Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110
https://www.colonie.org/

Sean M. Maguire
(518) 783-2741

Tuesday, March 22, 2022 | **6:00 PM** | **Town Hall**

1. Call to Order

Chair Steven Heider called the meeting to order at 6:00 p.m. The roll was called.

Also present: Planner Andy Acker (PEDD), and TDE Joe Grasso (CHA).

Attendee Name	Title	Status	Arrived
Frederick Ashworth	Board Member	Present	
Steven Heider	Chairman	Present	
Louis Mion	Board Member	Present	
Craig Shamlian	Board Member	Present	
Michael J Malone	Board Member	Present	
Kevin M. Bronner	Board Member	Present	
Megan Baker	Board Member	Present	
Sean M. Maguire	Director, Planning and Economic Development	Present	
E. Guy Roemer	Planning Board Counsel	Present	

2. Report of the Planning and Economic Development Director

PEDD Direction Sean Maguire stated he had nothing new to report.

3. Regular Business

a. *208 Morris Rd. Barbera Homes Office/Warehouse*

Applicant: Barbera Homes, presented by ABD Engineers, LLP. One-year extension of project site plan approval for a 10,000 square foot one-story office/warehouse. The site is zoned IND, Industrial. No TDE assigned. (PL-15-00034).

1. **Motion To:** Approve a one-year final site plan approval extension.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Louis Mion, Board Member
SECONDER:	Frederick Ashworth, Board Member
AYES:	Ashworth, Heider, Mion, Shamlian, Malone, Bronner, Baker

b. *1 Mustang Dr. Project Frost*

Applicant: Amazon.com Services Inc. (Mark DeAngelo), represented by Stantec Consulting Services. Final review of proposed conversion of a one-story manufacturing building (116,091 square feet) into a warehouse/distribution facility with a new employee parking area. The site is zoned IND, Industrial. TDE: CHA Companies (PL-21-00004)

Tom Palumbo from Stantec presented the project for the applicant, with Eric Daniel from Amazon.com Services Inc. Joe Grasso from CHA provided the Town-Designated Engineer's comments. Board Counsel Guy Roemer provided brief comments about the Board's options for actions at this stage. The Board discussed the project including the contribution towards Fonda Road, the Department's final review prior to stamping, the number of delivery vans operating from this site (10 to 15 tractor trailers and 110 delivery vans per the Applicant), the use of electric vehicles (not planned at this time per the applicant), the routing for tractor trailers and the purpose of the docks at Mustang Drive (not for Amazon tractor trailers per the applicant), the number of lights used on the site (no count provided), if tractor trailers will be left running or are refrigerated (not refrigerated per the applicant).

1. Motion To: Approve a Negative Declaration under SEQRA.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Louis Mion, Board Member
SECONDER:	Craig Shamlian, Board Member
AYES:	Ashworth, Heider, Mion, Shamlian, Malone, Bronner, Baker

2. Motion To: Approve resolution issuing site plan approval.

COMMENTS - Current Meeting:

NOW, THEREFORE, BE IT RESOLVED, that Amazon.com Services Inc. site plan application for the proposed construction of the warehouse/distribution facility, and related improvements as shown and to be located at 1 Mustang Drive (Tax ID 5.01-1-21), 6 Fonda Rd (Tax ID 5.01-2-1.1), and 20 Green Mountain Drive (Tax ID 5.01-1-25.8), Town of Colonie, New York, be and hereby is granted and approved, subject to the following conditions:

1. All comments from Town of Colonie's reviewing departments and the Town-Designated Engineer shall be resolved, satisfied, and verified by the Planning and Economic Development Department prior to final stamping.

2. The Applicant shall not use the Mustang Drive tractor trailer docks except in the case of emergency or temporary restrictions preventing use of the facility?s other docks in which case use shall be temporary only.

3. The Applicant will restrict and avoid delivery vehicle use of Falcon Drive through operational controls.

4. The Applicant shall make an incentive zoning payment of $69,095.00 (sixty-nine thousand ninety-five dollars and no cents) to the Town of Colonie for the reduction in total greenspace prior to the start of construction.

5. The Applicant shall contribute $80,000.00 (eighty thousand dollars and no cents) to the Town of Colonie, prior to the start of construction, to be used on future improvements to be made to Fonda Road which are necessary to accommodate the additional use of the road by the Applicant.

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Louis Mion, Board Member
SECONDER:	Kevin M. Bronner, Board Member
AYES:	Heider, Mion, Shamlian, Malone, Bronner, Baker
ABSTAIN:	Frederick Ashworth

c. 11 Middlefield Dr. Siena College Expansion - Noble Hall

Applicant: Siena College c/o Mark Frost, represented by Hershberg & Hershberg. Sketch plan review of proposed expansion of science complex, adding a new 47,700 square foot, three-story building. The site is zoned SFR, Single-Family Residential. TDE: CHA Companies (PL-22-00007)

Dan Hershberg from Hershberg & Hershberg presented the project for the applicant. Joe Grasso from CHA provided the Town-Designated Engineer's initial comments including a need for a variance from the ZBA for its building height and if the project would require an ODA due to how it connects to the Town road (n.b. the project would be subject to an ODA if the access to the Town road were less than 15 feet in width), overall impacts to drainage on the site. The Board discussed the project including how construction traffic will enter the site, the planned use of guide rails along the possible dry swale at the expanded parking area, phasing of the project in regards to changes to parking (per the applicant they anticipate a phasing plan), how many classrooms will be in the new building (per the applicant there are five new lecture-style classrooms, ten new teaching laboratories, and twelve new offices), amount of green space (per the 2019 Siena Campus Master Plan, the overall makeup of the campus ground cover is approximately 29 percent impervious surfaces, 22 percent wooded areas, 43 percent grass/brush areas, and 6 percent urban residential development).

No action was taken.

d. 17 Commercial Ave. Warehouse Buildings

Applicant: Chuck Pafundi, represented by Advanced Engineering & Surveying PLLC. Final review of construction of a one-story, 13,000 square foot warehouse building. The site is zoned IND, Industrial. TDE: CHA Companies (PL-21-00011).

Nick Costa from Advanced Engineering & Surveying presented the project for the applicant. Joe Grasso from CHA provided the Town-Designated Engineer's comments. The Board discussed the project including building elevation and colors, tree variety (per the applicant they will provide a variety of spruce trees), the types of equipment and materials being stored on the site (per the applicant it will be an improvement over current conditions with improved circulation and less materials stored), and if there are any neighbor concerns (none that are known). At the request of the applicant, all approval documents will be updated to reflect the site's new address of 19 Commercial Avenue. The site was initially presented as 17 Commercial Avenue but due to a subdivision and lot line adjustment

1. Motion To: Approve a Negative Declaration under SEQRA.

COMMENTS - Current Meeting:

The resolution was corrected to reflect the new address of 19 Commercial Avenue and reflect that the applicant has been updated to 19 Commercial Avenue Realty, LLC as a result of a subdivison.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Louis Mion, Board Member
SECONDER:	Frederick Ashworth, Board Member
AYES:	Ashworth, Heider, Mion, Shamlian, Malone, Bronner, Baker

2. **Motion To:** Approve a resolution issuing final site plan approval.

COMMENTS - Current Meeting:

NOW, THEREFORE, BE IT RESOLVED, that the site plan application be and hereby is granted and approved, subject to the following conditions:

1. All comments from Town of Colonie's reviewing departments and the Town-Designated Engineer shall be resolved, satisfied, and verified by the Planning and Economic Development Department prior to final stamping.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Louis Mion, Board Member
SECONDER:	Frederick Ashworth, Board Member
AYES:	Ashworth, Heider, Mion, Shamlian, Malone, Bronner, Baker

e. 2005 Central Avenue. Stewart's

Applicant: Stewart's Ice Cream Co., represented by Chris Potter, Stewart's. Final Site Plan Review of proposed one-story 3,975 square foot mini-mart with accessory fuel canopy. The site is zoned COR, Commercial Office Residential. TDE: CHA Companies (PL-20-00005).

Chris Potter from Stewart's presented the project. Joe Grasso from CHA provided the Town-Designated Engineer's comments including the required waivers, incentive zoning payments required for the reduction in greenspace, that since the project includes the development of a building less than 4,000 square feet the project appears to be a Type II action pursuant to SEQR and as such no further SEQR review is required. The Board discussed the project including what potential contamination may exist from the prior uses. The Board reviewed the waiver findings and resoltions.

1. **Motion To:** Approve land use law waiver findings.

COMMENTS - Current Meeting:

NOW, THEREFORE BE IT RESOLVED, that the Board hereby finds that the extent of the requested waivers is not considered substantial; and be it further

RESOLVED, that the Board finds the applicant has established that there are no practical alternatives to the proposed waivers that would conform to the standard and that the waivers are necessary in order to secure reasonable development of the project site; and be it further

RESOLVED, that the Board hereby issues waivers from the maximum front building setback of twenty feet; and be it further

RESOLVED, that the Board hereby issues a waiver from the prohibition of parking, drive lanes and fuel pumps being located within the front yard; and be it further

RESOLVED, that these Waiver Findings be a condition of site plan approval of the application and be kept in the project file in the Office of the Planning and Economic Development Department.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Louis Mion, Board Member
SECONDER:	Frederick Ashworth, Board Member
AYES:	Ashworth, Heider, Mion, Shamlian, Malone, Bronner, Baker

2. Motion To: Approve resolutiuon issuing final plan approval.

COMMENTS - Current Meeting:

NOW, THEREFORE, BE IT RESOLVED, that the site plan application be and hereby is granted and approved, subject to the following conditions:

1. All comments from Town of Colonie's reviewing departments and the Town-Designated Engineer shall be resolved, satisfied, and verified by the Planning and Economic Development Department prior to final stamping.

2. The Applicant shall make an incentive zoning payment of $13,650.00 (thirteen thousand six-hunderd fifty dollars and no cents) to the Town of Colonie for the reduction in total greenspace prior to the start of construction.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Louis Mion, Board Member
SECONDER:	Megan Baker, Board Member
AYES:	Ashworth, Heider, Mion, Shamlian, Malone, Bronner, Baker

4. Adjournment

With no further business before the Board, the meeting was adjourned at 8:04 p.m.