Present:
Dominic Rigosu; Chair, Brian Crawford, Roland Graves, Enzo Sofia, Tim Garufi (Ex-Officio), David Reilly (arrival at 3:43).

Albany County Planning:
Laura Travison, Senior Planner
Lynn Delaney, Secretary
James Mearkle, Traffic Engineer

Minutes:
Lynn Delaney

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

Dominic: Motion to vote on the July and August 2019 minutes at the October 2019 meeting. The motion was seconded by Enzo Sofia and unanimously approved by the board.

Dominic Rigosu proposed moving all staff recommended defer cases to the front of the agenda 01-190903353, 01-190903354, 01-190903355, 04-190903356, 04-190903357, 07-190903359, 13-190903362, 13-190903365, 13-190903366. The motion was seconded by Roland Graves and unanimously approved by the board.
Case # 01-190903353

Project Name: 241 Orange Street

Applicant: Habitat for Humanity Capital District

Project Location: 241 Orange Street

Municipality: City of Albany

Parcel Size: 0.05 acres

Zoning: Residential, Townhouse (R-T)

Tax Map Number: 65.81-2-54

Referring Agency: City of Albany Planning Board

Considerations: Demolition of an existing 2,700 SF structure

Action Type: Demolition Review

Juris. Determinant: State Road

Potential Impacts: US 9 (Clinton Ave.)

Staff Notes: Habitat for Humanity proposes to demolish 241 Orange St., to make space to construct several three story single family homes when combined with the existing vacant lots at 245 and 243 Orange Street. The existing structure is 2,058 SF and was evaluated as unsound and recommended for demolition by CT Male Associates. As a result of the building being condemned, a pre-demolition asbestos survey could not be completed, and as such, the building will need to be demolished per NYSDOT ICR-56 11.5 "Controlled Demolition with Asbestos in Place". The rear of this parcel is adjacent to the Clinton Avenue 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. Defer to local consideration.

Advisory Note:

Case #: 01-190903354
Project Name: 350 Second Street

Applicant: Albany County Land Bank Corporation
Project Location: 350 Second Street
Municipality: City of Albany
Parcel Size: 0.08 acres
Zoning: Residential, Two-Family (R-2)
Tax Map Number: 65.55-6-29
Referring Agency: City of Albany Planning Board

Considerations: Demolition of an existing 1,996 SF structure

Action Type: Demolition Review

Juris. Determinant: State Road
Potential Impacts: US 9 (Clinton Ave.)

Staff Notes: Albany County Land Bank proposes to demolish the 2 story 1,996 SF wood framed structure on the parcel. The property has severe water damage and has been in the Land Bank inventory for more than 2 years, during which no viable applications have come to the Land Bank. The Albany County Land Bank will
first market the vacant parcel as a side lot to the adjacent property owners, and then to the other property owners on the same block.

**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 #:** 01-190903355  
**Project Name:** 319 Sherman Street  
**Applicant:** Albany County Land Bank Corporation  
**Project Location:** 319 Sherman Street  
**Municipality:** City of Albany  
**Parcel Size:** 0.04 acres  
**Zoning:** Residential, Two-Family (R-2)  
**Tax Map Number:** 65.54-5-26  
**Referring Agency:** City of Albany Planning Board  
**Considerations:** Demolition of an existing 575 SF structure  
**Action Type:** Demolition Review  
**Juris. Determinant:** State Road  
**Potential Impacts:** NY 5 (Central Ave.)  

**Staff Notes:** Albany County Land Bank proposes to demolish the 1 story 575 SF structure due to the fact that the structure is unsafe and condemned. The cost of rehab is prohibitive. The structure has major water damage as well as some structural foundation and framing issues. The intent is to market the vacant parcel to
adjacent property owners first, and if they are not interested, to other property owners on the same block.

**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 #:**  04-190903356  
**Project Name:** The Pike Co./Airco/Linde Gas

**Applicant:**  The Pike Company  
**Project Location:** 76 West Yard Road  
**Municipality:** Town of Bethlehem  
**Parcel Size:** 9.10 acres  
**Zoning:** Heavy Industrial (I)  
**Tax Map Number:** 108.00-1-9  
**Referring Agency:** Town of Bethlehem Zoning Board of Appeals  

**Considerations:** Construction of a 70.5' cold box for new nitrogen plant 10' over the 60' allowed

**Action Type:**  Area Variance  
**Juris. Determinant:** Agricultural District  
**Potential Impacts:** Agricultural District  

**Staff Notes:** Lind Gas LLC is appealing for an area variance to enable the construction of a 70.5’ cold box for a nitrogen plant that is 10’ over the 60’ allowed. On June 20th, 2019 the ACPB heard a site plan review for Linde Gas LLC to construct a new 96’x 56’ pad and equipment for a backup nitrogen supply system at an existing air separation plant (referral number 04-190603313). The Board voted to
"modify local opinion to include" an agricultural data sheet. An agricultural data sheet is included in this referral. The new cold box will replace the current cold box on site which has a height of 125'. Therefore, despite being over the height limit, this replacement would still reduce the current cold box height by 48%. Constructing the new cold box will disturb .47 acres pf land. There will be no increase of impervious area due to the replacement of the cold box.

Staff Opinion: Defer to local consideration.

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

Case #: 04-190903357
Project Name: Metabolic Meltdown Signage

Applicant: AJSigns
Project Location: 28 Hudson Avenue Delmar
Municipality: Town of Bethlehem
Parcel Size: 12.91 acres
Zoning: Commercial Hamlet (CH)
Tax Map Number: 85.12-2-26
Referring Agency: Town of Bethlehem Zoning Board of Appeals

Considerations: Area variance for a proposed internally lit freestanding sign to replace existing freestanding sign

Action Type: Area Variance

Juris. Determinant: County Property, State Road
Potential Impacts: Within 200' of Albany County Rail Trail, NY 443 (Delaware Ave.)
Staff Notes: The property owner is applying for an area variance to allow for the installation of a internally lit free standing sign to read "Metabolic" and "Find your Strength", to replace an existing freestanding sign. Within the Commercial Hamlet signs may be lit by external means only. The proposed sign would be 48" in width, 36" in height and rest atop of 33" legs. The sign would be a shorter in width and height than the one that currently exist right 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: The Town Zoning Board should consider the precedent setting nature of allowing significant area variances to the sign code in the Commercial Hamlet zone.

Case #: 07-190903359
Project Name: Mini Mart at 2044 Central Ave.

Applicant: Tyree Land Development (represented by agent Victor Caponera)
Project Location: 2044 Central Avenue
Municipality: Town of Colonie
Parcel Size: 0.86 acres
Zoning: Commercial Office Residential (COR)
Tax Map Number: 17.17-1-12
Referring Agency: Town of Colonie Zoning Board of Appeals

Considerations: Area variances to allow a fueling station, canopy, car wash, and vacuum island within 200' of a single family residential district, and for those structures to be in a front yard

Action Type: Area Variance
Juris. Determinant: State Road
Potential Impacts: NY 5 (Central Ave.)

Staff Notes: The applicant was denied a Commercial Zoning Verification from the Town on July 8, 2019. The applicant proposed construction of a new 3,000 SF mini-mart, a fueling station with canopy, 4 fueling pumps, a 720 SF car wash, a dumpster enclosure, and a vacuum island. These uses are allowed in COR zones, with the exception of 200' from the zone's boundary with a single or multi - family residential zone. Because the parcel is within 200' of a SFR zone, and because fueling station canopies, car washes, dumpster enclosures, and a vacuum islands are not permitted within the front yard, applicant was denied and is now appealing for an area variance. From 1968 to several years ago, the previous owners were granted multiple area and use variances to allow for the construction of a previous gas station and mini mart. However, several years ago the structures on the property were demolished and the tanks were removed. SAM petroleum, Inc. has signed a contract to purchase the subject property on the condition that the purchaser receives all necessary approvals for the construction of a new mini-mart and gas sales establishment. The rear of the property abuts a single family residential zone. Previous variances for the parcel included conditions like: no loud speakers or PA systems, no 24 hour operation, no lighting that would go on to adjacent residential neighbors.

Staff Opinion: Defer to local consideration.

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

Advisory Note: 1. This application includes a significant number of area variances from town code regulations. The ACPB advises the Town ZBA to consider whether the alleged difficulties were self-created and whether the benefits sought by the applicant can be achieved by some feasible method other than granting all the variances requested.

Case #: 13-190903362
Project Name: Lands of Bennett Hill Preserve
Applicant: Mohawk Hudson Land Conservatory
**Project Location:** Bennett Hill Preserve

**Municipality:** Town of New Scotland

**Parcel Size:** 142.00 acres

**Zoning:** Residential Forestry (RF)

**Tax Map Number:** 117.-2-24

**Referring Agency:** Town of New Scotland Zoning Boards of Appeals

**Considerations:** Area variance to provide relief of 25' front setback for a signs within a Town right-of-way

**Action Type:** Area Variance

**Juris. Determinant:** Agricultural District

**Potential Impacts:** Agricultural District, Parkland, Historical sites.

**Staff Notes:**
The applicant is asking for an area variance for relief of the entire 25' front setback to enable the implementation of a 10 SF welcome sign for the Bennett Hill Preserve. The sign would be in the Town's ROW on Bennett Hill Road. The Bennett Hill Preserve is a 155 acre property owned by the Mohawk - Hudson Land Conservancy. The preserve is a short distance from the base of the Helderberg Escarpment. Hikes within the Preserve offer views of the Helderbergs to the north and west, and Albany to the east. Adjacent to the eastern part of the property is the Bennet Hill Farm Complex, which was listed on the National Register of Historic spaces in 2004 (NR # 03PR06115). The Bennet Hill Farm has several intact examples of nineteenth century farm buildings and residences, and an eighteenth century German style barn. The parcel in subject is within a NYS designated Agricultural District and within 500', of three operating farms.

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

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

**Advisory Note:**
Case #: 13-190903365
Project Name: Lands of Abbuhl

Applicant: Fredrick Abbuhl
Project Location: 195 Clipp Rd.
Municipality: Town of New Scotland
Parcel Size: 18.90 acres
Zoning: Residential Agriculture (RA)
Tax Map Number: 106.-2-1.1
Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision of a 18.9 acre parcel into a 1.19 acre parcel and 17.72 acre parcel

Action Type: Subdivision Review

Juris. Determinant: Agricultural District
Potential Impacts: Agricultural District, wetlands

Staff Notes: The property owner proposes to subdivide the parcel using Clipp Road and a stonewall and tree line as new boundaries to create a 1.19 acre parcel with the dwelling, barns, and shed, with the intent to sell that parcel. The larger 17.72 acre parcel would remain vacant farmland at this time. The entire parent parcel currently is in 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. 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 #: 13-190903366

Project Name: Lands of MacMillen

Applicant: Beverly Macmillan

Project Location: 646 New Salem Rd

Municipality: Town of New Scotland

Parcel Size: 1.72 acres

Zoning: Residential Hamlet

Tax Map Number: 82.-2-41

Referring Agency: Town of New Scotland Planning Board

Considerations: Lot line adjustment to create access to a previously landlocked parcel

Action Type: Subdivision Review

Juris. Determinant: State Road, Agricultural District

Potential Impacts: NY 85A (New Salem Road), Agricultural District

Staff Notes:
The property owner owns one 1.72 acre lot with frontage on New Salem Road. The property owner also owns an 8.16 acre lot directly behind the first parcel. The second lot is currently landlocked. The property owner is requesting a lot line adjustment that would combine half of the landlocked lot to half of the parcel with frontage along New Salem Road. The end result would be two parcels with access to New Salem Road. One parcel would be 1.40 acres and the other would be 5.88 acres. The existing frame garage on the original 1.72 acre parcel would be removed within 60 days of purchase of either lot. Both current parcels are NYS designated agricultural districts. The two new lots will share a common driveway with a driveway maintenance agreement placed in each deed. Both parcels will also connect to the Village of Voorheesville water.

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. Review and permits by New York State Department of Transportation for any future 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.

Brian Crawford made a motion to accept the staff opinion to defer case #'s 01-190903353, 01-190903354, 01-190903355, 04-190903356, 04-190903357, 07-190903359, 13-190903362, 13-190903365, 13-190903366 to local consideration. The motion was seconded by Roland Graves and unanimously approved by the board.

Dominic Rigosu introduced the rest of the agenda.

Case #: 07-190903358
Project Name: Upstate Veterinary Specialties - Parking
Applicant: Dr. Aaron Way
Project Location: 37 Old Sparrowbush Road and 152 Sparrowbush Rd.
Municipality: Town of Colonie
Parcel Size: 5.03 acres
Zoning: Highway Commercial Office Residential (HCOR)
Tax Map Number: 19.1-2-1.1, 19.1-2-7.1
Referring Agency: Town of Colonie Planning Board
Considerations: Parking expansion for existing Upstate Veterinary Specialties
Action Type: Site Plan Review
Juris. Determinant: State Road

Potential Impacts: NY 87, Delphus Kill, flood zone,

Staff Notes: The parcel at 152 Sparrowbush Rd. currently contains an operating 2-story veterinary hospital and parking lot for employees and visitors. The proposal is to build parking on the adjacent vacant lot at 37 Old Sparrowbush Rd. The combined area of the parcels is 5.03 acres. The proposed project is for a parking lot expansion only, and will be known as phase 1. For the 152 Sparrowbush Road parcel, site plan approval was previously granted by the Town and the ACPB to expand the 1st floor, to a total 28,083 SF gross floor area and additional parking spaces (referral # 7-160702581 and # 7-170701995). The construction for this project has not commenced yet. Additionally a conceptual site plan approval for the 37 Old Sparrowbush Road parcel was granted by the Town and the ACPB for a proposed mixed-use development to be completed by the former property owner, Michael Giovanone (referral 07-181103153). The current owner/applicant purchased the 37 Old Sparrowbush Road parcel from Mr. Giovanone, and has future plans to construct a new 2-story 20,000 SF gross floor area building with some additional parking to expand the veterinary hospital. This will be phase 2 of the project. Currently there are 111 parking spaces at 37 Sparrowbush and the proposal seeks to raise this to a total of 199 spaces. After phase two is completed at 152 Sparrowbush, there will be a grand total of 210 spaces through both parcels. There is a flood zone that permeates 37 Old Sparrowbush Rd from the nearby Dalphus Kill. There is no proposed change to curb cuts, and the lot requirements for building footprint, maximum building height, and minimum front, side, and rear setbacks will not be exceeded. There will be a reduction in green space from the new parking lot constructions, however 49% green space will remain to meet the required 35% minimum. Approximately 1.68 acres will be disturbed during phase 1.

Staff Opinion: Modify local approval to include:

1. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.

2. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a 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:

Enzo Sofia made a motion to accept the staff opinion for referral # 07-190903358. The motion was seconded by Roland Graves and unanimously approved by the board.

Case #: 10-190903360
Project Name: McDonald's

Applicant: McDonald's Corporation - Brian Sheedy
Project Location: 1602 Western Avenue
Municipality: Town of Guilderland
Parcel Size: 1.30 acres
Zoning: Local Business (LB)
Tax Map Number: 52.18-3-48
Referring Agency: Town of Guilderland Zoning Board of Appeals

Considerations: Modification to an existing restaurant including adding a drive-thru

Action Type: Special Use Permit

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

Staff Notes: McDonald's is proposing to renovate the existing restaurant facility modernizing the interior dining, kitchen and play place area. Minor additions will be added to the footprint. McDonald also is proposing a side-by-side drive thru. The site plan also includes bringing parking and sidewalks into current accessible guidelines. Less than an acre is expected to be physically disturbed. A special use permit is required for modifications to this parcel because a special use permit was obtained during the initial approval process. This is not a site plan review.

Staff Opinion: Modify local approval to include:

1. Review by the Albany County Department of Health for food service and other required permits.

Advisory Note:

1. Sidewalks adjacent to driveways don't receive detectable warning surfaces, only sidewalks adjacent to intersections do.

2. The applicant may want to use the modifications to their site as an opportunity to move the trash enclosure and dumpster further away from the adjacent single family residence.

Dominic Rigosu asked of the Advisory Note, comment #1, “What is that comment?” Laura Travison, replied “that is from Jim. He said that when he looked at the site plans he could see that they have what I assume is when you drive over something it makes a noise in their driveways and that it shouldn’t be. I looked at the site plans and I did not see that, but Jim is the traffic engineer.”

Dominic Rigosu “ok”.

Laura Travison “So do you want me to put the applicant may want to use the modifications as an advisory?”

Dominic Rigosu “keep it as an advisory, I was wrong on that. I’m sorry. The dumpster modification is not a modification, it is an advisory.”

Laura Travison “If you want, if Jim is here, do you want me to see if he can point it out to us on the site plans? The driveway?”

Dominic Rigosu “yes, let’s do it. I want to see what he means”.

ACPB September 19, 2019 DRAFT Meeting Minutes
Jim Mearkle arrives and shows the board the portion on the map that he is referring to. Jim stated “I think it is needed because when you are coming off private property onto a public road you are supposed to stop and yield to everybody whether they are walking, biking, driving etc.

Dominic Rigosu “so it’s the detectable warning at the handicap ramps at the entrance and exit at the driveway but on the sidewalks.”

Laura Travison “I’m going to add that to clarify.”

Roland Graves made a motion to accept the staff recommendation for case #10-190903360 with the clarification. The motion was seconded by Brian Crawford and unanimously approved by the board.

Case #: 10-190903361
Project Name: Erno Minor Subdivision

Applicant: Vision Planning Consultants
Project Location: 4931 Western Turnpike
Municipality: Town of Guilderland
Parcel Size: 1.70 acres
Zoning: Residential Single Family (R20)
Tax Map Number: 27.17-1-42
Referring Agency: Town of Guilderland Planning Board

Considerations: Subdivide lot to allow for the construction of a new dwelling
Action Type: Subdivision Review

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

Staff Notes: The property owner proposes to subdivide a 1.7 acre parcel into two .85 acre parcels. The southern parcel already contains a dwelling and garage. The subdivision would create a vacant lot the owner is planning to construct a new house on. The new parcel would require a new driveway and curb cut to US 20.
Staff Opinion: Modify local approval to include:

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

2. 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.

Advisory Note:

A motion to accept the staff recommendation for case #10-19093361 was made by Brian Crawford. The motion was seconded by Roland Graves and was unanimously approved by the board.

Case #: 13-190903363
Project Name: Lands of Corey West

Applicant: 1769 Delaware LLC
Project Location: 1769 Delaware
Municipality: Town of New Scotland
Parcel Size: 38.74 acres
Zoning: Residential Agriculture (RA)
Tax Map Number: 106-4-1.2
Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision of 38.74 acre parcel into a 10 acre and 28.74 acre parcel

Action Type: Subdivision Review
Juris. Determinant: State Road
Potential Impacts: NY 443 (Delaware Turnpike)

Staff Notes: Property owner wants to subdivide 10 acres from his original 38.74 acre parcel with the intent of latter selling the smaller vacant parcel. An Onesquethaw Creek tributary runs north/south through the newly proposed 10 acre parcel. There is no proposal for new curb cuts at this time.

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 occur because more than one acre of land has already been disturbed on the parent parcel within the past five years.

2. The property owner should notify the purchaser 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.

3. Review and permits by New York State Department of Transportation for 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.

Advisory Note:

A motion to accept the staff recommendation for case #13-190903363 was made by Roland Graves. The motion was seconded by Brian Crawford and unanimously approved by the board.

Case #: 13-190903364
Project Name: Lands of O'Donnell
Applicant: Cheryl & Travis O'Donnell
Project Location: 3153 New Scotland Rd.
Municipality: Town of New Scotland
Parcel Size: 57.00 acres
Zoning: Rural Forest (RF)
Tax Map Number: 93.-2-21
Referring Agency: Town of New Scotland Planning Board

Considerations: Subdivision of 57 acre lot in half

Action Type: Subdivision Review

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

Staff Notes: The proposal consist of subdividing 57 wooded acres into two parcels. The north parcel will contain 29 acres and all existing structures. The existing blacktop driveway will be common use. The south parcel has a proposal house site and well site. Percolation test have been performed with the Albany County Health Department. The southwest corner of the property is adjacent to a NYS designated agricultural district.

Staff Opinion: Modify local approval to include:

1. Review and permits by New York State Department of Transportation for 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.

Advisory Note:
A motion to accept the staff recommendation for case #13-190903364 was made by Roland Graves. The motion was seconded by Brian Crawford and unanimously approved by the board.
Unfinished Business:

Dominic Rigosu stated that he does not have any unfinished business. Laura Travison stated that she has a few things to go over.

**Diversified Auto** – “we saw them in June and we voted to disapprove. Our major complaint was when they had their acreage and their SWPPP to meet certain qualifications, they had a certain amount of acreage and they had conservation easement. This is right next to the county airport. They have a truck stop that they are essentially moving right next to Albany County Airport. Their SWPPP and their acreage was all over the place so we couldn’t tell where they were getting their information. They kept saying they have a huge conservation easement and it wasn’t clear from their original site plan where they were getting that. It looks like they were saying lands on their neighboring property were..., that’s where they were getting this conservation easement but they didn’t own that property. This triggered Rob’s (Rob Gunther) reviewing of this and then he deep dove into the SWPPP and found a lot of irregularities and we sent a pretty big response to them. They then went to their town and the town sent them back to us. They have updated their site plans and they met with me and they updated their site plan. One of the things they clarified is that the property is a horseshoe shape and in the middle of the horseshoe is this other person who has gotten in trouble with the Town of Bethlehem for filling in a ton of wetland. But, that portion is not their property. So, all the things that Rob was commenting on, actually does not belong to their property. The Town of Bethlehem actually made the same mistake, and the reason they made the same mistake was because their SWPPP is really inaccurate, wrong and confusing. They are now updating their SWPPP they are updating their site plan and I told them to send it over to Rob and Rob will see if this changes his staff opinion. If it does than they will send it back to the Town of Bethlehem who will send it back to referral to us. I just wanted to let you know that they are trying hard to come into compliance.”

**Language** - Laura Travison stated that she did some research regarding language and is talking with our legal team about updating our language and also the postmark date. Laura stated that she is pretty close to getting an answer at least to the language piece but also about the postmark date.

**Recording Equipment** – Laura Travison stated that she got the ok from Dave Reilly to order audio recording equipment to begin to record the ACPB meetings and then putting the audio recording on the website in the place of the traditional written minutes.

**Webpage** – Laura Travison stated that she is receiving training in how to update the webpage.

**Traffic on Touring Routes and Highways** – Laura Travison reported that we get a lot of referrals from the City of Albany that have no citywide or municipal impact. They are within 500ft of Madison and Western Avenues. They both have a state designation (US20/US10) and that’s why we get them. The GML says if you are within 500ft of a highway/parkway or a state road that the state or the county has a right of way on. She called DOT and asked about the right of way on any of these roads, these touring routes within the City of Albany. DOT stated no, they don’t own them and they are not considered state roads. DOT does not permit them, does not maintain them when they are within the City of Albany. Laura has asked County lawyers and DOS lawyers
what that means in terms of whether we should be even getting these referrals. We could do a referral agreement that states, for example, if you have a railing on your porch, please don’t refer that to us. But instead of looking at it on an individual basis, she was trying to see if there is a misinterpretation of the law. There is a document that states that a touring route essentially is defined as a state highway. Therefore we would get the referrals. The attorney then advised that if, down the road, we want to stop the erroneous referrals, we could go into an agreement with the City of Albany. What she suggested was that the City of Albany could send us a front page with everything that they would have to refer if they followed that rule, and then we are allowed to (the GML enables us) choose to not accept it onto the docket. So if it is something like railings on a house on Madison Ave., for example, we can just say no. Laura asked the board if this was something they would like her to have that conversation with the City of Albany or if this should just be something that we just continue to get the referrals. Laura feels that it doesn’t add a lot of extra work for the county, but it does add a lot of work for the city because they have to put in a lot of preparation to just get a defer back from the ACPB.

Dominic Rigosu clarified that ACPB would still see the more significant cases like cases for SUNY Albany. Laura indicated that she could come up with a proposal to run by the ACPB before presenting it to the City of Albany. Dom agreed that it would be ok to come up with something that would take some of the burden off of the City to provide documentation for every case. A simpler version for the cases that we would defer back to them anyway. The DOS attorney said you can make a referral agreement that includes or doesn’t include a variety of information so you can still see what is being proposed, but then it can be determined if this is a case where more information is needed. Laura stated that she would see if the City of Albany would even be interested in something like this.

Motion to adjourn made by Roland Graves at 3:55PM. Motion was unanimously accepted by the board.