



Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110

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

Sean M. Maguire
(518) 783-2741

Tuesday, May 9, 2023

6:00 PM

Town Hall

1. Call to Order

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

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

Attendee Name	Title	Status	Arrived
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	
Paul A. Leo	Board Member	Present	
Sean M. Maguire	Director, Planning and Economic Development	Present	
E. Guy Roemer	Board Counsel	Present	

2. Public Hearing

- a. **Motion To:** Call a public hearing on May 30, 2023 for a final site plan review.

COMMENTS - Current Meeting:

11 Middlefield Drive, Siena College Noble Hall project.

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

3. Report of the Planning and Economic Development Director

PEDD Director Sean Maguire noted that this week is the Town's Sustainability Week and a number of events are occurring for residents to take part in.

4. Regular Business

a. 24 Lincoln Avenue. Rezoning.

Applicant: Paul Rinella. Referral from Town Board to review a request to rezone one lot from SFR to Industrial. No TDE or PL Number.

PEDD Director Sean Maguire introduced the project. Paul Rinella as the applicant presented his request including his history with the property.

The Board discussed the request including prior attempts to obtain a use variance and the applicant's intended use of the building, if the Planning Board can review and limit future development on the site, if the Planning Board can add any conditions to the rezoning, and if the applicant should attempt a use variance application again. After discussion, it was determined that the requirement for a public hearing on this request falls to the Town Board and not the Planning Board but that the Planning and Economic Development Department is to receive proof of notification, which is 250 feet from the boundary of the parcel since it is less than one acre.

1. **Motion To:** Recommend the rezoning of 24 Lincoln Avenue from SFR to IND.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louis Mion, Board Member
SECONDER:	Paul A. Leo, Board Member
AYES:	Heider, Mion, Shamlian, Malone, Bronner, Baker, Leo

b. 956 Loudon Road. Stewart's Shops Corp.

Applicant: Chris Potter from Stewart's Shops Corp. Concept Plan Review for the proposed construction of a one-story, 3,975 square foot mini-mart and two fueling canopies totaling 4,460 square feet. Site is zoned HCOR, Highway Commercial Office Residential. TDE: CHA. (PL-22-00016)

Chris Potter from Stewart's Shops Corp. presented the project and items changed or brought up during this initial phase. Joe Grasso from CHA provided the Town Designated Engineer's (TDE) comments including its location in the Boght GEIS study area, the need for waivers from HCOR design standards, site egress, sidewalks, the future need for an additional turn lane at Wellness Way per the GEIS, the amount of grading proposed, curb cut encroachment along State Route 9, grading and stormwater, relocating pillars and fencing, and that the project appears to be an "Unlisted" action under SEQRA.

The Board discussed the project including access a proposed right-only onto State Route 9, turning movements, the landscaping and what trees will be used since the plans do not match the planting legend, the inclusion of an outdoor seating area, and working out final details in the next step.

1. **Motion To:** Accept the concept plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louis Mion, Board Member
SECONDER:	Paul A. Leo, Board Member
AYES:	Heider, Mion, Shamlan, Malone, Bronner, Baker, Leo

c. 7 Cavanaugh Drive. CRM.

Applicant: Barry Takallou from Crumb Rubber Manufacturers. Sketch Plan Review for the proposed construction of 160,000 square feet of concrete and crushed stone surface for storage of CRM rubber products. Site is zoned IND, Industrial and is within a Conservation Overlay District. TDE: CHA (PL-23-00008)

Joe Bianchini and Dave Kimmer from ABD Engineers presented the project on behalf of the applicant. He noted that the western portion of the site falls within the conservation overlay. He noted that the applicant has already performed the work and his firm is helping them to resolve the work done without a site plan approval. PEDD Director Sean Maguire stated that his office issued an Order to Remedy once it discovered the site plan violation and the applicant through its engineer has been responsive.

Joe Grasso from CHA provided the TDE comments. As a sketch plan presentation, a letter has not been issued. He noted that it will be important to go back and review the prior approvals to see what needed to be provided for items like stormwater management. He further noted that he doesn't believe that the site as developed without approvals can be maintained as is to support infrastructure, stormwater for example.

The Board discussed the project including intended use for storage and not production, if enough land has been allocated to support the initial stormwater plan plus the added surfaces, how the applicant keeps the crumb rubber contained on the site, if it would be better to pave or keep crusher run as the surface, where the proposed swales would release water to (per applicant's engineer, it will infiltrate into the sandy soil), the use of the additional land at the end of the cul-de-sac,

1. No action was taken.

5. Adjournment

With no further business before the Board, the meeting was adjourned.