DRAFT August 15, 2019 ACPB Meeting Minutes

Present:
Dominic Rigosu; Chair, Brian Crawford, Roland Graves, Enzo Sofia, Tim Garufi (Ex-Officio), David Reilly (Ex-Officio), Bill Anslow (Ex-Officio)

Albany County Planning:
Laura Travison, Senior Planner
Lynn Delaney, Board Secretary

Guest:
Rejean DeVaut, Borrego Solar

Minutes:
Laura Travison

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

Dominic Rigosu made a motion to vote on the June and July 2019 minutes at the September 2019 meeting. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Dominic Rigosu proposed to put Borrego Solar to the front of the Agenda. Brian Crawford made a motion to move referral number 04-190803343 to the front of the agenda. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #: 04-190803343
Project Name: Borrego Solar

Applicant: PV Engineers DPC
Project Location: 283 Beaver Dam Road
Municipality: Town of Bethlehem
Parcel Size: 182.00 acres
Zoning: acres
Tax Map Number: 121.00-3-24.2
Referring Agency: Town of Bethlehem Zoning Board

Considerations: Use Variance for ingress/egress to a large scale solar farm.
**Action Type:** Use Variance

**Juris. Determinant:** State Road, NYS designate agricultural district

**Potential Impacts:** NY 87, agricultural district, Vlomankill Creek, wetlands

**Staff Notes:**
This is a request for a use variance to allow access to a solar farm where the ingress and egress are in a residential zone. The parcel is +/- 182 acres and split zoned. The southern portion, adjacent to Beaver Dam Road, is zoned as a residential A (RA) district. The RA zone is 78.2 acres. This portion is not slated for any development other than a 20’ wide access driveway. One hundred and four acres of the northern rear of the property is landlocked and zoned as a rural (R) district. In the rural zone, a solar farm is a permitted use following the obtainment of a special use permit. However, no part the rural zone on this parcel is adjacent to a road or has any current egress or ingress. If the solar farm is permitted it will be constructed roughly 2,125’ from the road, 1,103’ from the closest residence, and behind a substantial tree line. Total acreage to be disturbed is 33.8 acres, about 19% of the parcel. The site plan includes removing 32 acres of forest. The entire parcel is in a NYS designated agricultural district. West of the parcel is zoned RA (residential A) and the rest of the perimeter is adjacent to a rural zone with the exception of .27 miles on the easternmost property line that abuts a residential B (RB) zone. There are train tracks between the parcel and the RB zone. The Vlomankill Creek, and a correlated flood zone, run along the northern rear property line. There are wetlands on the front of the parcel as well. An additional 120’ setback is required when uses that necessitate a special use permit abut a residential district. The property owner was denied a building permit by the Town of Bethlehem and appealed for a use variance. The property owner submitted an application for a use variance arguing hardship criteria set forth in state statue, but also argues that any use in the rural zone would require an access road through the residential part of the parcel and thereby separate from the solar use. The property owner also argues that the road is an accessory use as stipulated in the Town Code 128-22, which permits accessory uses on the same lot with the special use permit. This is currently not a site plan review. The parcel is the Mohawk Valley Heritage Corridor, a NYS Heritage Area. The parcel is adjacent to a property, the Schoonmaker House, listed on the on the National Register of Historic Places (NR 01NR01877) for being a representative example of mid-nineteenth century Italianate residential architecture in the Town of Bethlehem.

**Staff Opinion:** Defer to local consideration.
Advisory Note: A Site Plan Review would generally consist of the following modifications from the Albany County Board. The town may want to forward these to the developer in the event of a granted use variance:

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

2. Review by the New York State Department of Environmental Conservation to determine regulatory jurisdiction pursuant to Article 15 (Protection of Waters) for the impact to the stream from the construction.

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 decommissioning plan or established conditions requiring abandoned solar systems to be removed by the owner as part of an approval for this size project.

5. The town stormwater management office should determine if drainage patterns from sheet flow will be altered enough by the rows of panels to require drainage modifications to the site. No additional drainage should be directed to the state highway.

6. Consult with the local fire department when reviewing the site plan for the project to ensure proper siting of the utility from a fire protection standpoint and to ensure proper training and response procedures are in place. Require that 24 hour emergency contact information is clearly posted on the site for emergency responders to communicate with a licensed individual to safely turn off all power on site.

Rejean Devaut presented the referral and answered questions from the ACPB.

Roland Graves made a motion accept staff opinion to defer referral 04-190803343 to local consideration with staff’s advisories. The motion was seconded by Brian Crawford and unanimously approved by the board.

Brian Crawford made a motion to move remaining recommended defers (02-190803352, 01-190803341, 04-190803342, 07-190803345, 10-190803349) to the front of the agenda. The motion was seconded by Roland Graves and unanimously approved by the board.
Case #: 01-190803341
Project Name: 23 Dove St. Sign Variance

Applicant: Brianne Baggetta
Project Location: 23 Dove St
Municipality: City of Albany
Parcel Size: 0.03 acres
Zoning: R-T
Tax Map Number: 76.24-1-12
Referring Agency: City Of Albany Zoning Board

Considerations: Area Variance sought for at 23 Dove Street to allow for the installation of a 6 square foot projecting sign, when projecting signs are not permitted with the R-T district

Action Type: Area Variance

Juris. Determinant: State Road, County Facility
Potential Impacts: NY 5 (Washington Ave.), Albany County Department of Social Services (NR 96NR00931), Center Square/Hudson-Park Historic District, 23 Dove St (SR 00140.001376)

Staff Notes: The owner is requesting an area variance to allow the replacement of an old 16SF wall sign with a new 6 SF neon wall sign. The sign would utilize the existing arm structure. The previous restaurant was in operation since 1979 and was recently purchased and renovated. There was previously a neon wall sign for an even older Tea Room. It continues to operate as a restaurant. The Unified Sustainable Development Ordinance of the City of Albany 375-4(I)(5)(a)(i) does not permit projected signs in residential neighborhoods. The parcel is in the Center Square/Hudson-Park Historic District and the building itself is on the Historic State Registry (SR 00140.001376).
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 area variances to the sign code in a residential zone.

**Case #: 04-190803342**

**Project Name:** Switzer - Chickens

**Applicant:** Patricia Switzer

**Project Location:** 50 Brightonwood Road

**Municipality:** Town of Bethlehem

**Parcel Size:** 0.33 acres

**Zoning:** Residential A (RA)

**Tax Map Number:** 97.14-1-11

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

**Considerations:** Site plan review to house chickens for personal use

**Action Type:** Site Plan Review

**Juris. Determinant:** NYS designated agricultural district

**Potential Impacts:** NYS designated agricultural district

**Staff Notes:** The proposal consist of a site plan review to enable the housing of chickens for personal use. The Town of Bethlehem allows for the keeping of chickens in the Residential zone in accordance with certain setback and lot coverage regulations pursuant to accessory uses. The parcel is adjacent to an NY designated
agricultural district. The property owner is asking to exceed the maximum allowable amount by 5 because some of the hens no longer produce eggs.

**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 #:** 07-190803345  
**Project Name:** American Holding Service

**Applicant:** American Holding Service LLC  
**Project Location:** 127 VFW Drive  
**Municipality:** Town of Colonie  
**Parcel Size:** 5.50 acres  
**Zoning:** Industrial (IND)  
**Tax Map Number:** 29.3-3-21  
**Referring Agency:** Town of Colonie Planning Board

**Considerations:** Site plan review for the construction of a 5,000 SF addition and the reassembly of an existing canopy at the northern end of the proposed addition.

**Action Type:** Site Plan Review

**Juris. Determinant:** County Road  
**Potential Impacts:** CR 155 (New Karner Road), wetlands

**Staff Notes:** The parcel is currently developed with an approximately 15,074 SF warehouse and office. The site operates as a masonry and concrete company. The proposal is for the current use to continue and the construction of a 5,000 SF by 25' in height
structural steel fabrication shop. The proposed building will be constructed on the existing footprint of the salt and sand canopy over a paved area. The current canopy will be disassembled and 1800 SF by 25' in height will be relocated on the northern side wall of the proposed fabrication shop as a new salt and sand storage. The existing overhang canopy along the western side of the existing buildings will be extended for 30' out to be used as a carport. There will be modifications to egress/ingress or utilities. Total disturbed acreage will be .2 acres. There are wetlands on the site. In 2007 the ACPB reviewed a site plan on this parcel for a parking lot expansion (case # 070900119) and voted to "Defer to local consideration." Vincenzo Sofia must recuse himself from voting on this project.

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. This current proposal does not encroach on wetlands, but wetlands do exist on the parcel. Any future proposed developer should be cognizant of the fact that 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 #: 10-190803349
Project Name: Victory Church

Applicant: Mark Pratt
Project Location: 4755 Western Turnpike
Municipality: Town of Guilderland
Parcel Size: 3.30 acres
Zoning: Rural Agriculture (RA3)
Tax Map Number: 26.00-3-37.3
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: A special use permit to allow for a foster care respite facility

Action Type: Special Use Permit
Juris. Determinant: State Road, NYS designated agricultural district

Potential Impacts: NY 20 (Western Turnpike), Watervliet reservoir tributary, agricultural district.

Staff Notes: The Victory Church is requesting a special use permit to enable the development of a respite facility for children in foster care and foster parents. The property owner sees this use a distinct and separate from a group home, as the intention is to provide temporary short term day camps, weekend childcare, and temporary emergency placement for children between homes, as well as training and support for foster parents. The parcel is in a NYS designated agricultural district and in a Rural Agriculture Zone (RA3). Residential care facility (independent and assisted) is a permitted use within this zone contingent on the obtainment of a special use permit. The parcel is across the street from the historic Van Patten Barn Complex, a property on the National Register of Historic Place (NR 90PR0333) for being a maintained example of eighteenth century Dutch Barns in the Town of Guilderland. A Watervliet Reservoir tributary runs adjacent to the rear property line on the neighboring parcel. The north, west, and southern property are zoned similarly, the eastern property line is adjacent to an Industrial 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: 1. The Town should ensure that the property owner is aware of the regulations for construction activities that disturb land greater than one acre and disturb wetlands.

Case #: 02-190803352

Project Name: Stewart's Shop Zoning Review

Applicant: Stewart's Shop

Project Location: 107-109 Helderberg Ave.

Municipality: Village of Altamont

Parcel Size: 0.17 acres

Zoning: R-10
Tax Map Number: 48.06-2-2
Referring Agency: Village of Altamont Legislative board
Considerations: Review of a previously adopted rezone.
Action Type: Rezoning
Juris. Determinant: State Road
Potential Impacts: NY 156 (Altamont Blvd.), wetlands, flood zone, tributary to the Bozenkill Creek
Staff Notes: There is currently a Stewart's Shop next to 107 Helderberg Ave, on the corner of Helderberg Ave and Altamont Blvd. In order to redeveloped and expand their existing site, Stewart's is proposing to demolish the building at 107 Helderberg Ave., and rezone the parcel from residential (R-10), to a Commercial Business District (CBD). Stewarts bought 107 Helderberg Ave in 2015, and the Village of Altamont did issue a rezone for the .17 acre parcel on December 12th, 2018. On April 24, 2019 litigation was bought forth by Village residents against the Village for excluding the impact of demolition from the SEQR review process within the rezone review. Stewart's has resubmitted a rezone request to enable the Village an opportunity to initiate a new SEQR review. The ACPB reviewed the rezone on November 15, 2018 and issued this recommendation for the rezone: "Defer to local consideration

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact." The ACPB also issued this advisory within the recommendation: "Prior to site plan review, the applicant should contact the New York State Department of Environmental Conservation's Division of Environmental Permits (Region 4 Office) to determine whether permits or additional review will be required due to the presence of a regulated waterbody, designated floodway, and proposed bulk petroleum storage on the subject parcels. The applicant should also seek review and any necessary permits from New York State Department of Transportation for any improvements within the State Route 156 right-of-way." (case # 02-181103148)

The Village Board requested the Planning Board review the site plan as if the re-zoning was not granted. The site plan review is ongoing. The Planning Board has advised that the size of the proposed building may require several variances for a code-compliant project, and that the Village Board should perform an in-depth environmental review. On July 9, 2019 the Village Board of Trustees
declared themselves Lead Agency for a full SEQRA review. Both parcels are within 500' of the Altamont Historic 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. 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.

After review Brian Crawford made a motion to accept the staff opinion on the following referrals: 02-190803352, 01-190803341, 04-190803342, 07-190803345, and 10-190803349. The motion was seconded by Roland Graves and unanimously approved by the board.

Referral 07-190803346 was then reviewed:

**Case #:** 07-190803346

**Project Name:** Tasaddaq Mixed Use

**Applicant:** Muhammad Tasaddaq

**Project Location:** 363 Troy Schenectady Road

**Municipality:** Town of Colonie

**Parcel Size:** 2.30 acres

**Zoning:** Commercial Office Retail (COR)

**Tax Map Number:** 19.19-3-59.1

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

**Considerations:** The Construction of 3 buildings with a total area of 14,450 SF with a mixture of uses.

**Action Type:** Site Plan Review
Juris. Determinant: State Road
Potential Impacts: NY 2 (Troy Schenectady Road),

Staff Notes: The proposal includes the construction of three new buildings: a 7,500 SF office and retail building, one 6,500 SF apartment building, and a 300 SF storage garage. The proposal also includes 59 parking spaces, three of which will be accessible spaces. The project expects 12.9% of the parcel to be building coverage, 32.2% pavement or sidewalk, and 54.9% green space. No changes in the water or sewer systems as current systems are expected to be able to generate the needed capacity. The Town of Colonie Planning and Economic Development Department gave pre-review comments, which the applicant responded to. A total of 1.75 acres are expected to be disturbed.

Staff Opinion: Modify local approval to include:

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

2. Review and permits by New York State Department of Transportation for commercial property development plans involving new or modified access to a state highway, or involve any change of use or expansion of an existing development on a state highway.

3. The radius on the west side of the driveway does not meet NYSDOT standards. This needs to be corrected.

4. Label accessible curb ramps on site plan near office lot.

Advisory Note:

After review Brian Crawford made a motion to accept the staff opinion for 07-190803346. The motion was seconded by Roland Graves and unanimously approved by the board.

Referral 04-190803344 was then reviewed.
Case #: 04-190803344
Project Name: Lamperello Land Division
Applicant: Karen Lamperello
Project Location: 49 Martin Drive
Municipality: Town of Bethlehem
Parcel Size: 86.50 acres
Zoning: Residential A (RA), Rural Light Industrial (RLI)
Tax Map Number: 108.00-2-9.1
Referring Agency: Town of Bethlehem Planning Board

Considerations: Subdivision of an 86.5 acre lot into a 9.610 acre lot and a 76.926 acre lot.

Action Type: Subdivision Review

Juris. Determinant: NYS designated agricultural district, State Road
Potential Impacts: NY 32 (Feura Bush Road), NYS designated agricultural district, Vloman Kill, flood zone

Staff Notes: The proposal consists of a subdivision of an 86.5 acre lot into a 9.61 acre lot and a 76.93 acre lot. The smaller lot would contain all the existing structures on the site, including a residence and barns. The larger 76.926 lot is intended to be used for future building. The original lot has the Vloman Kill traversing through the northern part of the parcel. The original parcel was split zoned with the part north of the Vloman Kill zoned as Residential A and the rest of the parcel was zoned as Light Industrial. After the proposed subdivision the larger parcel will continue to be split zoned and the smaller parcel will be completely within the light industrial zone. The entire parcel is in a NYS designated agricultural district. The Vloman Kill and one of its tributaries creates a horseshoe shape running parallel to the original parcel's side and rear boundaries.

Staff Opinion: Modify local approval to include:

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 land owner of the subdivision should notify purchasers of the lots that any wetland disturbance 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.

3. The land owner of the subdivision should notify purchasers of the lots that the property being subdivided is located within 500' of a farm operation in the County Agricultural District.

Advisory Note:

After review Roland Graves made a motion to accept the staff opinion for 04-190803344. The motion was seconded by Brian Crawford and unanimously approved by the board.

Referral 07-190803347 was reviewed.

**Case #:** 07-190803347  
**Project Name:** Janitronics Parking Lot  
**Applicant:** Frank Palumbo  
**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 Zoning Board of Appeals  
**Considerations:** A special use permit for a 14,541 SF parking lot.  
**Action Type:** Special Use Permit
Juris. Determinant: State Road
Potential Impacts: NY 5 (Central Ave.)

Staff Notes: The proposed project plans to develop 14,541 SF of pavement area for a 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.

Staff Opinion: Modify local approval to include:
1. Safe, accessible pedestrian access across Massachusetts Ave. from parking lot to business building.

Advisory Note:

After review Roland Graves made a motion to accept the staff opinion for 07-190803347. The motion was seconded by Brian Crawford and unanimously approved by the board.

Referral 10-190803348 was then reviewed.

Case #: 10-190803348
Project Name: Lands of Harrington Subdivision

Applicant: Leonard Durham
Project Location: 6096 Hawes Road
Municipality: Town of Guilderland
Parcel Size: 29.40 acres
Zoning: Rural Agricultural 3 (RA3)
Tax Map Number: 49.00-2-8
Referring Agency: Town of Guilderland Planning Board
Considerations: Subdivision of a 29.4 acre lot into a 12.7 acre lot and 17.11 acre lot.

Action Type: Subdivision Review

Juris. Determinant: County Road

Potential Impacts: County Road (Medowdale Road)

Staff Notes: The subdivision proposal consist of dividing a 29.4 acre lot into a 12.7 acre lot and a 17.11 acre lot. The smaller 12.7 acre lot would contain all the existing structures that exist on the property now. There is wetlands on the proposed second lot. The proposed second lot is almost entirely in a 100 year floodplain. The referral includes a Site Inspection Summary by the Guilderland Conservation Advisory Council. This summary conclusion is favorable to the subdivision, noting that it is "further agreeable if it includes a conservation easement for the portion of Lot 2 that is outside the building envelop." This conservation easement is not called out on the site plan or mentioned in any other part of the referral. The subdivision would create a parcel where a property owner could not expect to get a reasonable return without substantial area variances and construction within a floodplain.

Staff Opinion: Disapprove without prejudice.

1. The subdivision would create a parcel of land that is almost entirely within a 100 year floodplain.

2. To avoid this floodplain, the current site plan proposes a septic within a front yard setback at a higher elevation then the house, and a house within the floodplain.

Advisory Note:

After review Roland Graves made a motion to accept the staff opinion for 10-190803348. The motion was seconded by Brian Crawford and unanimously approved by the board.

Referral 13-190803350 was then reviewed.

Case #: 13-190803350
Project Name: Mahoney

Applicant: Wendy Mahoney

Project Location: 622 Krumkill Road

Municipality: Town of New Scotland

Parcel Size: 55.29 acres

Zoning: Residential 2 Acre (R2), Medium Density Residential

Tax Map Number: 63.-4-11.14

Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision of a 55.29 parcel into three parcels.

Action Type: Subdivision Review

Juris. Determinant: Agricultural District, Municipal Boundary

Potential Impacts: Agricultural District, Farmland, wetlands, Normanskill Creek

Staff Notes: The subdivision review consist of subdividing one 55.29 acre parcel into three parcels where two smaller parcels will have an existing building on them, and a third parcel of +/- 50 acres will remain vacant. The smaller parcels will be 3.28 acres and 2.09 acres. The property owners are doing this subdivision for the sole purpose of meeting zoning regulatory compliance. Currently a family owns two residencies on one parcel. The subdivisions will make sure each separate residence has their own parcel and is being taxed accordingly. The Normanskill Creek runs along the rear property line. The current houses have wells and septic systems. No development or new ingress/egress is planned. The Town of Bethlehem and the Town of New Scotland municipal boundary runs through the third, vacant parcel.

Staff Opinion: Modify local approval to include:

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

After review Brian Crawford made a motion to accept the staff opinion for 13-190803350. The motion was seconded by Roland Graves and unanimously approved by the board.

Referral 08-190803351 was then reviewed.

Case #: 08-190803351
Project Name: Valentine Sub-division

Applicant: Nicholas and Barbara Valentine
Project Location: 1036 CR 402
Municipality: Town of Westerlo
Parcel Size: 111.80 acres
Zoning: Rural Development Agricultural (RD/A)
Tax Map Number: 162.-1-6.1
Referring Agency: Town of Westerlo of Planning Board

Considerations: Three lot subdivision of a 111.8 acre parcel, resulting in: one 87.36 acre lot, one 11.92 acres lot, and one 11.02 acre lot

Action Type: Subdivision Review

Juris. Determinant: County Road, NYS designated agricultural district
Potential Impacts: County Road (CR 402), wetlands, agricultural district

Staff Notes: Property owners a seeking a minor subdivision of their 111.8 acre parcel into three lots: an 87.36 acre lot, an 11.92 acre lot, and a 11.03 acre lot that contains the property owners residence, garage, and sheds. The parcel is in a NYS designated agricultural district Rural Development / Agricultural Zone. There is a pond in the northwestern part of the original parcel and a riverine in the southeastern part. The parcel is roughly 700' from the Town of Westerlo municipal boundary.
Staff Opinion: Modify local approval to include:

1. A surveyor measure sight distances form proposed driveway locations for Lots 1 and 3, using 42" eye height and 24" object height.

Advisory Note:

1. There may not be enough room from the guide rail end to the property corner on Lot 3 for a driveway. Forty feet minimum should be provided.

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.

3. The land owner of the subdivision should notify purchasers of the lots that any wetland 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. The land owner of the subdivision should notify purchasers of the lots that a highway work permit from the Albany County Department of Public Works for future driveway construction, drainage and public utility connections within the county right of way is required.

5. The land owner of the subdivision should notify purchasers of the lots that the property being subdivided is located within 500' of a farm operation in the County Agricultural District.

After review Roland Graves made a motion to accept the staff opinion for 08-190803351. The motion was seconded by Brian Crawford and unanimously approved by the board.

Board discussed Roland resigning this fall and collecting resumes for potential replacement to send to the legislature.

Motion to adjourn made by Roland Graves at 4:15 PM. Motion was unanimously accepted by the board.