15-002.
5. Notification of the special use permit should be sent to the City of Albany, including all required notices pursuant to GML §239-nn.

Advisory Note:

1. GML 239-nn does not require notice to adjacent municipality for area variances. However because the site plan traverses the municipal boundary the Town should make sure the City of Albany has a clear record of all variances for this particular site and vice versa.

William Anslow asked if a mention of a SWPPP and a shared maintenance agreement should be added to both this referral and the referral for Stewarts Shops (Referral #10-191203416). The site plans for both locations was reviewed. Rob Gunther stated that he felt it should be added and the Board determined that it should be mentioned in the staff opinion for both referrals.

With these changes noted, a motion to accept the staff recommendation for referral #10-191203415 was made by Roland Graves. The motion was seconded by Brian Crawford and was unanimously approved by the Board.

Case #: 10-191203416
Project Name: Stewart's 31 New Karner Rd

Applicant: Stewart's Shops Corp

Project Location: 31 New Karner Rd. Albany NY

Municipality: Town of Guilderland

Parcel Size: 1.00 acres

Zoning: General Business District (GB)

Tax Map Number: 29.7-2-29

Referring Agency: Town Guilderland Zoning Board of Appeals

Considerations: An area variance to label the car wash as an accessory use on the Stewart's parcel.

Action Type: Area Variance

Juris. Determinant: Municipal Boundary, NYS Park, County Road


Staff Notes: The Town of Guilderland and The City of Albany have been in ongoing discussion with Stewart's Corp to develop a site plan that overlaps their shared municipal boundary. The site plan includes the construction of a 3,695 SF Stewart's Shop convenience store with self-service gasoline and a 1,458 SF single bay automatic car wash. The car wash use requires an accessory structure variance according to the Town of Guilderland zoning code for the parcel. This is related to the site plan for the area variance for the Corporate Circle this month and connected to the June 2019 referral # 01-190603306.

Staff Opinion: Modify local approval to include:

1. All modifications included in the June 2019 ACPB recommendation to the City of Albany for this parcel, case # 01-190603306.
2. In the previous recommendation for this parcel, there was an advisory that the applicant should escrow sufficient funds to construct a sidewalk across the parcel's frontage. To avoid illogical sidewalk
terminance, the ACPB encourages Stewart's Corp to escrow sufficient funds for future sidewalk construction instead of constructing the sidewalk as seen on the site plan.

3. A shared access agreement (including a maintenance agreement) should be referenced in the deeds for both the Corporate Circle parcels and the adjacent Stewart's Shop Corporation parcel.

4. A shared maintenance agreement for post construction stormwater practices will be needed and should be referenced in the deeds for both the Corporate Circle parcels and the adjacent Stewart's Shop Corporation parcel.

5. 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. A DPW Highway permit approval will be conditioned on the New Karner access being a self-enforcing channelized right in / right out only access route.

6. Due to the overall total expected disturbance area between the Stewart's development and Corporate Circle, the property owners will need to provide 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 as well as a joint Construction Activity Permit, GP-0-15-002.

**Advisory Note:**

1. The carwash should use a carwash water recycling system to reduce effect on municipal water and sewer.

2. GML 239-nn does not require notice to adjacent municipality for area variances. However because the site plan traverses the municipal boundary the Town should make sure the City of Albany has a clear record of all variances for this particular site and vice versa.

After some discussion and a review of the site plans, the Board recommended to add wording to the Staff Opinion that will include a mention of “a self-enforced channelized right in/right out only access route (noted above)”.

William Anslow asked if a mention of a SWPPP and a shared maintenance agreement should be added to both this referral and the referral for Hoffman Enterprise (Referral# 10-191203415). The site plans for both locations was reviewed. Rob Gunther stated that he felt it should be added and the Board determined that it should be mentioned in the staff opinion for both referrals.
With the addition of the discussed changes, a motion to accept the staff recommendation to referral #10-191203416 was made by Brian Crawford. The motion was seconded by Roland Graves and unanimously approved by the Board.

**Case #:** 16-191203419  
**Project Name:** Atlas COPCO 2020 Test Building Expansion  
**Applicant:** Atlas COPCO Comptec LLC  
**Project Location:** 46 School Road  
**Municipality:** Village of Voorheesville  
**Parcel Size:** 45.00 acres  
**Zoning:** Industrial (I)  
**Tax Map Number:** 61.18-2-4.1  
**Referring Agency:** Village of Voorheesville Planning Board  

**Considerations:** Site plan review to enable a 44’ x 33’ addition to an existing test building.

**Action Type:** Site Plan Review  
**Juris. Determinant:** County Road, Municipal Boundary  
**Potential Impacts:** CR 208 (School Rd), Town of New Scotland and Village of Voorheesville municipal boundary, wetlands  

**Staff Notes:** The facility test Atlas Copco’s compressed air and vacuum equipment, industrial power tools, and construction equipment. The site plan consist of expanding the high bay of the test facility with a 44’x33’ building addition with a 50 Ton crane capacity attached to the east end of the existing high bay, removal of the wall separating the high bay from the original test bays, upgrade existing structure to support increasing the existing 20 ton crane capacity to 50 tons, an additional piping circuit, and the addition of a variable frequency test motor drive. The additional building space will be utilized for the assembly of larger units that are currently being assembled off site in rented space. The
proposed 44’x33’ building addition will exceed the height limit established under village zoning ordinance. The addition will have the 53’ height of the bay constructed in 2008 and enabled by an area variance from the Village that same year. The applicant hopes that since the conditions of the expansion are similar to the 2008 expansion, the existing height variance will apply. The Village of Voorheesville building inspector attached a letter to the referral concluding that the existing area variance applies to this new expansion. There are wetland in the western part of the parcel, but are not near the addition. Roughly the area of the addition is expected to be disturbed. There is no proposed change to egress or ingress or utilities. The ACPB reviewed previous referrals for this property: referral #16-101101033, 16-071200211, 16-071200210, and 16-071100184.

**Staff Opinion:**

Modify local approval to include:

1. The EAF attached to the application is incorrect. If more than 1 acre is disturbed, a SWPPP would be required. The County Planner confirmed with the company that only the footprint of the addition is expected to be disturbed. The Village needs an updated EAF to be completed before voting on the site plan.
2. If less than an acre is disturbed, this Board has found that the proposed action will have no significant countywide or intermunicipal impact.

William Anslow asked for a change of wording in Staff Opinion 1 to state “If more than 1 Acre is disturbed” which is consistent with our typical wording (change is noted above).

Brian Crawford made a motion to accept the staff opinion for referral #16-191203419. The motion was seconded by Roland Graves and unanimously approved by the Board.

**Updated Bylaws:** Was discussed earlier in our meeting. The Board discussed trying to meet for a special meeting to vote on the Bylaw change. It was determined that if all members are able to meet on December 30, 2019 at 8:AM, the Board will meet briefly to vote on the proposed Bylaw changes only. If we are unable to get all voting members together on that date, the vote will need to wait until the regular January meeting on January, 16, 2020.

**New Business:** The Board asked Laura Travison to reach out to the Town of Guilderland Planning Board to see if they have any updated information regarding the Costco proposal and when the ACPB might see that referral to review. Laura stated that she would check with Guilderland Planning Board and would relay any information that she receives, back to our Board. When the Costco referral is received, we will hold our planning board meeting at Cornell Cooperative Extension instead of the DPW office.

**Adjournment:** Roland Graves made a motion to adjourn the meeting at 3:56pm.