



Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110

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

Steven Heider

Tuesday, May 20, 2025

6:00 PM

Public Operations Center

1. Call To Order

The meeting was called to order by Chair Steven Heider at 6pm. The roll was called. Also present were Senior Planner, Acting Director, Andris Blumbergs (PEDD), Planner Jacob Landis (PEDD), Planner Lauren Dryburgh (PEDD), and TDE John Frazer (B&L). Board members Henry J. Rosenzweig and Michael J. Malone were absent

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

2. Public Hearing

There was no public hearing.

3. Report of the Planning Department

There was no report.

4. Regular Business

a. 214 Lisha Kill Rd. Burrito Azteca Mexican Restaurant.

Applicant: PITSTOP 7 LLC. Represented by Darin Duma. Minor site plan review. Consideration of waiver requests for 1) a 33% parking requirement reduction, from 24 to 16 spaces. 2) parking in the side yard at the site in order to accommodate existing convenience store and a proposed restaurant. The site is zoned Single Family Residential (SFR). No TDE. (PL-25-00009).

Darin Duma presented on behalf of the applicant.

The Board discussed the project.

A motion was made.

i. Motion To: Waivers

COMMENTS - Current Meeting:

WHEREAS, PITSTOP7 LLC. ("Applicant") has submitted to the Town of Colonie Planning Board ("Planning Board") an application for change in tenant/change in use/temporary tent approval regarding the Burrito Azteca Mexican Bar and Grill at 214 Lisha Kill Road.

("Project"). The proposal is for a change in tenant for the current restaurant use at the site. The Applicant is proposing an increase in the number of tables within the restaurant, which will require certain parking waivers in order to comply with the Colonie Town Code; and

WHEREAS, the Applicant is requesting a waiver from the Town of Colonie Land Use Law, Article IX- Chapter 190-47 - Parking, related to the following: (1) reduction in parking spaces from 24 to 16 parking spaces; (2) prohibition of parking in the side yard setback; and

WHEREAS, the Planning Board may waive the standards for the total number of required parking spaces to the extent the Applicant can demonstrate that the regulation is unnecessarily stringent for reasons such as: unique use times, shared or dual use, availability of regular public transit service within a distance of 500 feet and/or participation in a transportation management association or adoption of a traffic and parking management plan for one or more uses, including methods to increase the use of public transit, car pool, van pool or non-auto modes of travel. In such cases, the Planning Board shall issue a written finding stating the extent of and justification for the waiver; and

WHEREAS, the Planning Board may waive the side or rear lot line setback requirements as necessary to accommodate shared parking facilities between adjacent lots or to ensure reasonable development of a site. In such cases, the Planning Board shall issue a written finding stating the extent of and justification for the waiver; and

WHEREAS, the project site is a developed commercial parcel within the Single-Family Residential zoning district with an existing paved parking area, and the Project as proposed by the Applicant represents a desirable change in tenant at the site; and

WHEREAS, the proposal is consistent with other shared or dual use commercially developed properties found within the Town which have limited lot dimensions and existing paved parking areas; and

WHEREAS, the existing site layout is designed to provide as many parking spaces as possible on a restricted lot, which shall allow for off-street parking in the side yard to ensure reasonable development and operation of the commercial establishments at the site.

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

RESOLVED that the Planning Board finds the Applicant has established that the parking regulation is unnecessarily stringent and that waivers are necessary in order for the site to reasonably function in its proposed form; and be it further

RESOLVED, that the Planning Board hereby issues a waiver from the Town parking requirements, allowing a reduction in the minimum number of parking spaces from 24 parking spaces to 16 parking spaces; and be it further

RESOLVED, that the Planning Board hereby issues a waiver from the prohibition of parking in the side yard setback; and be it further

RESOLVED, that these waiver findings be a condition of site plan approval of the Project and the same shall be kept in the project file in the Office of the Planning and Economic Development Department.

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

b. 644 Watervliet Shaker Road. 644 Farms.

644 Watervliet Shaker Road. 644 Farms. Applicant: Gerald Krug. Represented by Vision Planning Consultants LLC. Minor site plan review for a farming operation covering +/-31 acres of farmland. The proposed use of the site is for farm, farm stand, and nursery. The site is zoned Single Family Residential (SFR). No TDE. (PL-25-00106).

Ted DeLucia presented on behalf of the applicant. He indicated that the last time the site was farmed was about four years ago.

Acting Director Andris Blumbergs added more detail. The applicant is proposing to farm in addition to having a farm stand. The definition for a farm stand is as follows, "A direct-marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm-produced as well as locally produced agricultural products, enhanced agricultural products and handmade crafts". Acting Director Andris Blumbergs asked about the seasonality of the site. Mr. DeLucia noted that operations would halt in December and start up again in March.

The Board discussed the project. Due to it's unique nature, and it's location outside of an agricultural district, the project will be treated like a minor site plan application. The Board requested more work be done to determine what is allowed by the zoning code on the site. For example, as noted by Acting Director Blumbergs, the proposed sales trailer will only be allowed for employee usage. The proposed Conex boxes require a building permit, and can only be used for six months at a time. The site will require an updated zoning verification and building permit for any additional storage structures such as Conex boxes. Chair Steven Heider noted that the business owners associated with this project have previously conducted indoor sales. He emphasized that this would not be allowed at this site. Board Member Kevin Bronner questioned how far off the road operations would be. Mr. DeLucia stated operations would be approximately 222 ft. from the road. Board Member Richard Barlette expressed concerns over increased vehicle traffic on Watervliet Shaker Rd. particularly any truck traffic, due to the single access point. Mr. DeLucia noted that the second access by the rental property on the site could be used if necessary. Mr. Barlette asked about the seasonality of the site. Mr. DeLucia stated again the site would be open for retail sales from March to late December for Christmas tree sales. Chair Steven Heider asked about DOT approval. Mr. DeLucia indicated they had not received any

DOT approval yet. Chair Heider asked about the location of the sales area and where displays would be. He also asked about the trees to be removed indicated on the site plan. Mr. DeLucia indicated they would only touch trees close to the area of their operations.

Joseph and Lisa Kalteaux of 642 Watervliet Shaker Rd. stated that this property has not been farmed for 40 years. They indicated that the previous tenant grew flowers and tomatoes for sale in a greenhouse more recently, but not as recently as 4 years ago. They expressed concerns about traffic as they have difficulty entering/exiting their driveway on a regular basis. They also expressed concern over the potential need for remediation on the site as there was a history of dumping. They also indicated wetlands have been filled in on the site.

i. Minor site plan review, no action taken.

c. 947 Troy Schenectady Road & 2 Mill Road. Mini-Mart and Apartment Building.

947 Troy Schenectady Road & 2 Mill Road. Mini-Mart and Apartment Building. Applicant: Tri Capital Realty LLC. Represented by Advance Engineering and Surveying, PLLC. Sketch review for the construction of a 6,730 SF QuickChek mini-mart, 6,225 SF fuel canopy with 16 fueling stations, and a fourstory, 33,600 SF apartment building. The site is zoned Commercial Office Residential (COR). TDE: Barton and Loguidice. (PL-25-00096).

Nick Costa of Advance Engineering and Surveying presented on behalf of the applicant. Applicant Jared George noted that there will no longer be a dog park proposed, they are allowed 29 (versus 24) residential units, so they may consider may consider increasing the proposal to reflect that. He also stated that the neighbors who he spoke to are happy with the proposal to screen with berm with trees on top "equal to what was there originally, or more". Applicant Tom Burke also spoke.

TDE John Frazer provided his review.

The Board discussed the project. Board Member Joanne Maloy expressed concerns about traffic around the site. Board Member Richard Barlette expressed concerns over the size of the four-story building. The Board also expressed concern over the number of bollards proposed. To which the applicant responded they have found the proposed number of bollards to be necessary to protect customers and the building from potential accidents. Board Member Paul Leo commented on the aesthetics of the apartment building and suggested that balconies or some other changes be added to break up the facade. He asked what amenities may be proposed instead of the dog park. The applicant suggested a grill area may be a suitable replacement. Board Member Kevin Bronner expressed concern over screening for the neighbors along Mill Rd. Chair Heider expressed concerns over additional trees being cut down along Mill Rd. in order to create a berm. He expressed concerns about the proposed four-story building and expressed support for a smaller building, suggesting a three-story building be considered. He indicated that he wanted the apartments to reflect the barn-like aesthetic of the apartment buildings across from the site on Mill Rd. . He also expressed concerns with the size of the gas station and the aesthetics of the QuickCheck building.

Mary O'Brian of 85 Mill Rd. expressed concerns about potential a potential for traffic increase on Mill Rd., especially as Mill Rd. is often used as a cut-through.

Holly Durivage of 11 Vandenberg Ln. expressed concerns about traffic coming off of Route 7 on to Mill Rd. as well as concerns about increased noise.

Board Counsel Matt Millea asked the representative from QuickChek who was present to speak on the aesthetics of the buildings and landscaping.

i. Sketch plan review, no action taken.

d. 465 Albany Shaker Rd. Mini Mart and Fuel.

465 Albany Shaker Rd. Mini Mart and Fuel. Applicant: Osbourne Ventures, LLC. Represented by Advance Engineering and Surveying, PLLC. Concept review for the proposed construction of a 6,730 SF QuickChek mini-mart with a 6,225 SF fuel canopy with 16 fueling stations. The site is zoned Neighborhood Commercial Office Residential (NCOR). TDE: Barton and Loguidice. (PL-24-00336).

TDE John Frazer provided his review.

Nick Costa of Advance Engineering and Surveying presented on behalf of the applicant. Applicant Tom Burke also spoke. Mr. Burke indicated that the number of fueling stations on the site could be brought down from eight to six.

The Board discussed the project. They expressed concerns over the amount of green space, the aesthetics and size of the building, as well as the number of fueling stations and the size of the accompanying fueling canopy. Board Member Joanne Maloy questioned if all of the parking spaces on the site were necessary. To which the applicant responded they expect a large number of customers, and they plan to have a large staff of approximately 8 employees at any given time. The Board requested that landscaping be added along the property line with the neighbors.

Mary Brizzell spoke as President of Greater Loudonville Association. She expressed concerns about the size of the fueling stations and the building and the amount of green space proposed.

The Board asked the applicant to return with a concept plan that addresses their concerns.

5. Adjournment

With no further business before the Board the meeting was adjourned at 7:31 pm.