



ALBANY COUNTY PLANNING BOARD  
NOTIFICATION

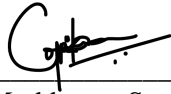
RECOMMENDATION DATE: December 16<sup>th</sup>, 2021

**Case #:** 10-211203875  
**Applicant:** Storage Yard  
**Project Location:** 4304 Frederick Road  
**Tax Map Number:** 49.00-1-25.2  
**Referring Agency:** Town of Guilderland Zoning Board of Appeals  
**Considerations:** Special use permit to allow storage of equipment and roll-off containers.

**ACPB** Disapprove  
**Recommendation:**

1. An AG data sheet should be provided since the property is located within an Agricultural District as per Section 305-a of the New York State Agricultural and Markets Law.
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.
3. All future referral applications for special use permit are required to include an official drawing that is to scale and prepared by a licensed professional.
4. The site is a vacant farmland and a agricultural residential zone. Proposed use is storage of commercial rolloff containers and heavy equipment resulting in a commercial use. The applicant should be required to apply to the Town of New Scotland for a use variance for the proposed use.
5. NWI wetlands exist on the propoerty as well as being in a FEMA floodzone. Hand drawn approximate dimensions on the admitted "not to scale" site plan as submitted are not sufficient to determine where distrubance will be located or impacts to wetlands or floodplains.
6. The proposed use of the property does not match the moral residential and agricultural character of the community and is in fact a commercial/industrial use.
7. This property will be in the immediate viewshed of the Helderberg Escarpment in the John Boyd Thatcher State Park trails and overlook area. This may fall under the requirements of the Resolution No. 384 and act pertaining to the Albany County Planning Board in consideration of critical viewshed of the Helderberg Escarpment.

**Advisory:**



Gopika Muddappa, Senior Planner  
Albany County Planning Board

**NOTE:**

- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of "APPROVE" or "MODIFY LOCAL APPROVAL" should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board's recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System Permit (MS4) (No. GP-0-10-002) Notice of Intent (NOI) to comply with the NYS DEC permit for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-1-001 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

**449 New Salem Road, Voorheesville, NY 12186**  
**TELEPHONE: (518) 655-7932 FAX: (518) 765-3459**

In compliance with Article 12-B, Section 239 of New York State General Municipal Law, this serves as official notification to the Albany County Planning Board of the action taken on the application described above.

**LOCAL ACTION ON ACPB RECOMMENDATION:**

- AGREED WITH COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE
- OVER-RULED COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE

**LOCAL DECISION ON PROJECT:**

- PROJECT APPROVED
- PROJECT DISAPPROVED

VOTE RECORDED: \_\_\_\_\_ DATE OF LOCAL ACTION: \_\_\_\_\_

**Set forth the reasons for any action contrary to the ACPB recommendations (use additional sheets if needed):**

SIGNED: \_\_\_\_\_ TITLE: \_\_\_\_\_