



Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110

<https://www.colonie.org/>

Steven Heider

Tuesday, February 27, 2024

6:00 PM

Town Hall

1. Call to Order

Attendee Name	Title	Status	Arrived
Steven Heider	Chairman	Present	
Ricahrd Barlette	Board Member	Present	
Paul A. Leo	Board Member	Present	
Michael J Malone	Board Member	Present	
Joanne Maloy	Board Member	Present	
Henry J. Rosenzweig	Board Member	Present	
Kevin M. Bronner	Board Member	Absent	
Matthew Millea	Counsel	Present	

2. Report of the Planning and Economic Development Director

There was no report.

3. Regular Business

a. 5, 9, 11 Runway Avenue. Fusco Office/Warehouse.

Applicant: David Fusco, represented by ABD Engineers and Surveyors. Sketch plan review for the proposed construction of two warehouse buildings, one 45,000 square feet and the second 52,500 square feet. The site is zoned ABA, Airport Business Area. TDE: CHA (PL-24-00017).

Luigi Palleschi presented the project on behalf of the applicant.

TDE Joe Grasso of CHA discussed his comments in regards to the greenspace being around 50%, SEAMAB Variance, potential federal wetlands, stormwater impacts, loading docks and tractor trailer maneuverability relative to the loading docks location, potential to bank parking with the lower parking demands of the proposed use, landscaping, need for storm sewer with depressed loading docks, and need for minor subdivision to consolidate the lots.

The Board discussed wanting to see renderings of the buildings at the next meeting and how they would like to see an attractive building aesthetically, parking, turning radius, greenspace, need for fire alarms, bio-retention area.

1. Sketch plan review, no action taken.

b. 60 Dunsbach Ferry Rd. Serio Subdivision.

Applicant: Cillis Builders, Inc, represented by Advanced Engineering. Proposed subdivision amendment to modify the conservation area layout, to accommodate a driveway, as well as adjacent lot line adjustments. The site is zoned SFR, Single Family Residential. TDE: Barton & Loguidice (PL-18-00008).

Nick Costa presented the project on behalf of the applicant.

TDE Brad Grant of Barton & Loguidice briefly discussed the trees along the driveway as a positive addition and inquired if the applicant would be keeping the original driveway, Nick notified the Board that the applicant did intend to keep the driveway approved on the original site plan.

The Board did not have any questions.

i. Motion To: Approve the amendment to modify the conservation area layout and lot lines.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J Malone, Board Member
SECONDER:	Paul A. Leo, Board Member
AYES:	Heider, Barlette, Leo, Malone, Maloy, Rosenzweig
ABSENT:	Kevin M. Bronner

c. 886 Watervliet Shaker Road. BOCES CTE Extension.

Applicant: SFR I, LLC, represented by Hershberg & Hershberg. Concept plan review of proposed construction of a 46,000 square foot, one-story building, with 25 parking spaces. The site is zoned OR. Office Residential. TDE: Barton & Loguidice (PL-23-00112).

Manny Stabler of SFR 1, LLC started with an introduction to the project and discussed the previous meeting, along with some of the changes they made, specifically decreasing the parking and adding Shaker style fencing along south family drive as it is the gateway to the Shaker site and a Shaker mural inside of the building. Dan Hershberg also spoke briefly on behalf of the applicant.

TDE Brad Grant of Barton & Loguidice discussed the need for SHPO, Army Corps and Shaker Heritage to review the project as it progresses to the next stage, bat survey, waiver requests and potential to incorporate Shaker style design features into the project.

The Board discussed the proposed mid-block crosswalk, the need for it, the location, and although the Town highway department does not prefer a crosswalk there that it might be a good idea for safe passage of students and faculty. Also discussed the need for student safety to be considered with the design, along with the potential to have a professional security company to be consulted. Discussed the Shaker design aspects as a plus and that if the future barn is to be constructed to include it on this proposal now, rather than come back later for a variance.

i. Motion To: Accept the concept plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Henry J. Rosenzweig, Board Member
SECONDER:	Paul A. Leo, Board Member
AYES:	Heider, Barlette, Leo, Malone, Maloy, Rosenzweig
ABSENT:	Kevin M. Bronner

d. 358 Watervliet Shaker Rd. Watervliet Shaker Subdivision.

Applicant: Jeff Ferraro. Presented by EP Land Services LLC. Sketch plan review update of merger of 358 Watervliet Shaker Road and 1 East Hills Blvd. Proposed 6 lot single family home subdivision. The site is zoned SFR, Single Family Residential. TDE: Barton & Loguidice (PL-23-00006).

Jamie Easton presented the project on behalf of the applicant. Discussed the updates from the previous sketch plan presentation, the need for an ODA, water district extension and historical significance of the house currently on the property.

TDE Brad Grant of Barton & Loguidice discussed the private road and relationship with Blvd, Stormwater basins and potential runoff.

The Board discussed potential addresses, the fact that Lot 1 is proposed to be built in a wetland, the responsibility of the space between proposed private road and E. Hills Blvd for lawn maintenance, snow removal, etc., the need to set up covenants or HOA agreement for private road, emergency vehicle accessibility, potential concerns with overflow parking, home designs, and how the applicant needs to work with the historical society to come up with a definitive answer as to the historical significance of the home currently on the property.

The Chair opened the floor up for comments even though at Sketch plan review, it isn't required. East Hills homeowner and local historian Tony Brankmen discussed the historical significance of the home and his hope that the home could be saved, expressed the desire for the applicant and Board to look into the deed information noted on the survey conditions and pointed out that the Historic Preservation Department of NYS's letter that the applicant included was actually a letter intended to DEC, not the applicant.

Town Attorney Guy Roemer spoke on behalf of the Town discussing the viability of the land transaction from the E. Hills HOA and the applicant which was brought up at the previous sketch plan presentation, threshold issues, the deed and the removal of covenants from E. Hills HOA. Guy also discussed Article 2, Section 4 of the deed of covenants that was also discussed at the prior meeting. Discussed 1 E. Hills Blvd which from his research was never released to the town, which would mean the developer always retained rights to the property. He said he doesn't have a concern with the deed's verbiage about approval from the town to sell the lands from the HOA, as there is no evidence that the Town ever actually required it. Guy discussed whether or not someone besides the developer signed the release. The Planning Board Counsel Matthew J. Millea Esq. noted that he is in agreement with Guy in that a valid conveyance took place and that there is evidence that someone besides the developer signed the release.

Ken Raymond, the applicant, spoke also in regards to the discussion of an HOA and said he had no problem with requiring that to ensure the private road is cared for in a sufficient manner.

i. Sketch plan review, no action taken.

e. 244 Wolf Rd. Multi-Tenant Commercial Building.

Applicant: 244 Wolf Rd LLC, represented by Lansing Engineering. Concept plan update for proposed construction of a 6,400 square foot commercial building. Site is zoned COR. TDE: Barton & Loguidice (PI-22-00001).

Scott Lansing of Lansing Engineers presented the project on behalf of the applicant. Discussed that after hearing the concerns from the previous sketch plan meeting, they reduced the size of the building and parking, which increased the greenspace up to the required 35%. No wetlands will be impacted now with these changes as well. Decorative fencing was added also.

Alanna Moran, a senior traffic designer at VHB, discussed their traffic study, the queuing and driveway access with limited blockage times, trip generation. They did a second observation where they did a gap evaluation. Alanna also discussed the crash data being very low at less than two crashes a year and that they received second confirmation from NYSDOT on their traffic study and recommendation of full access in, right out only.

The Board discussed clarifying where the crashes were occurring, the best way/use to use this parcel of land, "respectfully" disagreeing with the traffic study in terms of the gridlock, as many of the Board members traverse that area daily and have witnessed otherwise, how they foresee people attempting to do a U-turn.

A motion for concept acceptance was called by JoAnne Maloy, and seconded by Richard Barlette. All Nay, except JoAnne Maloy, Motion Denied.

The applicant then inquired as to what the next steps would be. The Board expressed that their major concern was the traffic, specifically the point of entry. They indicated they understood that the NYSDOT found that left turns into the site are not a safety issue, but Chair Heider stated that "the Town of Colonie has the right to try to keep its highways a little safer, less congested, and traffic moving in a better direction." The Board expressed that they would only accept future plans that restrict access to the site to right in, right out as they feel that approving any other arrangements would "be a detriment to the safety of the traveling public." They also asked if Subway would still be a tenant if access was limited to right in, right out. The applicant indicated that Subway would still be a tenant if access was limited to right in, right out. The applicant then asked, "if we commit to the right in right" if they could advance to preliminary final review. The Board responded that the applicant could come back for another concept review if they commit to right in, right out access.

The Board then made a motion to rescind the previous denied motion called by JoAnne Maloy, 2nd Richard Barlette, all Aye.

Applicant will now come back to the Board for a concept update in the future.

i. **Motion To:** Accept concept plan update

RESULT:	DEFEATED [1 TO 5]
MOVER:	Joanne Maloy, Board Member
SECONDER:	Ricahrd Barlette, Board Member
AYES:	Joanne Maloy
NAYS:	Heider, Barlette, Leo, Malone, Rosenzweig
ABSENT:	Kevin M. Bronner

ii. **Motion To:** Rescind previous motion to deny concept plan update

COMMENTS - Current Meeting:

Applicant will now come back to the Board for a concept plan update in the future.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joanne Maloy, Board Member
SECONDER:	Ricahrd Barlette, Board Member
AYES:	Heider, Barlette, Leo, Malone, Maloy, Rosenzweig
ABSENT:	Kevin M. Bronner

4. **Adjournment**

With no further business before the Board, the meeting adjourned at 8:18pm.