DRAFT July 18 2019 ACPB Meeting Minutes

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

Present:
Dominic Rigosu; Chair, Brian Crawford, Roland Graves, David Reilly, Bill Anslow; designee for Lisa Ramundo (Ex-Officio), Tim Garufi (Ex-Officio)

Albany County Planning:
Laura Travison, Senior Planner

Minutes:
Laura Travison

Guests:
Matt Cannon
Mary Beth Buchner
Susan Laurilliard
Bob Buchner

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

Dominic: Motion to vote on the June meeting minutes till the August 15, 2019 Meeting. The motion was seconded by Brian Crawford and unanimously approved by the board.

Dominic Rigosu proposed moving all staff recommended defer cases to the front of the agenda with the exception of referral# 01-190703333 (1 Homestead Street) and referral# 07-190703342 (Town of Colonie Comp Plan). Roland Graves made a motion to move cases 01-190703330, 01-190703331, 01-190703332, 03-190703334, 03-190703335, 04-190703336, 04-190703338, 04-190703339, 05-190703340, 07-190703341, 10-190703344, 13-190703345, 13-190703346, 13-190703347, and 18-190703350 to the front of the agenda. The motion was seconded by Brian Crawford and unanimously approved by the board.

Case #: 01-190703330
Project Name: 219 Orange St.
Applicant: Albany County Land Bank
Project Location: 219 Orange District
Municipality: City of Albany
Parcel Size: 0.04 acres
Zoning: R-T (Residential Townhouse)
Tax Map Number: 65.81-2-43
Referring Agency: City of Albany Planning Board
Considerations: Demolition of a +- 1468 SF residential structure
Action Type: Demolition Review
Juris. Determinant: State Road
Potential Impacts: US 9 (Clinton Ave.) Clinton Avenue Historic District

Staff Notes: The Albany County Land Bank is seeking to demolish a vacant and condemned building at 219 Orange Street. The structure is a 2-story wood framed house. The applicant attached a demolition plan and a demolition materials landfill diversion plan.

Staff Opinion: Defer to local consideration.

Advisory Note:

Case #: 01-190703331
Project Name: 69 South Lake Ave.

Applicant: Francesca Gifford
Project Location: 69 South Lake Ave.
Municipality: City of Albany
Parcel Size: 0.06 acres
Zoning: R-T (Townhouse)
Tax Map Number: 65.70-2-24
Referring Agency: City of Albany Planning Board

Considerations: Conversion of a +/- 2,169 SF single-family townhouse to a two-family townhouse.

Action Type: Conditional Use Permit
Juris. Determinant: State Road

Staff Notes: The property owner is requesting a conditional use permit to enable their single-family residence to be converted to a two-family home. The property exist within the Washington Park Historic District. It is a townhouse in a row of similarly styled townhouses. Two family homes are allowed in this zone.

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 #: 01-190703332
Project Name: 152 Washington Ave.

Applicant: 152 Washington LLC.
Project Location: 152 Washington Ave.
Municipality: City of Albany
Parcel Size: 0.20 acres
Zoning: Mixed-Use, Community Urban (MU-CU)
Tax Map Number: 76.24-7-1
Referring Agency: City of Albany Planning Board

Considerations: Conversion of an existing office building into 35 residential dwelling units and the construction of a one-story, +- 3,489 SF addition

Action Type: Site Plan Review
Juris. Determinant: State Road, County Property
Potential Impacts: NY 5 (Washington Ave.), Albany County Department of Social Services

Staff Notes: The proposal consist of a conversion of an existing office building into 35 residential dwellings and the construction of a 3,489 SF fourth floor addition. The building will include twenty-eight 1BR, one 2BR, and six 3BR apartments.

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 #: 03-190703334
Project Name: Mosbey-Pod Project

Applicant: Daniel and Melissa Mosbey-Pod Project
Project Location: 1647 Helderberg Trail
Municipality: Town of Berne
Parcel Size: 27540.00 SF
Zoning: Traditional Neighborhood/
Mixed Use 1 (TN / MU1)
Tax Map Number: 79.1-1-33
Referring Agency: Town of Berne Zoning Board of Appeals

Considerations: Area variance request to enable the installation of a pool.

Action Type: Area Variance
Juris. Determinant: State Road
Potential Impacts: NY 443 (Helderberg Trail)

Staff Notes: Property owners want to install a 15'x4.3' above ground pool where previous owners had a pool. The pool would encroach into the side and rear yard setback.

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 #: 03-190703335
Project Name: MidTel Communications FiberOptic Project

Applicant: MidTel Communications
Project Location: 129 Canaday Hill Road
Municipality: Town of Berne
Parcel Size: 5.70 acres
Zoning: Traditional Neighborhood/
Mixed Use 1 (TN / MU1)
Tax Map Number: 78.-3-16.2
Referring Agency: Town of Berne Zoning Board of Appeals

Considerations: Use variance request to construct and operate a fiber optic based broadband network to serve Berne and surrounding communities.

Action Type: Use Variance
Juris. Determinant: County Road, Agricultural District
Potential Impacts: CR 9, Agricultural District, wetlands

Staff Notes: MIDTEL is the recipient of a Governor Cuomo's New NY Broadband Grant program, the amount of which is $2.3M, to construct and operate a fiber optic based broadband network in under and unserved census blocks in upstate NY. Some of the awarded census blocks are
in the Town of Berne. In order to viably operate this network, MIDTEL needs to place a telecommunications network aggregation point (NAP) building in the Town of Berne. The company selected the area behind the Berne firehouse. The proposed building is a 10'x12’ pre-fab telecommunications building on a 10'x16' concrete slab and will have a small generator located on the backside of the pad. No further development is needed or expected.

**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 rear of this property may have wetlands on it. 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. If the use variance is granted a site plan review should be conducted before the building is constructed and any wetlands should be delineated on the plot plan and the corresponding regulatory agency notified.

**Case #:** 04-190703336  
**Project Name:** Ravena / Coeymans / Selkirk School District

**Applicant:** Town of Bethlehem  
**Project Location:** 1146 Route 9W  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 70.00 acres  
**Zoning:** Rural  
**Tax Map Number:** 121.00-3-22  
**Referring Agency:** Town of Bethlehem Zoning Board of Appeals  

**Considerations:** Area variance for a new sign for AW Becker School within the NYSDOT right-of-way.  

**Action Type:** Area Variance  
**Juris. Determinant:** State Road, Agricultural District, County Road,  

**Potential Impacts:** NY 9W, CR 55 Creble Road, Vlomankill, wetlands, agricultural district  

**Staff Notes:** The proposal includes an area variance for a new sign for AW Becker School within the NYSDOT right-of-way (ROW). The Ravena / Coeymans / Selkirk School District has applied for a NYSDOT permit to construct within their ROW on NYS Route 9W, where a previous sign
for the school has been for 40 years. NYSDOT will not entertain any permit request that hasn't yet been granted by the municipality planning and zoning boards. The school district states that complying with the Town Sign Law would put the sign out of view form the road. The new sign would be 84.62 inches wide and 97.08 inches high.

**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. Commercial property development plans that involve new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway, will need a highway work permit from the New York State Department of Transportation.

**Case #:** 04-190703338  
**Project Name:** Recommendation to Update - Parkland Reservation

**Applicant:** Town of Bethlehem  
**Project Location:** Town of Bethlehem  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 100.00 acres  
**Zoning:** Residential  
**Tax Map Number:** n/a  
**Referring Agency:** Town of Bethlehem Legislative Board

**Considerations:** Amending of the Town Code Subdivision Regulations 103-29 Parkland Reservation and Fee Requirements and Zoning Law 128-57 Parkland Reservation and Fee Requirements

**Action Type:** Amendment of Zoning Ordinance or Local Law  
**Juris. Determinant:** Amendment of Zoning Ordinance or Local Law  
**Potential Impacts:** Parkland, fees for residential development.

**Staff Notes:** In 2001 Town of Bethlehem adopted Local Law 7 in Chapter 103 in the Town Code of Bethlehem. Local law 7 established a parkland reservation or fee in lieu of requirement for new residential development at the time of site plan and subdivision approval. This fee is commonly known as the Parkland Set Aside Fee or Fund, and the collected fee can only be used "exclusively for the acquisition of public park, playground, or recreation land, and/or improvement of public land. However, the fee can also be used for the improvement of existing public parks and playgrounds, or for the purchase of land to be used for public parks or playgrounds in the future. This fee is intended to provide a dedicated source of funding for public parks and playgrounds in the Town of Bethlehem."
park and recreation facilities". Due to changing economic factors, inflation, an updated comprehensive plan, and increased recreation needs the Town is recommending an increase in the amount of the fee. This increase will enable the Comprehensive Plan parkland recreation goal of 11 acres per 1,000 residents.

Staff Opinion: Defer to local consideration.

1. The ACPB supports the Town and its residents in planning for future growth and making provisions for preserving park and recreational land.

Advisory Note: 1. Notification of the amendment to a local law should be sent to all adjacent municipalities, since impacted land abuts municipal boundaries.

Case #: 04-190703339
Project Name: Great Clips

Applicant: Great Clips
Project Location: 380 Feura Bush Road
Municipality: Town of Bethlehem
Parcel Size: 12.91 acres
Zoning: Commercial Hamlet
Tax Map Number: 97.15-2-3./9001
Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Request for an area variance that will enable an additional wall sign.

Action Type: Area Variance
Juris. State Road
Determinant: US 9W

Potential Impacts: US 9W

Staff Notes: The business owner is requesting an area variance to allow for 2 wall signs. They are asking for the business logo to be placed on the south elevation for customer wayfinding. They are not on a corner parcel in the business parcel. The sign code only allows for one per business, and that shall not exceed the lesser of 10% of the area of the façade of the portion of the shopping center leased by the tenant or 125 SF. The sign is also required to not exceed the height of the facade. If the business owner is given the variance, the total area of the signs with be 70 SF (20 SF over the maximum allowable).

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 a commercial zone.

Case #: 05-190703340
Project Name: 78 Main Variance

Applicant: Jeffrey Wagner
Project Location: 78 Main Street
Municipality: Town of Coeymans
Parcel Size: 0.06 acres
Zoning: Residential 2 (R-2)
Tax Map Number: 168.12-2-19
Referring Agency: Town of Coeymans Zoning Board of Appeals

Considerations: Conversion of a two-family into a three-family.

Action Type: Use Variance
Juris. State Road
Determinant: Potential Impacts: NY 144

Staff Notes: The applicant is requesting a use variance to enable the conversion of a two-family house into a three-family by adding a two bedroom apartment in the basement. The property exist within the Coeymans Landing Historic District. There are two other multifamily units on the same block as the property.

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

Advisory Note:
1. Before a ZBA can grant a use variance, state law requires that the applicant must demonstrate “unnecessary hardship.” Mere inconvenience and the fact that the land in question could be put to a more profitable use are insufficient reasons for granting a variance. The applicant should include an explanation that justifies the need for a variance with criteria set for in state statute.
Case #: 07-190703341
Project Name: Solar Carports

Applicant: DG NY Solar, LLC
Project Location: 629 Columbia Street
Municipality: Town of Colonie
Parcel Size: 20.12 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 9.4-3-5.1
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: An area variance to allow for the installation of solar carports within the front yard of a commercial property

Action Type: Area Variance
Juris. Determinant: State Road
Potential Impacts: State Road (NY 9R), wetlands

Staff Notes: The applicant is requesting an area variance from the Town of Colonie Zoning Board of Appeals for relief from the regulation that no accessory dwellings exist within the front yard of a commercial building within a COR zone. The Town of Colonie has categorized a carport as an accessory dwelling, and denied the commercial zoning verification for this project. The applicant has appealed this decision to the ZBA. The applicant proposes to install a 1.14 MW solar photovoltaic carport based solar array on the subject property. The carport array will be split into eight individual solar-arrays - four on the south western portion of the parking lot, carport array W1 through W4, and another from on the north eastern portion of the parking lot, carport array E1 through E4. All the energy generated by the solar PV Arrays will be used to offset the daily energy demand of the office space currently under construction. The carports will exist over an already impervious surface of a parking lot. The surface area of the carports will be +/- 30,532 SF. The ACPB saw the site plan for this development in September 2017 (case # 07-17092816). The Albany County Planning Board abstained from voting on the project because they lacked advisement from a planner.

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 Albany County Planning Board was unable to give a recommendation for the site plan for this development in September 2018 when this project was referred to the ACPB.

2. The Town should make sure that a notice of Intent was 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.

<table>
<thead>
<tr>
<th>Case #:</th>
<th>10-190703344</th>
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<tbody>
<tr>
<td>Project Name:</td>
<td>Infamous Graphics</td>
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<tr>
<td>Applicant:</td>
<td>Infamous Graphics</td>
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<tr>
<td>Project Location:</td>
<td>1704 Western Avenue</td>
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<tr>
<td>Municipality:</td>
<td>Town of Guilderland</td>
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<tr>
<td>Parcel Size:</td>
<td>4.50 acres</td>
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<td>Zoning:</td>
<td>Local Business (LB)</td>
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<td>Tax Map Number:</td>
<td>52.14-2-2</td>
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<td>Referring Agency:</td>
<td>Town of Guilderland Zoning Board of Appeals</td>
</tr>
<tr>
<td>Considerations:</td>
<td>Variance request for signage modification to existing sign for LED board exceeding 50 SF.</td>
</tr>
<tr>
<td>Action Type:</td>
<td>Area Variance</td>
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<tr>
<td>Juris. Determinant:</td>
<td>State Road, County Road</td>
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<tr>
<td>Potential Impacts:</td>
<td>State Road (US 20), County Road (CR 203)</td>
</tr>
<tr>
<td>Staff Notes:</td>
<td>Proposal includes a request for an area variance for relief from the 50 SF maximum allowable space for a sign in Town of Guilderland zoning code. The proposed sign would be 48 SF per side. It will replace an existing pylon sign with a new footing and LED Board. The sign will display the Town Center and Market 32 logos.</td>
</tr>
<tr>
<td>Staff Opinion:</td>
<td>Defer to local consideration.</td>
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</tbody>
</table>

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 a commercial zone.

Case #: 13-190703345  
Project Name: Lands of Tommells

Applicant: Tommells Livestock LLC  
Project Location: 173 North Road  
Municipality: Town of New Scotland  
Parcel Size: 1.84 acres  
Zoning: Residential Agriculture (RA)  
Tax Map Number: 105.-3-6.10  
Referring Agency: Town of New Scotland Zoning Board of Appeals

Considerations: Request for a use variance allow a public garage in RA zone.

Action Type: Use Variance  
Juris. Agricultural District  
Determinant: Agricultural District

Staff Notes: The property is in a RA zone and automobile repair in not an allowed in this zone. In 1982 a "garage and shop" was constructed and permitted to operate as Domermuth Petroleum Equipment and Maintenance Co. From 1982-2009 the property was used for the repair, maintenance, and storage vehicles. In 2009 the County obtained the property through a foreclosure sale. In 2010 the three lots were converted to two. In 2015 the property was transferred to Charles Schufelt and a certificate of occupancy was granted for a single family home. Following a violation notice in late 2015 the former owner (Schufelt) submitted and application to the ZBA challenging the use of the garage as not a pre-existing nonconforming use. In March 2016 the Use variance was requested. In July 2016 Schufelt passed away and the property was sold to the applicant, three months after the Use Variance was granted. The current owner is requesting an extension of that same use variance to the property now.

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

<table>
<thead>
<tr>
<th>Case #</th>
<th>13-190703346</th>
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<tbody>
<tr>
<td>Project Name</td>
<td>Lands of Magia / Burke</td>
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</tbody>
</table>

**Applicant:** Fredrick Magia  
**Project Location:** 1329 Delaware Trpk  
**Municipality:** Town of New Scotland  
**Parcel Size:** 11.35 acres  
**Zoning:** Residential Agricultural (R-A)  
**Tax Number:** 95.-2-41.2, 95.-2-41.12, 95.-2-40  
**Referring Agency:** Town of New Scotland Planning Board

**Considerations:** The subdivision of a vacant parcel into two parcels that will be combined with neighboring parcels, resulting into two 2.46 acres and 8.97 acres parcels.

**Action Type:** Subdivision Review  
**Juris. Determinant:** State Road, Agricultural District, wetlands  
**Potential Impacts:** NY 443, Agricultural District

**Staff Notes:** The proposal includes the subdivision of a vacant parcel into two parcels that will be combined with neighboring parcels, resulting into a 2.46 acre and 8.97 acre parcels. No changes to egress or ingress are proposed. There are two ponds on two of the parcels. The smaller parcels both have existing homes on them. The subdivision would combine most of the 9.01 acres to the .71 acres (Lands of Schick & Burke), making a 8.97 acre parcel. The remaining would be added to the neighboring parcel to create a 2.46 acre parcel (Lands of Maginn). The neighboring parcel to the west is a NYS designated agricultural district. The applicant provided an Agricultural Data Statement.

**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 land owner of the subdivision should notify purchasers of the lots that they must prepare a stormwater pollution
prevention plan (SWPPP) for erosion and sediment control if construction will disturb more than one acre of land, as required by New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-002). 2. 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.

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<tr>
<th>Case #</th>
<th>13-190703347</th>
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<tbody>
<tr>
<td>Project Name</td>
<td>Lands of Cook</td>
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<tr>
<td>Applicant</td>
<td>Robert Cook</td>
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<tr>
<td>Project Location</td>
<td>252 Font Grove 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>29.20 acres</td>
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<td>Zoning</td>
<td>Medium Density Residential (MDR)</td>
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<tr>
<td>Tax Map Number</td>
<td>73.-1-37.1, 73.-1-37.6, 73.-1-37.5</td>
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<td>Referring Agency</td>
<td>Town of New Scotland Planning Board</td>
</tr>
</tbody>
</table>

Considerations: Division of 29.2 acres into three parcels: a 7.6 acre parcel, 10.7 acre parcel, and a 10.8 acre parcel.

Action Type: Subdivision Review

Juris. Determinant: County Road

Potential Impacts: CR 306 (Font Groves Road), Albany County Rail Trail

Staff Notes: Division of 29.2 acres into three parcels: a 7.6 acre parcel, 10.7 acre parcel, and a 10.8 acre parcel. Parcel A will have the existing house and garage and will be 7.63 acres. Parcel B will be 10.73 acres. Parcel C will be 10.73 acres. Parcel C and B will be vacant. Parcel A and C's rear property lines abut the Albany County Rail Trail. Parcel C is mostly wooded.

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 land owner of the subdivision should notify purchasers of the lots that they must prepare a stormwater pollution prevention plan (SWPPP) for erosion and sediment control if
construction will disturb more than one acre of land, as required by New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-002).

2. The County Department of Public Works must review and approve any future site plans on parcels A and C for any possible [drainage] impacts to the adjacent trail.

3. A highway work permit from the Albany County Department of Public Works will be required for any future driveway construction, drainage and public utility connections within the county right of way.

4. Review by the New York State Department of Transportation will be required for any future design of highway access, drainage and assessment of road capacity.

Case #: 18-190703350
Project Name: Slingerlands Variance

Applicant: Scott Slingerlands
Project Location: 994 CR 401
Municipality: Town of Westerlo
Parcel Size: 0.25 acres
Zoning: Residential Hamlet (RH)
Tax Map Number: 139.9-3-11
Referring Agency: Town of Westerlo Zoning Board of Appeals

Considerations: An area variance request to enable the construction of a garage within the side yard setback.

Action Type: Area Variance
Juris. Determinant: County Road
Potential Impacts: CR 401

Staff Notes: The property owner would like to replace and existing 16 x 18 foot shed with a new 30 x 30 foot single story garage. To do that the Applicant is requesting relief of 29' of the required 30' side yard setback in the Hamlet zone. The existing shed already abuts the property line within the setback. The property is within 500, of an agricultural district. The property owner provided and Agricultural Data Statement.
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 allow development within a minimum setback requirement within a residential zone.
   2. The applicant should include an explanation that justifies the need for a variance with criteria set forth in state statute.

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

Roland Graves made a motion to move referral 07-190703342 the front of the agenda. The motion was seconded by Brian Crawford and unanimously approved by the board.

The Board then reviewed the following referral:

<table>
<thead>
<tr>
<th>Case #</th>
<th>07-190703342</th>
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<tbody>
<tr>
<td>Project Name:</td>
<td>Town of Colonie Comprehensive Updates</td>
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<tr>
<td>Applicant:</td>
<td>Town of Colonie</td>
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<td>Project Location:</td>
<td>Town of Colonie</td>
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<td>Municipality:</td>
<td>Town of Colonie</td>
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<tr>
<td>Parcel Size:</td>
<td>0.00 N/A</td>
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<tr>
<td>Zoning:</td>
<td>N/A</td>
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<tr>
<td>Tax Map Number:</td>
<td>N/A</td>
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<td>Referring Agency:</td>
<td>Town of Colonie Legislative Board</td>
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<tr>
<td>Considerations:</td>
<td>Town of Colonie Comprehensive Plan Updates</td>
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<tr>
<td>Action Type:</td>
<td>Amendment of Zoning Ordinance of Comprehensive Plan</td>
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<td>Juris. Determinant:</td>
<td>Amendment of Zoning Ordinance of Comprehensive Plan</td>
</tr>
<tr>
<td>Potential Impacts:</td>
<td>Land Use Policy within the Town of Colonie, County Roads, State Routes, Wetlands, Agricultural Districts</td>
</tr>
</tbody>
</table>
Staff Notes: The Town of Colonie adopted a Comprehensive Plan in 2005. In 2010 an internal committee conducted a Comprehensive Plan review to identify progress on the goals identified in the 2005 Plan. The 2019 Comprehensive Plan goals are a continuation of the 2005 goals, updated with relevant recommendations, and the new goals to meet the changing needs of the residents and businesses alike. Public input to the development of the Plan consist of: the Comprehensive Plan Advisory Committee, Siena College research Institute Survey, Public Meetings and Workshops, an online comment portal, two Town-wide Meetings, a Committee Public Hearing, and a Town Board Public Hearing. The Plan itself consist of 5 Sections: Introduction, Town’s Progress, Planning Approach, Vision/Goals & Recommendations, and an Implementation Table. There are four appendices: Community Profile, Siena College Research Institute survey, Comprehensive Plan Advisory Committee-Public meetings and Workshop Summaries, 2010 Town of Colonie Comprehensive Plan Review.

Staff Opinion: Defer to local consideration.
1. This Board supports the planning effort being done by the Town and its residents.

Advisory Note: 1. Notification of the adoption of the comprehensive plan should be sent to all adjacent municipalities.

Laura Travison: In 2005 the Town of Colonie did a Comprehensive Plan. This is an update to the plan. In addition to my above description this Plan provides an introduction which refers to the previous plan, gives the context for why an update is needed, and gives an overview of the Town’s current demographics. There is appendices that include community outreach results.

Dominic Rigouso: My concern is, not with the Town of Colonie, but when we saw the Albany’s 2020 they rezoned some parcels and it became controversial because of where they are located. The Town of Guilderland did the same thing when they did their TOD overlay, and latter there was public concern about whether or not this was actually a good zone for that specific area. Is there anything in this plan that is similar where you can see a problem being generated that would come down the pike later on?

Laura Travison: Well this comprehensive plan, like any comprehensive plan, will inform their zoning. But based on my overview, they don’t get into the nitty gritty of exactly what the land use policy will be as it pertains to zoning. My expectation is that there will be a follow up process where their zones are –examined in context to the updated comprehensive plan. And that there will be an opportunity for public input again within this process. As far as comprehensive plans go this is a very thin plan. It is not as lengthy as Albany’s one. It is more of an update. It is more closely aligned to visioning and goal setting then the specifics of zones.
Roland Graves: Is there mention of walkable community, new urbanism, park in the back. Things like that?

Laura Travison: Right. Yes. But again, zoning is very specific to area requirement, façade aesthetics, where the parking is allowed and how much. This is not a zoning document. There is more about visioning then specific restrictions and regulations.

Dominic Rigosu opens up the meeting to public comment:

Susan Laurilliard: I wasn’t planning on speaking today, but I did want to ask a procedural question here. I am from Save Colonie, A Partnership for Planning. I am also a resident for the Town of Colonie for almost 58 years. My Question is, on Tuesday we sent a letter to Ms. Travison on our behalf with our cover letter addressed to the ACPB as well as all the written submissions that we made as an organization to the Town of Colonie as part of this Comprehensive Plan Review process. I’d like to ask is all the members have had an opportunity to review our letter and read the attachments? I was advised that that was going to be placed in your dropboxes to take a look at.

Dominic Rigosu: Yes. That was put in our dropbox for everyone to have access to.

Susan Laurilliard: So has everyone seen it around here had a chance to look at the letter.

Roland Graves: I haven’t had a chance to look at it.

Susan Laurilliard: OK.

Roland Graves: If you have a copy I can read it now.

Susan Laurilliard: I would urge you all to carefully take a look at what we have written in this letter. We have been a part of this process since it began. From the get go and throughout the process we have made many suggestions for how to make this a good planning document for use in the Town of Colonie. Sort of like what you were just asking about. Like what is this document supposed to be about. It’s basically about nothing. It’s a plan about nothing. And that’s the problem with it because it doesn’t even tell us what has happened since 2005. There are goals included in the 2005 comprehensive plan that are not even discussed as to whether or not they were achieved, why were they not achieved, or should they continue to be goals going forward. Major goals. Like establishing an open space plan, establishing an architectural review board, things like that. Those are glaring omissions that are not included in this update. Which, at the very least, there should be an acknowledgment that there was goals and plans in 2005 that have specific time frames to be met that aren’t even addressed in this plan. The other part of our letter we talk about some procedural concerns we’ve had with this whole process. I was the one Monday to call and ask what is included in the Town’s referral. There has been many people through the Town that has gone to all of these meetings, they are encouraged to attend these workshops, at the initial start of the process, and if they couldn’t attend they were encouraged to submit comments via a website. We have never seen any of the written comments submitted. That’s why we included ours without
letter to you all. I know for a fact that the Albany Shaker heritage Society has submitted comments; nowhere to be found. The Albany Bike Coalition submitted comments; nowhere to be found.

Dominic Rigosu: You can FOIL all of that.

Susan Laurilliard: But the point is it should be in your referral for you to be able to see what’s the issues are being raised by the public. And no one has addressed the comments and concerns that have been received. And what’s even more concerning in all of this is that the Town appointed a comprehensive plan advisory committee. They met and prepared a draft which I’ll call the March draft, they voted on it, but substantive changes were made after the vote by staff and it was never bought back to the comprehensive Plan Advisory Committee for them to take a look at. So again, there are these procedural issues here.

Dominic Rigosu: I understand but as the County when we are looking at referrals we are looking for county-wide or intermunicipal impacts. When comprehensive plans come before us or zoning changes we typically don’t make any comments because, Laura, would you call that home rule?

Laura Travison: Yes. So as far as the procedure goes, as I am sure everyone here knows NYS is a home rule state. So certain processes are left up to city, towns, and villages. And the County can only look at things if there is a jurisdictional determinant. For example if a referral is 500’ from a county road or intermunicipal line. There are certain things that bring it to our attention. And then, when it comes to our attention, we are supposed to be looking for intermunicipal impact and county wide impact. And so, the Board needs to be careful about how much they can get involved in a locality’s democratic process – and telling a town what to do. Where the Board is probably going to start off their review of this referral is: do they think a town having a comprehensive plan is a good idea?

Susan Laurilliard: Of course it’s a good idea but what’s in the plan is what’s in question. No one is disputing that a town should adopt a comprehensive plan. In fact that’s set forth in NYS Town Law - strongly encouraged formal or informal group of ideas that become a comprehensive plan. Here Albany County, and they actually talk about this in their plan, and have said publicly in meetings, many occasions, oh those are County Roads we can’t do anything about it , and then they go ahead and approve the development. So you all, like the Albany Shaker corridor, you have many Roads that are under your jurisdiction where you are spending money to fix infrastructure and to install traffic lights. All of that is part of the planning process where the Town is essentially saying, “oh we are not even deal with any of that stuff, leave it up to the County. I mean, we have heard that on numerous occasions. And the fact that this plan is woefully inadequate as far as establishing an open space plan. Hasn’t done that since 2005. Has concocted a definition of open space that has never gone before the advisory committee. The procedural part of this has been very concerning here. You are all making fiscal decisions about roads, intersection, traffic circles, and things like that. But this is part of what type of a vision we want. And there isn’t a vision in here. Basically the vision is we will leave it up to this land use committee that’s comprised of administration officials. No public participation in it. And they are going to amend the laws.
Dominic Rigosu: We hear your frustration, but as Laura said, at this stage we have limited jurisdiction as to what we can impact. And we also have precedence’s with other municipalities. In the past we have done defers for localities when they adopt a comprehensive plan.

Susan Laurilliard: I understand. But I urge you to read our letter, take a look at what’s in here. There are errors in here, legal errors. They say that SEQR is in charge of the mining laws in NYS, which is wrong. We have pointed that correction out. That’s an error. All throughout her there is stuff like that. I just recommend that someone take a look at this, read our letter carefully.

Roland Graves: Before the Town adopts this I imagine they will go to individual sections and solicit public opinion.

Laura Travison: They already did that.

Roland Graves: So did you tell them about this?

Susan Laurilliard: Of course. We have been doing that since 2016.

…

Dominic Rigosu: When it is specific referrals we can look at them and give comment. In part as they relate to a Town’s Comprehensive Plan. But we don’t want to drill down into telling them how to adopt the detailed specifics in their plans and what should be in them.

Susan Laurilliard: Ok. Well I think this is an opportunity. It is the largest Town within the County that land use impact adjacent Towns and possible County expenditure when they have to improve roadways when development occurs on them.

…

Mary Beth Buchner: If it is required to come before the County then why not make any comments? The Town will see this has a stamp of approval.

Laura Travison: This is not an approval or a disapproval. The ACPB is being advised to defer it to local consideration. It has to come to the ACPB for them to have an opportunity to make a comment, but also so that we are informed of the updates. In the future, when I am giving staff-opinion about developments in Colonie, my opinion in part will be based on the Town’s own Comprehensive Plan. It is more appropriate for the ACPB to remind a Town’s of its own adopted plans, rules, and regulations then to tell them what to put in, or keep out, of their plans.

…

Roland Graves made a motion to accept the staff opinion to defer referral #07-190703342 to local consideration. The motion was seconded by Brian Crawford and unanimously approved by the board.
The board proceeded with the rest of the agenda.

**Case #:** 01-190703309  
**Project Name:** 222 South Pearl St.

**Applicant:** Ahsan Farooq  
**Project Location:** 222 South Pearl St.  
**Municipality:** City of Albany  
**Parcel Size:** 0.25 acres  
**Zoning:** Mixed-Use, Form-Based South End  
**Tax Map Number:** 76.15-1-13  
**Referring Agency:** City of Albany Planning Board and City of Albany Zoning Board of Appeals

**Considerations:** An area variance to allow for the installation of vehicle fueling pumps in front of the existing building. Conditional Use Permit to allow for the occupation of a +/- 10,890 SF property as a vehicle fueling station.

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

**Staff Notes:** The proposal includes an area variance to allow for the installation of vehicle fueling pumps in front of the existing building where previous pumps existed, instead of behind the building required by the new form-based code. This use is permitted within the a Mixed-Use Form-Based South End Zone, with a conditional use permit. The convenience store already exist in the rear of the property and the property owner is asking for a variance for the pumps to be put in the front where the original pumps were installed. The ACPB reviewed this area variance in January 2018 (case # 01-180102924) and voted to “Modify local approval to include: 1. Review by NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations. 2. Review by the Albany County Department of Health for food service and other required permits.” The City of Albany did not make an immediate determination on this area variance request. The property owner has returned with a more robust application and now the City can make a determination. The site plan
includes facade and sidewalk improvements. Since the January 2018 recommendation, the amount of spills on the site came to the attention of the ACPB. The County Senior Planner contacted Andrew Fleck, DEC's Petroleum Bulk Storage Regional Spills Engineer (for region 4) and received advisement on this site. Mr. Fleck said there was 19 spills on this site over the course of several decades, and that all spill reports have been "closed". In order for DEC to close a spill report, the Department must collect sampling from the site that shows below required contamination levels set forth by DEC. However, DEC does not test under already constructed roads and buildings, and therefore encourages any disruption of pavement to always include an assessment of soil. During the assessment if the soil contains a chemical odor, or if any possible evidence of contamination is seen, then a potential spill should be reported and DEC will re-test the site. Mr. Fleck also advised that the Department of Environmental Conservation prefers for new petroleum bulk storage to occur on sites that previously contained petroleum storage, to decrease the area for potential contamination. At this time this is not a site plan review. At the June 20th meeting, the ACPB and the City agreed to table the referral for one more month.

**Staff Opinion:**

Modify local approval to include:

1. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations and that the underground storage tank (UST) systems meet both state (6 NYCRR Part 613) and federal (40 CFR 280) regulations.
2. Review by the Albany County Department of Health for food service and other required permits.
3. The placement of new petroleum tanks should coincide with a soil assessment by the City of Albany, as DEC only has an opportunity to assess and test the soil under the parking lot while the soil is exposed during construction.

**Advisory Note:**

1. There were nineteen reported spills on this site. While all were closed by the DEC, DEC does not have an opportunity to test soil that is covered by asphalt, concrete, or buildings. Any construction or demolition that exposes soil is required to be utilized as an opportunity to assess the soil for contamination and remediation opportunities.

Roland Graves made a motion to accept the staff opinion to defer referral # **07-190703309** to local consideration. The motion was seconded by Brian Crawford and unanimously approved by the board.
Case #: 01-19070333
Project Name: 1 Homestead Street

Applicant: Zachery Chaplin, Stonefield Engineering and Design
Project Location: 1 Homestead Street
Municipality: City of Albany
Parcel Size: 0.61 acres
Zoning: Mixed-Use Neighborhood Center (MU-NC)
Tax Map Number: Referring Agency: City of Albany Zoning Board of Appeals

Considerations: Two area variances: an area variance to exceed maximum parking spaces, and another to exceed maximum permitted front setback

Action Type: Area Variances
Juris. Determinant: State Property, State Route
Potential Impacts: State University at Albany, US 20 (Western Ave.)

Staff Notes: The proposal includes a new Chase Bank building, parking facilities, lighting, drainage and landscaping improvements. At this point this is not a site plan review. The property owner is requesting two area variances. One is for parking. The maximum number of spaces based on the zoning code is 9 spaces, the property owner is asking for 23 spaces. The parcel abuts three streets: Western Ave. and Homestead St. are adjacent to the northern and western edge of the parcel, while the parking lot will be in the rear and viewable from Taft Avenue. The parking lot will be accessible from Homestead St. and the main entrance is from the parking lot. The property owner is asking for an area variance to exceed the maximum setback from Taft Ave. Maximum front yard setback is 10’ and the property owner is asking for 146.7’. Due to the fact that there are three frontages on this parcel, it is challenging to comply with all maximum setback requirements. The property owner positioned the building to stay within the minimum setback on the busiest streets to maintain the character of the neighborhood. The setback that does not follow setback requirements is on the least used street.

Staff Opinion: Modify local approval to include:
1. Self-enforcing channelized right in / right out only access on Washington Avenue, similar to adjacent CVS parcel.

Advisory Note: 1. The City should ensure that the property owner is aware of the regulations for construction activities that disturb one or more acres of land. The applicant proposes that .91 acres of land will be physically disturbed during construction. The Albany County Planning Board recommends the applicant meet all necessary requirements for stormwater management should land disturbances exceed one acre, including submission of a Notice of Intent filed with the New York State Department of Environmental Conservation (NYS DEC) affirming that a Stormwater Pollution Prevention Plan (SWPPP) has been prepared and is being implemented, or submission of a SWPPP that is consistent with the requirements included in the NYS DEC SPDES General Permit for Stormwater Discharges (GP-0-15-003, May 1, 2015). Persons commencing work on such a project before obtaining the required permits, and any contractors engaged in such work, are subject to enforcement action by the DEC, which may include civil and/or criminal court action, fines, and/or an order to remove structure or materials or perform other remedial action.

2. The City Zoning Board should consider the precedent setting nature of allowing significant area variances to parking requirements in the Mixed-Use Neighborhood-Center zone.

3. The applicant should include an explanation that justifies the need for an area variance to exceed parking maximums with criteria set forth in state statute.

Brian Crawford made a motion to accept the staff opinion to defer referral # 07-190703333 to local consideration. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #: 04-190703337
Project Name: Lutz Land Division

Applicant: Town of Bethlehem
Project Location: 81 Kenwood Ave
Municipality: Town of Bethlehem
Parcel Size: 13.00 acres
Zoning: Residential Agricultural (R-A)
<table>
<thead>
<tr>
<th><strong>Tax Map</strong></th>
<th>86.00-1-5</th>
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<tbody>
<tr>
<td><strong>Number:</strong></td>
<td></td>
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<tr>
<td><strong>Referring Agency:</strong></td>
<td>Town of Bethlehem Planning Board</td>
</tr>
<tr>
<td><strong>Considerations:</strong></td>
<td>Land division of a 13 acres into two parcels. One parcel (3.1 acres) will include the existing house and farm buildings, the other parcel (9.9 acres) would be vacant.</td>
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<tr>
<td><strong>Action Type:</strong></td>
<td>Subdivision Review</td>
</tr>
<tr>
<td><strong>Juris. Determinant:</strong></td>
<td>NYS Designated Agricultural District</td>
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<tr>
<td><strong>Potential Impacts:</strong></td>
<td>NYS Designated Agricultural District, wetlands</td>
</tr>
<tr>
<td><strong>Staff Notes:</strong></td>
<td>Land division of 13 acres into two parcels. One parcel (3.1 acres) will include the existing house and farm buildings, the other parcel (9.9 acres) would be vacant with the intention to develop and sell it. The parcel is in a NYS designated agricultural district. The applicant supplied an Agricultural Data Statement. There are wetlands on the vacant lot.</td>
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</table>
| **Staff Opinion:** | Modify local approval to include: 
1. The land owner of the subdivision should notify purchasers 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. The land owner of the subdivision should notify purchasers of the lots that they must prepare a stormwater pollution prevention plan (SWPPP) for erosion and sediment control if construction will disturb more than one acre of land, as required by New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-002). |
| **Advisory Note:** | 1. The site plan shows a proposed driveway across ACOE wetland area. |

Roland Graves made a motion to accept the staff opinion to defer referral # **07-190703337** to local consideration. The motion was seconded by Brian Crawford and unanimously approved by the board.
Case #: 07-190703343
Project Name: Philips Medical System Addition

Applicant: Philips Medical System MR, Inc.
Project Location: 450 Old Niskayuna Rd.
Municipality: Town of Colonie
Parcel Size: 27.30 acres
Zoning: ABA
Tax Map Number: 18.-3-24.2

Referring Agency: Town of Colonie Planning Board

Considerations: The construction of a 36,200 SF one-story addition to an existing building.

Action Type: Site Plan Review
Juris. Determinant: County Property
Potential Impacts: Albany County Airport, wetlands

Staff Notes: The proposal includes the construction of a 36,200 SF addition to an existing building. The proposed addition would be 1-story and match the height of the existing building. The building is being added to provide more manufacturing space for MRU equipment that is already manufactured at this location. The combined existing and proposed building coverage will be 210,372 SF (17.7% of the parcel), pavement and sidewalk will be 339,555 SF (28.6% of the parcel) and green space will be 637,083 SF (53.7%). The existing building is approximately 28' in height and is generally one story with the exception of the office building, located on the northerly side, which is two stories. The proposal includes using existing water detention systems for run off, with the assurance that a stormwater analysis will be performed to make sure existing systems can meet required capacity to manage the additional runoff. The site does contain ACOE wetlands, none of which will be disturbed during construction. The proposed site exist within and Airport Business Area. The proposed use is allowed in this zone.

Staff Opinion: Modify local approval to include:
1. Continued coordination with the Albany County Airport planner to determine all necessary FAA review and approvals due to close proximity of airport facilities.

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

Advisory Note:

Brian Crawford made a motion to accept the staff opinion to defer referral # 07-190703343 to local consideration. The motion was seconded by Roland Graves and unanimously approved by the board.

**Case #:** 13-190703348  
**Project Name:** Stewarts Feura Bush  
**Applicant:** Stewarts Shop Corp.  
**Project Location:** 1360 Indian Fields Rd.  
**Municipality:** Town of New Scotland  
**Parcel Size:** 37500.00 SF  
**Zoning:** Commercial Hamlet (CH)  
**Tax Map Number:** 107.2-2-58  
**Referring Agency:** Town of New Scotland Planning Board  
**Considerations:** Redevelopment plan to build a new store, upgrade site and gas canopy, and add a diesel pump.  
**Action Type:** Site Plan Review  
**Juris. Determinant:** State Road, Municipal Boundary  
**Potential Impacts:** NY 32, Town of New Scotland and Town of Bethlehem municipal boundary  
**Staff Notes:** The proposal includes the construction of 3,696 SF convenience store with a 2,054 SF canopy. There will be 3 gasoline pumps with fueling
stations and 26 parking spaces. The ACPB reviewed this project for and area variance in May 2019 (case # 13-190503301). The recommendation was:

"Modify local approval to include:

1. Due the fact that the project includes gasoline storage and fuel pumps it should be considered a "hot spot" use requiring stormwater management design that protects groundwater.
2. Review by the New York State Department of Environmental Conservation to determine potential jurisdiction under bulk petroleum storage regulations.
3. Notification of the application should be sent to the Town of Bethlehem, including all required notices pursuant to GML §239-nn.

Advisory:
1. Follow adequate erosion and sediment control measures to reduce chance of sediment discharge off site."

These recommendations were met and responded to in this application.

**Staff Opinion:**

Modify local approval to include:

1. The sidewalk currently ends at a vertical face curb on the west side of the Railroad Ave. The property owner should extend an accessible route to, and across, the Indian Felids and Railroad Ave. Intersection.
2. Notification of the application should be sent to the Town of Bethlehem, including all required notices pursuant to GML §239-nn.

**Advisory Note:**

1. Perpendicular parking may become a problem if the lattice Property is developed.
2. The Town may want encourage the property owner to relocate the dumpster so that trash pickups don't endanger customers walking to and from the store, or limit trash pickups to off hours.

Brian Crawford made a motion to accept the staff opinion to defer referral # 07-190703348 to local consideration. The motion was seconded by Roland Graves and unanimously approved by the board.
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<thead>
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<th><strong>Case #:</strong></th>
<th>18-190703349</th>
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<tbody>
<tr>
<td><strong>Project Name:</strong></td>
<td>Scrafford</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>William Scrafford</td>
</tr>
<tr>
<td><strong>Project Location:</strong></td>
<td>62 CR 401</td>
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<tr>
<td><strong>Municipality:</strong></td>
<td>Town of Westerlo</td>
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<tr>
<td><strong>Parcel Size:</strong></td>
<td>0.75 acres</td>
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<td><strong>Zoning:</strong></td>
<td>Residential Hamlet (RH)</td>
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<td><strong>Tax Map Number:</strong></td>
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<td><strong>Referring Agency:</strong></td>
<td>Town of Westerlo Zoning Board of Appeals</td>
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</tbody>
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**Considerations:** Area variance to enable the construction of a replacement house within the front yard setback.

**Action Type:** Area Variance

**Juris. Determinant:** County Road

**Potential Impacts:** CR 401, Blaisdell White Memorial Park, floodplains

**Staff Notes:**
The new property owner has removed debris and dilapidated structures on the property and is now proposing to construct a new modular home on the parcel. The proposed modular home has a 25' front setback. The minimum required setback is 50'. A steep embankment and flood zone in the back of the property is cited as the reason for the location of the house within the setback requirement. A tenth of an acre of the .7 acre property will be disturbed. The property is within 500' of a NYS designated agricultural district. The property has a well and proposed septic tank and leach area. A gravel driveway already exist.

**Staff Opinion:** Modify local approval to include:
1. Approval by Albany County Department of Health is required for the design of each on-site septic system on a lot-by-lot basis.
2. The location of wells and septic should be evaluated by Albany County Department of Health before a building permit is issued.
3. 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.
4. A highway work permit from the Albany County Department of Public Works for driveway construction, drainage and public utility connections within the county right of way is required.

Advisory Note:

Roland Graves made a motion to accept the staff opinion to defer referral # 07-190703349 to local consideration. The motion was seconded by Brain Crawford and unanimously approved by the board.

Case #: 14-190703351  
Project Name: Auto Body Shop

Applicant: Joe Shear  
Project Location: 2166 US RT 9W  
Municipality: Village of Ravena  
Parcel Size: 2.50 acres  
Zoning: Planned Commercial (C-1P) & Single Family Residential (R1)  
Tax Map Number: 156.-5-4  
Referring Agency: Village of Ravena Planning Board

Considerations: A site plan review for a new auto body shop to open where a previous one already existed.

Action Type: Site Plan Review  
Juris. Determinant: State Road, Municipal Boundary

Potential Impacts: State Road (9W), Village of Ravena Municipal Boundary

Staff Notes: Proposal includes a re-opening of an already existing auto-body repair shop. The parcel is split zoned, with the majority of the parcel being zoned as planned commercial (C-1P) and a eastern section of the parcel being zoned as single family residential (R1). The parcel is adjacent to NYS 9W and the Town of Coeymans and the Village of Ravena municipal boundary.

Staff Opinion: Disapprove without prejudice.
1. The Albany County Planning Board found the site plan map 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 and action prepared by a licensed architect, landscape architect, engineer, or land surveyor.

**Advisory Note:**

1. The Albany County Planning Board requires an official site plan for a site plan review.
2. The fact that the proposed use is an auto body repair shop triggers the consideration of water quality runoff due to the possibility of leaking fluids from vehicles parked on the site. A condition for site plan approval should include the applicant addressing the water quality runoff issue within an official site plan.
3. Notification of the application should be sent to the Town of Coeymans, including all required notices pursuant to GML §239-nn.

Roland Graves made a motion to accept the staff opinion to defer referral # 07-190703351 to local consideration. The motion was seconded by Brian Crawford and unanimously approved by the board.