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

Sean M. Maguire
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Planning Board

Regular Meeting

~ Minutes ~

Tuesday, April 26, 2022 | **6:00 PM** | **Town Hall**

1. Call to Order

The meeting was called to order at 6:02 p.m. by Chair Steven Heider. The roll was called.

Also present: Planner Michael Tengeler (PEDD), Planning Andy Acker (PEDD), TDE Brad Grant (Barton & Loguidice), TDE Joseph 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	Absent	
Kevin M. Bronner	Board Member	Absent	
Megan Baker	Board Member	Present	6:37 PM
Sean M. Maguire	Director, Planning and Economic Development	Present	

2. New Section

a. *Report of the Planning and Economic Development Director*

PEDD Director Sean Maguire stated he had nothing to report.

3. Public Hearing

a. *60 Dunsbach Ferry Rd. Serio Subdivision.*

Applicant: Ted J. Cillis, III, Cillis Builders, represented by Advanced Engineering & Surveying, LLC. Final Subdivision Review for the conservation development of 14 residential lots on 9.67 acres along one new street. The site is zoned SFR, Single-Family Residential. TDE: Barton & Loguidice. (PL-18-00008).

The public hearing was opened by Chair Heider at 6:03 p.m. PEDD Director Sean Maguire read the public hearing notice. Nick Costa from Advanced Engineering & Surveying, LLC presented the project. Brad Grant from B&L provided the TDE's initial comments. The Board discussed the project including landscaping, in particular the size of trees along Pollock Road and Dunsbach Ferry Road - both size and type - and changes were discussed.

i. **NOTICE IS HEREBY GIVEN THAT the Town Planning Board of the Town of Colonie, Albany County, New York will meet and conduct a Public Hearing at the Town Hall Main**

Hearing Room, 534 New Loudon Road, Latham, in said Town of Colonie, County of Albany, New York on the 26th day of April, 2022 at 6:00 P.M. for the purpose of hearing all persons upon the approval, modification or disapproval of a certain residential subdivision plat in the Town of Colonie, County of Albany known as Serio Subdivision, consisting of 9.67 acres of land located at 60 Dunsbach Ferry Road to be divided into fourteen (14) residential buildings lots along a proposed new street to be dedicated to the Town.

COMMENTS - Current Meeting:

Public comment was received by John Chott of 40 Dunsbach Ferry Road who commented on the overall final plan as presented.

A motion was made by Louis Mion to close the public hearing; seconded by Fredrick Ashworth. The motion passed unanimously. The hearing was closed at 6:23 p.m.

RESULT:	**CLOSED [UNANIMOUS]**
MOVER:	Louis Mion, Board Member
SECONDER:	Frederick Ashworth, Board Member
AYES:	Frederick Ashworth, Steven Heider, Louis Mion, Craig Shamlian
ABSENT:	Michael J Malone, Kevin M. Bronner, Megan Baker

ii. Motion To: Approve a Negative Declaration (SEQRA)

COMMENTS - Current Meeting:

The Lead Agency has reviewed the application, site plans, project description, and all supporting documentation, and conducted such further investigation of the Project and its environmental effects as the Lead Agency has deemed appropriate. Based on this review, the Lead Agency has determined that the action will have no significant effects on the environment.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Louis Mion, Board Member
SECONDER:	Frederick Ashworth, Board Member
AYES:	Ashworth, Heider, Mion, Shamlian, Baker
ABSENT:	Michael J Malone, Kevin M. Bronner

iii. Motion To: Final Subdivsion Approval

COMMENTS - Current Meeting:

The following conditions were included.

1. In regards to placement of homes, to provide for variety there shall not be two identical types nor colors next to one another.

2. The final plans shall reflect an increase changes to landscaping along Pollock Road and Dunsbach Ferry Road including increasing trees from 1.5" to 2.5" in caliper and Green Giant Arborvitaes for screening.

3. No approval stamps shall be affixed to the plans until all Departments comments have been satisfied.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Louis Mion, Board Member
SECONDER:	Frederick Ashworth, Board Member
AYES:	Frederick Ashworth, Steven Heider, Louis Mion, Craig Shamlian
ABSENT:	Michael J Malone, Kevin M. Bronner, Megan Baker

4. Regular Business

a. 1129 Loudon Rd. Sharifipour Mixed Use #1.

Applicant: Freddy Sharifipour, represented by ABD Engineers. Sketch Plan Review for proposed 4-unit townhouse apartments with a self-storage building. Site is zoned COR, Commercial

Office Residential. TDE: CHA. (PL-22-00014).

This case was presented and discussed together with 1133 Loudon Road below.

b. 1133 Loudon Rd. Sharifipour Mixed Use #2.

Applicant: Freddy Sharifipour, represented by ABD Engineers. Sketch Plan Review for proposed 5-unit townhouse apartment with 2-story commercial building. Site is zoned COR, Commercial Office Residential. TDE: CHA. (PL-22-00015).

Planner Andy Acker introduced the project. Dave Kimmer from ABD Engineers presented the project. Joe Grasso from CHA provided the TDE's initial comments. The Board discussed the project including concerns with the mixed-use on the small sites, the choice for storage units as the commercial density, septic, and compatibility between the proposed residential use and speeds of Route 9 in this area.

No action was taken,

c. 2 Lear Jet Lane. Office Warehouse Building.

Applicant TRG Realty represented by Advance Engineering Final Site Plan Review for 3 warehouse buildings totaling 54,000 square feet (21,375 square feet of which to be an office component). The site is zoned COR, Commercial Office Residential. TDE: CHA (PL-20-00014)

Planning Board Member Craig Shamlian recused himself from the project.

Planner Mike Tengler introduced the project. Nick Costa from Advanced Engineering & Surveying, LLC presented the project. Joe Grasso from CHA provided the TDE's final comments. The Board discussed the project.

i. Motion To: Approve a Negative Declaration (SEQRA)

COMMENTS - Current Meeting:

RESOLVED that based on a thorough review of the Project by the Planning Board that there will be no significant adverse environmental impacts and no EIS will be required; and be it further

RESOLVED that the attached draft Negative Declaration be adopted in accordance with SEQR Part 617.12.

RESULT:	**ADOPTED [4 TO 0]**
MOVER:	Louis Mion, Board Member
SECONDER:	Frederick Ashworth, Board Member
AYES:	Frederick Ashworth, Steven Heider, Louis Mion, Megan Baker
ABSENT:	Michael J Malone, Kevin M. Bronner
RECUSED:	Craig Shamlian

ii. **Motion To:** Land Use Law Waiver Findings

COMMENTS - Current Meeting:

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 five feet; and be it further

RESOLVED, that the Board hereby issues a waiver from the prohibition of parking 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 [4 TO 0]**
MOVER:	Louis Mion, Board Member
SECONDER:	Megan Baker, Board Member
AYES:	Frederick Ashworth, Steven Heider, Louis Mion, Megan Baker
ABSENT:	Michael J Malone, Kevin M. Bronner
RECUSED:	Craig Shamlian

iii. **Motion To:** Final Site Plan Approval

COMMENTS - Current Meeting:

The following conditions were included.

1. No approval stamps shall be affixed to the plans until all Departments comments have been satisfied.

RESULT:	**ADOPTED [4 TO 0]**
MOVER:	Louis Mion, Board Member
SECONDER:	Frederick Ashworth, Board Member
AYES:	Frederick Ashworth, Steven Heider, Louis Mion, Megan Baker
ABSENT:	Michael J Malone, Kevin M. Bronner
RECUSED:	Craig Shamlian

d. 1893 Central Avenue. Fast Food and Financial Building.

Applicant: Trinity Realty Group, represented by Brett Steenburgh, P.E. PLLC. Final Site Plan Review for construction of a 2,145 square foot fast food restaurant and a 2,500 square foot financial institution. The property will also be subdivided into two lots. The site is zoned COR, Commercial Office Residential. TDE: Barton & Loguidice. (PL-21-00008).

Planning Board Member Craig Shamlian recused himself from the project.

Brett Steenburgh from Brett Steenburgh, P.E. PLLC presented the project. Brad Grant from B&L provided the TDE's final comments. The Board discussed the project including questions about a sprinkler system, access from Central Avenue, and attaching conditions to the approval to require any changes to the proposed initial uses be referred back to the Planning Board for an amendment to this site plan if approved.

i. Motion To: Approve a Negative Declaration (SEQRA)

COMMENTS - Current Meeting:

The Lead Agency has reviewed the application, site plans, project description, and all supporting documentation, and conducted such further investigation of the Project and its environmental effects as the Lead Agency has deemed appropriate. Based on this review, the Lead Agency has determined that the action will have no significant effects on the environment.

RESULT:	**ADOPTED [4 TO 0]**
MOVER:	Frederick Ashworth, Board Member
SECONDER:	Louis Mion, Board Member
AYES:	Frederick Ashworth, Steven Heider, Louis Mion, Megan Baker
ABSENT:	Michael J Malone, Kevin M. Bronner
RECUSED:	Craig Shamlian

ii. Motion To: Land Use Law Waiver Findings

COMMENTS - Current Meeting:

RESOLVED, that the Board hereby finds that the extent of the requested individual 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 standards and that the waivers are necessary in order to secure reasonable, orderly and safe development of the project site; and be it further

RESOLVED, that the Board hereby issues a waiver from the maximum front yard setback; and be it further

RESOLVED, that the Board hereby issues a waiver from the prohibition of new parking 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 [4 TO 0]**
MOVER:	Louis Mion, Board Member
SECONDER:	Megan Baker, Board Member
AYES:	Frederick Ashworth, Steven Heider, Louis Mion, Megan Baker
ABSENT:	Michael J Malone, Kevin M. Bronner
RECUSED:	Craig Shamlian

iii. Motion To: Final Site Plan Approval

COMMENTS - Current Meeting:

The following conditions were included.

1. The final site plan as approved includes a financial institution user (1895 Central Avenue) and a fast food user (1893 Central Avenue). Any changes in use to the initial proposed uses of this site shall be subject to a site plan amendment reviewed by the Planning Board. After initial tenancy, changes to the site including users may proceed per Town Code.

2. No approval stamps shall be affixed to the plans until all Departments comments have been satisfied.

RESULT:	**ADOPTED [4 TO 0]**
MOVER:	Frederick Ashworth, Louis Mion
SECONDER:	Megan Baker, Board Member
AYES:	Frederick Ashworth, Steven Heider, Louis Mion, Megan Baker
ABSENT:	Michael J Malone, Kevin M. Bronner
RECUSED:	Craig Shamlian

e. 71 Morris Rd. Morris Rd Conservation Subdivision.

Applicant: Gregg Meyer, represented by Advance Engineering. Sketch Plan Review of proposed 15-lot conservation subdivision on 14.15 acres with 5.97 acres to be conserved. Site is zoned SFR, Single-Family Residential. TDE: B&L (PL-22-00010)

Nick Costa from Advanced Engineering & Surveying, LLC presented the project. Brad Grant from B&L provided the TDE's initial comments. The Board discussed the project including the driveways extending off of St. Thomas Lane, lines on the drawing (steep slopes), size of the lots of existing lots on St. Francis Lane, and suggesting that lots off of St. Francis Lane are reduced and redistribute area to remaining lots to increase lot size.

No action was taken.

f. 185 Spring Street Rd. Valenti Apartment Building.

Applicant: Joseph Valenti, Valenti J Development, LLC, represented by Advance Engineering. Sketch Plan review of proposed 11,668 square foot, 20-unit apartment building with 36 parking spaces. Site is zoned IND, Industrial. TDE: B&L (PL-22-00009)

Nick Costa from Advanced Engineering & Surveying, LLC presented the project. Brad Grant from B&L provided the TDE's initial comments. The Board discussed the project including the elevation changes and slopes of the site, the scale of the project on the site, suitability of the site for this project, the need to clear cut the lot to make the project work and the subsequent concerns with erosion, the past history of traffic accidents in the immediate area, and water run-off.

No action was taken.

5. Adjournment

With no further business before the Board, the meeting was adjourned at 8:46 p.m.