



# Planning Board

## Regular Meeting

~ Minutes ~

347 Old Niskayuna Road  
Latham, NY 12110

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

Steven Heider

Tuesday, March 26, 2024

6:00 PM

Public Operations Center

### 1. Call to Order

Also present was TDE Joe Grasso from CHA Consulting.

| Attendee Name       | Title             | Status  | Arrived |
|---------------------|-------------------|---------|---------|
| Steven Heider       | Chairman          | Absent  |         |
| Ricahrd Barlette    | Board Member      | Present |         |
| Kevin M. Bronner    | Board Member      | Absent  |         |
| Joanne Maloy        | Board Member      | Present |         |
| Henry J. Rosenzweig | Board Member      | Present |         |
| Paul A. Leo         | Board Member      | Present |         |
| Michael J Malone    | Board Member      | Present |         |
| Sean M. Maguire     | Director          | Present |         |
| Matthew Millea      | Counsel           | Present |         |
| Andy Acker          | Planner           | Present |         |
| Ethan Townsend      | Planner           | Present |         |
| Lauren Dryburgh     | Assistant Planner | Present |         |

### 2. Report of Planning and Economic Development Director

The Director shared that PEDD staff now have a drone to use to help them better view and understand sites.

### 3. Regular Business

#### a. 1201 Troy Schenectady Rd. Auto Dealership.

Applicant: Chris Bette, represented by Advance Engineering and Surveying. Concept extension request for renovation and reuse of building 1201 into a national brand automobile sales and service business. The site is zoned COR, Commercial Office Residential. TDE: CHA. (PL-22-00033).

Chris Bette presented to the Board and asked to extend the previous concept plan approval for the site for one year.

Town Designated Engineer Joe Grasso of CHA Consulting provided comments. He noted that the site is currently vacant and that the Board granted site plan approval several years prior for a different company's corporate headquarters that were never built. He also noted that the new auto dealership plan is a less intense proposed use than the one previous approved as it would use the existing building on the site.

The Board had no comments.

- i. **Motion To:** Accept concept plan extension.

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>               |
| <b>MOVER:</b>    | Joanne Maloy, Board Member               |
| <b>SECONDER:</b> | Henry J. Rosenzweig, Board Member        |
| <b>AYES:</b>     | Barlette, Maloy, Rosenzweig, Leo, Malone |

- b. **2 Lear Jet Ln. Office Warehouse.**

Applicant: VF Jet Lane, LLC, represented by Barry Fienman of VF Jet Lane, LLC. Final site plan amendment, requesting the relocation & redesign of decorative fence, along with removal of 3 trees. The site is zoned COR, Commercial Office Residential. TDE: CHA. (PL-20-00014).

Barry Fienman of VF Jet Lane, LLC presented. He requested to remove 3 trees behind a dumpster enclosure to add parking spaces. Additionally, he requested to move the fence above the graded area and reduce the spacing of the fence columns to every 22 feet.

Town Designated Engineer Joe Grasso of CHA Consulting provided comments. He discussed that the relocation of the fence closer to Wade Rd. should not be a problem. Additionally, he noted that spacing the columns on the fence at 22 feet should not pose any structural issues. Grasso indicated that he saw no major issues with adding additional parking, but would recommend that the 3 Norway Spruces get relocated to the frontage of Wade Rd. to provide an additional buffer there. He also had questions about the dumpster layout. The applicant noted there will be no change from the original plan.

The Board had questions regarding the amount of parking spaces the applicant is looking to create and what types of vehicles would be parked there. The applicant wants to add spaces for 1-3 vehicles depending on their size. The Board had no concerns about moving the fence but a few members indicated they would prefer that the trees were relocated rather than removed. It was also noted that the site is large and has 5-6 acres of landscaping in total.

- i. **Motion To:** Accept site plan amendment.

|                  |                                          |
|------------------|------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>               |
| <b>MOVER:</b>    | Michael J Malone, Board Member           |
| <b>SECONDER:</b> | Ricahrd Barlette, Board Member           |
| <b>AYES:</b>     | Barlette, Maloy, Rosenzweig, Leo, Malone |

- c. **1024 Watervliet-Shaker Road. Stewarts's Shops.**

Applicant: Stewart's Shops, Inc., represented by Chris Potter of Stewart's Shops. Sketch plan update review for a proposed 3,975 square foot, one story (24?) mini-mart with a 2,000 square

foot, eight position fueling facility, along with all lands consolidated into a single parcel, through a minor subdivision. TDE: CHA. (PL-23-00184).

Chris Potter presented on behalf of the applicant. He indicated that Stewart's got feedback from neighbors down Vly Rd. up to 250 feet away from the site before developing the sketch plan presented. The new proposal is for a larger, 4,500 square foot building. The neighbor to the south whose property line goes up to the site is supportive of the project, and Stewart's would give him the part of the property his driveway is on. The owner requested that Stewart's remove the existing trees on their side of the property line, as the neighbor indicated that they are mostly dead. Stewart's agreed to add a retaining wall and fence on the property line with the neighbor.

Town Designated Engineer Joe Grasso of CHA Consulting provided comments. He indicated that the presented layout is the best orientation for traffic-flow management, and supports the right turn only access from Watervliet Shaker Rd. that is proposed. He is supportive of a full access curb cut on Vly Rd. He asked the design team to consider pushing the curb cuts further down Vly Rd., as far from the traffic signal as possible. He also discussed trying to save the trees that are adjacent to the southern neighbors' property. The applicant was asked to consider angled fuel pumps to shorten the drive lane in front of the site to reduce construction on the slope that is there. The 4 foot retaining wall proposed on the property line of the adjacent property will require temporary work easements and the applicant was asked to consider pulling it off the property line and slope. Additionally, it was noted that the increase in building size to 4,500 square feet makes this an Unlisted Action under SEQRA.

The Board asked the applicant to consider adding landscaping on the proposed retaining wall adjacent to the neighbor's property. The Board had questions about how far down Vly Rd. neighbors had been consulted about the project and if the neighbors consulted had any additional concerns outside of increased trash and traffic. The also asked about the height of the fence on the retaining wall and if the fence will create line-of-site issues for neighbors pulling out onto Watervliet Shaker Rd. The applicant indicated that the fence is planned to be 6 feet tall on top of the 4 foot wall, so it will be 10 feet from the ground in total. The Board also expressed concerns about fuel trucks driving through the residential neighborhood and requested that deliveries be made during off-hours only. They also noted that the lighting plan presented is an improvement from the previous plan as the light will now mostly be thrown onto Watervliet Shaker Rd., not towards the neighbors.

The Board allowed public comment. Dan Fritz, who lives on Vly Rd. about 6 houses down from the proposed Stewart's, expressed concerns with the proposed plan. Fritz mentioned that Vly Rd. is limited to 4,000 lb. vehicles and is concerned that the road is not currently suitable for truck traffic and will need to be improved. He also expressed concerns about increased traffic on Vly Rd. and suggested that the entrance to the site should be on Watervliet Shaker Rd., not on Vly Rd.

**i. Sketch plan review, no action taken.**

**d. 579 Troy Schenectady Rd. Chick-fil-A.**

Applicant: Chick-fil-A, represented by Bohler Engineering. Concept plan review of a site plan proposal that demolishes the existing building and constructs a 5,000 square foot fast food restaurant with outdoor seating and drive-through. The site is zoned HCOR, Highway Commercial Office Residential. TDE: CHA. (PL-21-00014).

Tim Freitag of Bohler Engineering presented on behalf of the applicant. He was also joined by a traffic engineer from GTS Consulting, Gordon Stansbury, and members from the Chick-fil-A Corporate offices in Atlanta. A site plan for this location was first presented two years ago. The current site plan presented for the 2.5 acre site was updated to increase the parking to 98 spots, and increase the overall greenspace on the site. The isolated drive-through of 900 feet with canopies covering up to 6 cars would run parallel to Troy-Schenectady Rd. and around the perimeter of the site and not cross the parking lot. They also rotated the building by 90 degrees so that the back of the building now faces Troy-Schenectady Rd. There was also discussion about how two other Chick-fil-A locations are in the works in the Capital Region, which they believe should help mitigate the initial rush at this site. Gordon Stansbury spoke more about the traffic study that was done. Due to concerns about customers taking a left turn out onto Erin St., their team looked at several alternative options. Their new proposal includes a "no left turn" sign with a flashing beacon to restrict left-hand turns from 11am to 6pm Monday through Saturday. They also suggested opening Sunset Dr. to through traffic. They estimated that 70 percent of customers leaving the location would use Sunset Dr. to get back on Troy-Schenectady Rd., while the rest would exit onto Loudon Rd. and not use Sunset Dr.

Planner Ethan Townsend and Director Sean Maguire provided comments on behalf of the Planning and Economic Development Department. They encouraged the applicant to add more landscaping and more visual appeal to the facade of the building facing Troy-Schenectady Rd. PEDD staff also noted that the applicant's parking calculations were incorrect and would be out of compliance, but the calculations done by PEDD show that the proposed number of spaces could be provided by a waiver granted by the Planning Board. They indicated that interior landscaped islands are required in the parking lot and asked that the applicant convert the striped areas to curbed islands. They also noted that the Clifton Park location has portable heaters in the drive-through area and a kerosene tanker on site. If any outdoor storage of combustible fuels is necessary, these will need to be screened with masonry. PEDD did not provide any specific recommendation on the proposed connection to Sunset Dr. but urged the Board to consider the pros and cons of diverting traffic to a low-impact residential area. PEDD Director Sean Maguire noted that the initial concerns the department had about the exit flow at the site still have not been addressed and that a traffic monitoring camera on the no left hand turn sign proposed for Erin St is not recommended.

Town Designated Engineer Joe Grasso of CHA Consulting provided comments. He reiterated that, while the Town supports redevelopment projects, this is a challenging site and Chick-fil-A brings lots of traffic. He expressed concerns about traffic delays, the ingress and egress flow of the site, and cars stacking in the drive-thru lanes, further impacting traffic flow. He noted that Sunset Dr. is Town owned and residential, and would likely be used by the majority of the people coming to and leaving the site. He spoke in support of the left hand turn restriction on Erin St. and access through Sunset Dr. but urged the Board to understand the nature of Sunset Dr. and how an increase in traffic will affect residents and businesses there and to expect concerns from local residents. He noted that if Sunset Dr. were to be used, the proposed access road and connections would need to be made wider than what is indicated on the proposed plans, and that the applicant would need to work with DPW for any additional changes to the cul-de-sac of Sunset Dr. He noted that the no left turn and Sunset Dr. access would likely appropriately mitigate delays, however, timed turn restrictions are prone to non-compliance. He recommended feedback from the Town of Colonie Highway Safety Committee on the proposal. The Town requests that the applicant commit to arranging onsite traffic control with the Town police department for the first several months of operation during peak periods as this site would likely be very popular. Peak traffic in the area is typically from 5-7pm. The Town recommends

extending the turn restriction to 11am-7pm Monday through Saturday. The placement of an additional flashing sign on the rear access drive with Latham Farms was also recommended to avoid confusion and unsafe conditions. It was also recommended that the applicant reevaluate the stacking conditions in the drive-thru lanes through vehicle counts at other local locations during peak periods. If the queues at this site are expected to approach the Latham Farms rear access road, additional changes need to be made to the site to provide greater stacking. Additional directional signs for traffic exiting the site approaching Troy-Schenectady Rd., Rt. 7, and I-87 were recommended. The applicant mentioned that the DOT had been involved in earlier reviews of traffic studies and the site plan. The Town recommends that these reviews by DOT continue to occur and that any findings be made available to PEDD and the Planning Board.

The Board also questioned the need for 98 parking spots if most Chick-fil-A customers go through the drive-through. They expressed concerns about the number of drive-through lanes and noted that staffing issues have reduced efficiency and the number of lanes in use at other Chick-fil-A locations in the area, affecting the traffic flow. They also expressed concerns about the plain appearance of the facade that would now face Troy-Schenectady Rd. The Board expressed strong concerns about the use of Sunset Dr. for through traffic. They asked if it could be possible to create a roundabout further down Erin St. (near the Sam's Club parking lot) to redirect traffic back to Troy-Schenectady Rd. as an alternative to opening up Sunset Dr. There were concerns that it would not be clear to use Sunset Dr. because it is relatively far from the site, and that non-compliant left hand turns would occur regardless of a sign or other access points if there is no roundabout. The Board suggested a blinking light on the proposed no left hand turn sign and a traffic monitoring camera as a compliance mechanism. They also recommended that the applicant meet with the residents and business owners on Sunset Dr. to hear their concerns. They further discussed the viability of the site plan without access through Sunset Dr. The Board expressed that they will not approve proposals that utilize Sunset Dr. for access. They concluded that they are not ready to support the plan with only Erin St. access and need to be comfortable with the access plan in order to move forward.

The Board allowed public comment. Lori Washburn lives on Sunset Dr. and noted that she was promised by Latham Farms that Sunset Dr. was classified as unique and would never be connected to Latham Farms for through traffic. She noted that older people walk on the street for exercise and overflow parking from the businesses is often on the street. She mentioned that children who are there for appointments at the pediatrician's office play in the street as well. She said that she has sat at the light at the end of the street for three cycles waiting to get onto Troy-Schenectady Rd. due to traffic and does not want hundreds of cars on her street, which she feels would greatly diminish quality of life for her and her neighbors.

Jim Quirk is not a Sunset Dr. resident but lives off Troy-Schenectady Rd. on Sylvan Ave. He expressed concerns about increased traffic on Troy-Schenectady Rd. as well as concerns about non-compliance of the no left hand turn sign. He agrees that Sunset Dr. should not be used as an access road. He was also concerned about traffic coming from Latham Farms through the access road in the back to Chick-fil-A. Dr. Nancy Bunker is a pediatrician with an office at the end of Sunset Dr. She expressed concerns about increased traffic on the current access road behind Sunset Dr., a reduction of green space behind her property if the access road were to be widened, as well as trash from customers ending up on her property.

Dr. Shalom Kieval has an ophthalmology practice on Sunset Dr. located across from Dr. Bunker's offices. He expressed safety concerns about his patients (the office sees 100-150 per day), many of whom are elderly and have vision impairments and require pick up by medical

vans. He noted that traffic backs up now due to other businesses on Troy-Schenectady Rd., and does not believe that Sunset Dr. can handle this additional traffic. He expressed additional safety concerns as his practice needs to call Emergency Medical Services 6-10 times a year, and believes through traffic could impede the access they need. Dr. Dan Harris, who works with Dr. Kieval, also spoke. He echoed the concerns about through traffic, noting that Sunset Dr. is not currently designed or rated to be a thoroughfare. He also expressed concerns about tractor trailer and loading dock traffic on the current access road mixing with regular vehicular traffic.

**i. Concept plan review, no action taken.**

**e. 335 Old Loudon Rd. Catholic Central School & St. Ambrose Church Expansion.**

Applicant: Catholic Central School & St. Ambrose Church, represented by Lansing Engineering. Sketch Plan review for proposed construction of a 4,174 square foot church office/pastoral room and 33,267 square foot academic wing and gymnasium, along with parking lot reconstruction. Site is zoned MFR, Multi Family Residential Zone. TDE: CHA. (PL-24-00065).

Scott Lansing of Lansing Engineering presented on behalf of the applicant. He mentioned that, based on comments by Town staff at the initial plan review they had banked parking in the back of the property. This increased the overall greenspace on the property by 66% and reduced the overall impervious surface.

Planner Andy Acker provided comments on behalf of the Planning and Economic Development Department. He noted that the department's main concern had been the amount of parking, so the update banking some of the parking is in line with their recommendations. The department would prefer not to see the north side of the property changed and would like to see a more robust landscape plan overall, not just in the front of the property. He mentioned that he had previously discussed the close proximity of the soccer field on the south part of the site to the neighbor's property line with the applicant, and agreed that since it is only used as a practice field this proximity is okay.

TDE Joe Grasso of CHA Consulting provided comments. He asked for confirmation from Fire Services on whether or not the site requires an emergency access road around the entire building as the gymnasium addition will hinder access to the rest of the church and the school. He expressed support for the Board considering a waiver for the removal of parking and land banking spaces to increase the greenspace on the site. He expressed concerns about the changes of the alignment of the access road across the front of the site that parallels Old Loudon Rd. which would require the removal of trees. He mentioned that the current access road and landscaping fit the context of the site. He mentioned that the site currently has a lack of parking lot lighting and interior island landscaping. He would like the applicant to consider breaking up the parking lot with landscaping to better fit current design standards.

The Board suggested that the applicant meet with a security specialist to help with any construction that might be needed to secure the school during a potential lockdown. The Board also expressed concerns about removing curb cuts to add a pedestrian pathway. They also mentioned concerns about any lights and bleachers that might be needed for the soccer field. The applicant clarified that the field will stay the same and the lights will be downward facing to reduce the impact on neighbors. The Board also expressed concerns about the location of fire hydrants, sprinklers, and general fire safety. As the school will be for elementary through senior high students, they expressed concerns that this proposal does not include enough recreational

space (such as additional fields and playgrounds) to serve all of these students. The applicant noted that there is an existing playground.

The Board allowed public comment. Bruce Breton of 368 Old Loudon Rd. expressed concerns about a lack of communication from St. Ambrose to neighbors. He noted that there had previously been a \$2 million construction project that occurred on the property within the last two years that had not been authorized through the proper channels. He has had issues with water in his basement and is not sure if this is related. He sought reassurance from the Board that this new proposal will go through the proper channels, and the Board assured him that it will.

- i. **Sketch plan review, no action taken.**

#### **4. Adjournment**