



Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110

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

Steven Heider

Tuesday, June 4, 2024

6:00 PM

Public Operations Center

1. Call to Order

Also present: Senior Planner Andris Blumbergs (PEDD), Planner Andy Acker (PEDD), Planner Ethan Townsend (PEDD), Assistant Planner Lauren Dryburgh (PEDD), TDE Joe Grasso (CHA) Town Attorney Guy Roemer, and Commissioner of the Department of Public Works, Matt McGarry.

Attendee Name	Title	Status	Arrived
Steven Heider	Chairman	Present	
Ricahrd Barlette	Board Member	Present	
Kevin M. Bronner	Board Member	Late	6:07 PM
Paul A. Leo	Board Member	Present	
Michael J Malone	Board Member	Present	
Joanne Maloy	Board Member	Present	
Henry J. Rosenzweig	Board Member	Present	
Matthew Millea	Counsel	Absent	

2. Public Hearing

There was no hearing.

3. Report of the Planning and Economic Development Department

The Planning and Economic Development Department is looking for a Planning Director.

4. Regular Business

a. 363 Troy Schenectady Rd. Tasaddaq Mixed-Use.

Applicant: Muhammad Tasaddaq, represented by Advance Engineering & Surveying. Approval extension request for proposed construction of three mixed-use buildings with a total footprint of 12,195 square feet. The site is zoned Commercial Office Residential (COR). TDE: CHA. (PL-18-00013).

Nick Costa of Advance Engineering & Surveying presented on behalf of the applicant.

A motion was made.

i. Motion To: Approve the extension request.

RESULT: ADOPTED [6 TO 0]
MOVER: Ricahrd Barlette, Board Member
SECONDER: Paul A. Leo, Board Member
AYES: Heider, Barlette, Leo, Malone, Maloy, Rosenzweig
AWAY: Kevin M. Bronner

b. 34 Denison Rd, Ridgewood Subdivision.

Applicant: Charlew Builders Inc. represented by C.T. Male Associates. Request for 90-day extension of conditional final approval for conservation subdivision consisting of 75 residential lots. The site is zoned Single Family Residential (SFR). TDE: CHA. (PL-19-00019).

Andy Brick presented on behalf of the applicant.

A motion was made.

i. Motion To: Approve the extension request.

RESULT: ADOPTED [6 TO 0]
MOVER: Joanne Maloy, Board Member
SECONDER: Paul A. Leo, Board Member
AYES: Heider, Barlette, Leo, Malone, Maloy, Rosenzweig
AWAY: Kevin M. Bronner

c. 1417 Central Ave. Bank of America.

Applicant: Bank of America, represented by Bohler Engineering. Concept plan review for proposed construction of a 5,430 square foot one story building. The site is zoned Highway Commercial Office Residential (HCOR). TDE: CHA. (PL-23-00148).

Caryn Mlodzianowski of Bohler Engineering presented the project on behalf of the applicant. TDE Joe Grasso of CHA provided his review. The Board discussed the project.

A motion was made.

i. Motion To: Accept concept plan.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin M. Bronner, Board Member
SECONDER: Henry J. Rosenzweig, Board Member
AYES: Heider, Barlette, Bronner, Leo, Malone, Maloy, Rosenzweig

d. 17 Computer Drive East. Apartment Conversion.

Applicant: Varni 235 LLC, represented by ABD Engineers & Surveyors. Change in use, minor site plan referral. Proposing converting approximately 4,742 square feet of existing building into

four apartment units. The site is zoned Commercial Office Residential (COR). (PL-24-00005)
TDE: N/A.

Planner Andy Acker of PEDD discussed the project. Dave Kimmer of ABD Engineers & Surveyors presented the project on behalf of the applicant. The Board discussed the project.

A motion was made.

i. Motion To: Deny the application.

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

5. Adjournment

With no further business before the Board the meeting stood adjourned at 6:47p.m.

1 STATE OF NEW YORK COUNTY OF ALBANY
2 TOWN OF COLONIE PLANNING BOARD
3 *****
4 363 TROY SCHENECTADY ROAD
5 TASADDAQ MIXED-USE
6 APPROVAL EXTENSION
7 *****
8 THE STENOGRAPHIC MINUTES of the above
9 entitled matter by NANCY L. STRANG, a
10 Shorthand Reporter commencing on June
11 4, 2024 at 6:00 p.m. at The Public
12 Operations Building 347 Old Niskayuna
13 Road, Latham, New York.
14
15 BOARD MEMBERS:
16 STEVEN HEIDER, CHAIRMAN
17 RICHARD BARLETTE
18 HENRY ROSENZWEIG
19 PAUL LEO
20 MICHAEL MALONE, JR.
21 JOANNE MALOY
22
23 ALSO PRESENT:
24 MATTHEW J. MILLEA, ESQ. COUNSEL TO THE
25 BOARD
26 GUY ROEMER, ESQ., TOWN ATTORNEY
27 ANDY AKER, DEPARTMENT OF PLANNING AND
28 ECONOMIC DEVELOPMENT

NANCY L. STRANG - STENOGRAPHER
518-542-7699

1 NICHOLAS COSTA, P.E. ADVANCE
2 ENGINEERING AND SURVEYING,

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NANCY L. STRANG - STENOGRAPHER
518-542-7699

1 CHAIRMAN HEIDER: Good
2 evening, ladies and gentlemen.
3 Welcome to the Town of Colonie
4 Planning Board meeting. It's Tuesday
5 June 4th at 6:00 PM.

6 Andy, to you for a call to
7 order

8 (Attendance was called.)

9 Kevin is slightly late, but
10 I think he may be here.

11 Andy, to the department?

12 MR. ACKER: Planning
13 Director. It was posted recently, so
14 if anyone out there in the
15 professional world knows any
16 potential candidates, feel free to
17 apply. That's it.

18 CHAIRMAN HEIDER: And all
19 the benefits that go along with it.

20 First is 363 Troy
21 Schenectady Road that has a dock
22 mixed-use. The applicant Mohammed Tasaddaq
23 represented by Advance
24 Engineering, Mr. Costa.

25 So, for the Board, because

1 there are some new people on the
2 Board, this got final approval back in
3 June of '22. That approval expires
4 this year and what they're asking for
5 is approved an extension for one year
6 the proposed construction of a three
7 mixed-use buildings the total
8 footprint of 12,195 square feet and
9 zoned commercial/office/residential.

10 Nick is that accurate?

11 MR. COSTA: That's still
12 accurate and there's been no changes.

13 CHAIRMAN HEIDER: So, what
14 I ask for is a motion from the Board.

15 MR. BARLETTE: So moved.

16 CHAIRMAN HEIDER: Rich.

17 Second?

18 MR. MALONE: I second.

19 CHAIRMAN HEIDER: All in
20 favor?

21 (Ayes were recited.)

22 MR. COSTA: Thank you.

23 (Whereas the above entitled
24 proceeding was concluded at 6:05 PM)

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CERTIFICATION

I, NANCY L. STRANG,
Shorthand Reporter and Notary Public
in and for the State of New York,
hereby CERTIFIES that the record taken
by me at the time and place noted in
the heading hereof is a true and
accurate transcript of same, to the
best of my ability and belief.

Date: 6/4/24

Nancy L. Strang

Nancy L. Strang

2420 Troy Schenectady Road

Niskayuna, NY 12309

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE PLANNING BOARD

3 *****

4 34 DENISON ROAD
5 RIDGEWOOD SUBDIVISION
6 REQUEST FOR 90-DAY EXTENSION OF
7 CONDITIONAL FINAL APPROVAL
8 *****

9 THE STENOGRAPHIC MINUTES of the above
10 entitled matter by NANCY L. STRANG, a
11 Shorthand Reporter commencing on June 4,
12 2024 at 6:06 p.m. at The Public Operations
13 Building 347 Old Niskayuna Road, Latham,
14 New York.

15 BOARD MEMBERS:

16 STEVEN HEIDER, CHAIRMAN

17 RICHARD BARLETTE

18 HENRY ROSENZWEIG

19 PAUL LEO

20 MICHAEL MALONE, JR.

21 JOANNE MALOY

22 ALSO PRESENT:

23 MATTHEW J. MILLEA, ESQ. COUNSEL TO THE
24 BOARD

25 GUY ROEMER, ESQ., TOWN ATTORNEY

ANDY AKER, DEPARTMENT OF PLANNING AND
ECONOMIC DEVELOPMENT

NANCY L. STRANG - STENOGRAPHER
518-542-7699

1 FRANK PALUMBO, PE, CT MALE

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1 CHAIRMAN HEIDER: Second
2 item is 34 Dennison Road Ridgewood
3 subdivision. The applicant is Charlew
4 Builders represented by C.T.

5 I'm assuming you're here for
6 them.

7 Again, this was approved
8 back in December 23rd. They got the
9 conditional final approval. They're
10 here because the conditional final
11 approval is good for 180 days, I
12 believe, and we're approaching that.
13 So, once again they're here to request
14 a 90-day extension of the conditional
15 final approval from conservation
16 subdivision, consisting of 75
17 residential lots. The site is zoned
18 single family residential.

19 You're good with that?

20 MR. PALUMBO: We are
21 working diligently towards getting
22 all the necessary department approval
23 so we can get the maps signed. We're
24 very close. We just might not make
25 it by June 19th, so we didn't want to

1 really push it.

2 CHAIRMAN HEIDER: Anybody
3 have any questions from the Board?

4 Thank you motion.

5 MS. MALOY: I'll make a
6 motion.

7 CHAIRMAN HEIDER: JoAnne.
8 Second?

9 MR. LEO: Second.

10 CHAIRMAN HEIDER: All in
11 favor?

12 (Ayes were recited.)

13 Opposed?

14 (There were none opposed.)

15 None.

16 Thank you.

17 MR. PALUMBO: Thank you.

18
19 (Whereas the above entitled
20 proceeding was concluded at 6:11 PM)

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CERTIFICATION

I, NANCY L. STRANG,
Shorthand Reporter and Notary Public
in and for the State of New York,
hereby CERTIFIES that the record taken
by me at the time and place noted in
the heading hereof is a true and
accurate transcript of same, to the
best of my ability and belief.

Date: 6/20/24

Nancy L. Strang

Nancy L. Strang.

2420 Troy Schenectady Road

Niskayuna, NY 12309

1 STATE OF NEW YORK COUNTY OF ALBANY
2 TOWN OF COLONIE PLANNING BOARD
3 *****
4 1417 CENTRAL AVENUE
5 BANK OF AMERICA
6 CONCEPT PLAN REVIEW
7 *****
8 THE STENOGRAPHIC MINUTES of the above
9 entitled matter by NANCY L. STRANG, a
10 Shorthand Reporter commencing on June
11 4, 2024 at 6:12 p.m. at The Public
12 Operations Building 347 Old Niskayuna
13 Road, Latham, New York
14
15 BOARD MEMBERS:
16 STEVEN HEIDER, CHAIRMAN
17 RICHARD BARLETTE
18 HENRY ROSENZWEIG
19 KEVIN BRONNER, JR.
20 PAUL LEO
21 MICHAEL MALONE, JR.
22 JOANNE MALOY
23 ALSO PRESENT:
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25 BOARD
 GUY ROEMER, ESQ., TOWN ATTORNEY
 ANDY AKER, DEPARTMENT OF PLANNING AND
 ECONOMIC DEVELOPMENT

NANCY L. STRANG - STENOGRAPHER
518-542-7699

1 CARYN MLODZIANOWSKI, BOHLER
2 ENGINEERING

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NANCY L. STRANG - STENOGRAPHER
518-542-7699

1 CHAIRMAN HEIDER: Third thing
2 on the agenda 1417 Central Avenue, Bank
3 of America. Applicant is Bank of
4 America, represented by Nelson
5 Worldwide. It's a concept plan review
6 for proposed construction of a 5,430
7 square foot one-story building. The
8 site is zoned
9 highway/commercial/office/residential.
10 The TD on this is Clough Harbor. Mr. Joe
11 Grasso is here tonight, and I believe
12 the representatives of the bank are here
13 also.

14 I will turn it over to them.
15 The exhibits up there but.

16 MS. MLODZIANOWSKI: Good
17 evening. For the record, Caryn
18 Mlodzianowski with Bohler Engineering,
19 here with Jerry Martingano of CBRE.
20 This evening I'll take a step back and
21 go through the project, just as a
22 refresher.

23 We first introduced the
24 project back on February 6th here at
25 the Planning Board for sketch plan

1 review, and since then have been
2 making a lot of progress and working
3 on technical details, as well as
4 addressing the comments that we heard
5 back at that Planning Board meeting.
6 What we're proposing to do, just as a
7 reminder, is a leased parcel for a
8 proposed bank. The proposed tenant is
9 Bank of America and the bank would be
10 about 5,200 square feet. The site is
11 situated on a portion of the overall
12 Colonie Center parcel that includes
13 the Whole Foods. So, we'd be tucked
14 up in the front corner on Central
15 Avenue, and an existing asphalt
16 underutilized parking area between two
17 of the entrance points off of Central
18 Avenue to the mall.

19 When we introduced the
20 project back in February, with the
21 site plan layout, we received a lot of
22 great feedback and I'll run through
23 what we've addressed since that time
24 after hearing your comments, starting
25 with access to the site.

1 So, we do have one proposed
2 access from the mall ring road that
3 would bring you in through the back of
4 the leased parcel area to the site.
5 At that time we had restricted access,
6 or exit, I should say, for no left
7 turns out. Based on the feedback we
8 heard here and from the Town, we did
9 go ahead and modify that so it is full
10 access based on the entry and exit
11 points to the mall ring road. It
12 makes sense to have that ability to
13 have left-outs from our site, so we
14 did go ahead and change that and to
15 further improve the entrance to the
16 site, we've long elongated the throat
17 of the driveway in so that you have a
18 further distance here to enter the
19 drive through lane, or continue
20 straight. I think it flows better that
21 way. It accommodates vehicles better.
22 So, in doing so, we did pull the
23 building a little bit forward about
24 six or seven feet or so. We were
25 originally trying to hold the front

1 edge of curb and pavement as close to
2 what's there as best we could, as it
3 is our intent to keep all of the trees
4 that are there, because it does
5 provide a nice buffer. So, in doing
6 so, and pulling the building forward
7 for that access to the rear, and
8 elongating the driveway throat, it
9 made sense from a fit standpoint to
10 angle those parking spaces in front of
11 the bank, which are kind of the five
12 primary spaces. Which then creates a
13 one-way around the front.

14 So, I did want to mention
15 one change we wanted to present here
16 since that plan that kind of goes back
17 to the original plan that you saw. We
18 would be interested if this Board
19 agreed with keeping two-way
20 circulation out front and
21 straightening that parking back out so
22 that people don't have to circulate
23 around the site and through the bypass
24 lane to access those five spaces of
25 which, are ADA. That is included. So,

1 that is one change you haven't seen
2 yet, but similar to the first plan
3 that we had here.

4 In doing so, it looks like
5 there would be two trees that would be
6 impacted and we would propose new
7 trees to get back to the tree count
8 and buffer what we had out front to
9 begin with.

10 Another topic we had talked
11 about back in February, which is
12 important to the Town and the bank
13 from a safety standpoint and
14 functionality standpoint are the
15 sidewalks and the pedestrian
16 connectivity. So, as a reminder,
17 we're behind a very large busy bus
18 stop with a lot of foot traffic. So,
19 definitely sensitive to the fact that
20 the use is a bank and there are a lot
21 of people utilizing the sidewalks and
22 the bus stop in this area. So, based
23 on your feedback where there was
24 previously a straight shot, I'll call
25 it, sidewalk into the site and right

1 up against our edge of pavement both
2 in the front and along the side where
3 the drive through ATM and the bypass
4 lane are, we did take that and we
5 widened the sidewalk in that area and
6 then immediately turned it and curved
7 it away from the bank, so that the
8 substantial feel when you're walking
9 is that you're directing people to the
10 left around the bank and toward the
11 mall property where the majority of
12 them are going. We do keep that
13 sidewalk connection, obviously for the
14 bank, but it's kind of an offshoot
15 now. I think it flows a lot better.

16 We've also pulled the
17 sidewalk away from being right up
18 against the curb in the bypass lane of
19 the drive through, so that there's a
20 green space buffer which allows us for
21 some light poles in between there, as
22 well. It was a challenge to get the
23 grading work and move the sidewalk
24 over and keep the trees. We're pretty
25 pleased with the way we were able to

1 keep all of that working.

2 Back to a parking
3 standpoint, as I mentioned, we have
4 five spaces right out front and 10
5 along the side of the building. The
6 property actually ends here, tucked in
7 the corner. But we did confirm that
8 there are rights to use those
9 additional 15 spaces, which present as
10 part of this parcel essentially in the
11 field, as there is shared parking
12 between the different properties out
13 there.

14 So, we're excited to
15 continue the progress this evening and
16 get your feedback and with that I'll
17 turn it over to the Board.

18 CHAIRMAN HEIDER: Joe, I think
19 you have some comments, most likely.

20 MR. GRASSO: Sure, Mr.
21 Chairman.

22 So, this is up for a concept
23 review by the planning Board. So, if
24 the Board so chooses, it can decide
25 tonight to render a decision on

1 concept acceptance or not, which
2 basically gives the applicant a
3 general sense that things are going in
4 the right direction and they can now
5 feel comfortable proceeding towards a
6 final design.

7 So, just in general, in
8 terms of some of the comments that
9 were made during sketch plan that we
10 had brought up and some things raised
11 by the Planning Board - first and
12 foremost, this is a redevelopment
13 project. It's basically taking
14 advantage of an existing underutilized
15 parcel, which is something that by its
16 very nature we support in the Town, as
17 opposed to development of a greenfield
18 site. So, we commend the applicant for
19 continuing to progress the project.

20 We agree with the access
21 changes that were made. That was
22 something that we brought up during
23 the sketch plan review. When you're
24 going to leave the site, it's a little
25 bit unique about the loop road and how

1 you need to head west on Central
2 Avenue. You're basically forced to
3 take a left hand turn out of the site.
4 We do think that's something that
5 should be clarified with some internal
6 signage to the site, but at least now
7 they've got a full access curb cut
8 there, which is something that we had
9 commented on at sketch.

10 She had mentioned changing
11 the front from what's currently
12 proposed from one-way to two-way
13 across the front. That is something
14 that we would support. Obviously,
15 we'd like to take a close look at the
16 width of the travel lane and make sure
17 that there's enough space there for
18 those cars to get in and out, but it
19 is something that we think would be an
20 added improvement to the plan.

21 Another big change from the
22 sketch plan review was the sidewalk
23 arrangement and we're in agreement
24 with its alignment and its separation
25 from the existing drive aisle. We do

1 have a comment about some fencing that
2 we think would improve the separation
3 between the bank site and all the
4 pedestrians that are looking to get
5 from the bus stop to the mall.

6 We also wanted to commend
7 the applicant for their diligence in
8 trying to retain the trees.
9 Obviously, that central island which
10 is full of trees is going to be
11 removed, but they've done a really
12 good job trying to retain the other
13 existing trees around the perimeter of
14 the site.

15 So, those are all things
16 that we picked up on at sketch plan
17 review that I wanted to affirm as part
18 of the concept review.

19 So, we did issue a comment
20 letter dated May 29th for the Board's
21 consideration and I will go through
22 those comments one by one.

23 The first is regarding the
24 green space. The Towns got a 35%
25 minimum green space requirement that

1 the mall parcel -- the parent parcel
2 that this lease parcel is on is
3 already less than 35%. There's been
4 some data provided, as part of the
5 application, that indicates that it's
6 approximately 32%. Obviously, the
7 amount of green space within this
8 lease parcel is going to go down by
9 the elimination of a significant
10 landscape island.

11 The Town zoning does have
12 incentive zoning provisions where
13 applicants are able to reduce the
14 green space when you're less than 35%.
15 Your starting spot, from a calculation
16 standpoint, is actually where you are
17 right now. So, they're basically
18 going to be going from 32% and then
19 working their way down. Because the
20 mall parcel is so large and it's so
21 hard to accurately calculate the
22 change in the green space. There's a
23 way that we can actually do the
24 calculation accurately just by
25 focusing on the leased parcel and that

1 was what our first comment was really
2 about was those additional
3 calculations that we need to be able
4 to work through and establish what the
5 appropriate incentive zoning fee would
6 be. It would actually be a payment of
7 a fee in lieu of satisfying the green
8 space requirement. So, that's
9 something that we can provide some
10 more comment on. once we get
11 additional information back as part of
12 the application.

13 Next thing in our letter is
14 some of the waivers that would be
15 sought, as part of the project. They
16 include exceeding the maximum front
17 yard setback at 25 feet; not having
18 the minimum frontage build-out of 80%;
19 having parking in the front yard;
20 again, that green space minimum of 35%
21 and the last one deviating from the
22 interior landscape area requirement.
23 For the most part we're supportive of
24 the waivers, including exceeding the
25 front yard setback, the parking in the

1 front yard - then, like I mentioned,
2 the green space less than that 35%.
3 There's a couple of items there that
4 we think more work could be done in
5 order to reduce the extent of the
6 waiver, and that would be the minimum
7 frontage build-out of 80%. What the
8 Board has typically sought on some
9 similar types of site plans is the
10 establishment of some decorative
11 fencing and some stone columns,
12 basically to create that front facade
13 look that you get with a building out
14 your frontage. I think it based on how
15 the site lays out and some of the
16 concerns that we heard from the
17 Planning Board about the separation
18 between pedestrian traffic around the
19 site and the bank parcel -- it lends
20 itself well to incorporation of a
21 decorative fence between that
22 pedestrian sidewalk and the bank
23 parking area that wraps around the
24 bank. So, I think that would go a
25 long ways towards addressing the

1 waiver for that minimum frontage
2 build-out.

3 Then, the last thing -
4 relatively minor - is the waiver
5 that's requested for the interior
6 landscape island in requirement.
7 Based on that parking lot on the east
8 side of the site, based on the number
9 of spaces, that would need an interior
10 island and we do think that
11 incorporation of a small landscaped
12 island would satisfy the zoning
13 requirement and be a positive
14 attribute to the site plan.

15 So, if the Board has any
16 specific comments regarding the
17 waivers that are sought either in
18 favor or against our recommendations,
19 it would be good to bring those up
20 tonight so we can carry them through
21 the review of the project.

22 The next one is just that
23 the site is in the airport area GIS
24 study boundary. So, the applicant has
25 been made aware. Mitigation of

1 cumulative impacts of the project
2 would be required in accordance with
3 the GEIS statement of findings and
4 there would be some mitigation fees
5 required if the project falls within
6 that.

7 Next comment is regarding
8 the parking. She had mentioned it in
9 the presentation there's a parking
10 road to the east. That parking is
11 really approximate to the site and it
12 makes sense that it be utilized to
13 support the parking needs for this
14 project and actually relies on it to
15 satisfy the parking requirements.

16 Just from a legal
17 standpoint, those parking spaces are
18 not on this actual parent parcel or
19 within the leased parcel, so there
20 needs to be some kind of legal
21 instrument provided to the Town
22 demonstrating that this leased parcel
23 has the rights exclusively to use
24 those parking spaces. She had
25 mentioned that there is a shared

1 parking arrangement between the
2 various small properties, but that's
3 something that the Town would need to
4 review and confirm.

5 The next comment is
6 regarding the landscaping that's
7 proposed. Although they're doing a
8 good job of retaining some of the
9 significant landscaping around the
10 perimeter of the site, the actual
11 landscaping that's proposed as part of
12 the site plan is relatively minor.
13 They're only proposing 20 holly shrubs
14 and it's just something that isn't
15 consistent with what the Planning
16 Board would typically look for or
17 support, especially for a project like
18 this and a heavily traveled commercial
19 corridor.

20 The next comment kind of
21 ties in with the landscape approach
22 and green space where they indicate
23 that Searches [sic] Growth Properties
24 which was either the current or former
25 owner of the parent parcel is working

1 on a landscape plan for the Colonie
2 Center parent parcel and some
3 landscaped islands within the existing
4 parking lot, but we weren't afforded
5 the opportunity to review that plan
6 and we weren't clear if those
7 improvements were actually going to be
8 made a part of the site plan
9 application. Really that would be
10 required if the Board is going to rely
11 on landscaping outside of this leased
12 parcel to support this application and
13 either meet green space or landscape
14 requirements. That's something that
15 we would need to make sure is bound
16 within the site plan application for
17 this leased parcel.

18 The next couple of comments
19 are really to pick up some comments
20 from the Town's water and sewer
21 department. They are relatively
22 technical things there that we want to
23 get some additional feedback from the
24 applicant's consultant. We encourage
25 some meetings get set between the

1 applicant's consultant and those
2 various Town departments to make sure
3 that the utility approach for water
4 and sewer for the property is headed
5 in the right direction. We've got
6 some concerns with the way things are
7 laid out right now.

8 The next comment is
9 regarding the lighting and this ties
10 into the Town's design standards for
11 lighting. New exterior lighting in
12 the Town needs to be no higher than
13 the height of the building or 18 feet,
14 whichever is lower. As part of the
15 application they proposed three
16 luminaires at 25 feet and they said
17 that they needed to do this in order
18 to comply with design standards
19 because it's a bank. But we know from
20 experience that other banks that have
21 been developed in the Town have been
22 able to satisfy those banking design
23 lighting standards, and still comply
24 with the Town's design standards. So,
25 we would look to have the applicant

1 provide some more information
2 regarding how they're going to
3 approach the lighting design and make
4 a better attempt to comply with the
5 Town's requirements for lighting
6 heights.

7 Next comment was just
8 regarding the building elevations. I'm
9 not sure if they provided any
10 elevations tonight. The elevations
11 that we got as part of our concept
12 package were very monotone with a lot
13 of architectural detail. I think that
14 the plans that she has tonight are
15 different than what we had reviewed.
16 So, I think it's important for the
17 Board to take a fresh look at what's
18 been provided and not just rely on our
19 comment there.

20 Lastly, just from a SEQOR
21 standpoint, from a review, it's an
22 unlisted action a short EAF is all
23 that's required to support the Board's
24 SEQOR determination. Because it's
25 unlisted, the Board can assume lead

1 agency status. A coordinated review
2 would be optional. We have reviewed
3 the short EAF that was submitted as
4 part of the initial application
5 materials. We do have a couple minor
6 comments that should be addressed, so
7 we'll look to see a revised short EAF
8 provided as part of a future plan
9 submissions, and then we will assist
10 the Board with supporting a SEQR
11 determination when we get further into
12 the design process.

13 That's where we are thus
14 far.

15 CHAIRMAN HEIDER: Does the
16 applicant want to answer any Joe's
17 concern?

18 MS. MLODZIANOWSKI: Yeah, a
19 couple, briefly.

20 No objection to adding more
21 signage for way finding and
22 directional purposes. We agree with
23 that. We're happy to hear that your
24 feedback supports the change of
25 parking out front to go back to

1 two-way with 24-foot drive aisles.

2 We'll certainly look into
3 fencing. I think that makes sense for
4 separation purposes and build-out, as
5 well.

6 We'll look at possibly a
7 landscape island or two, which may
8 lose parking, but we'll find that
9 balance.

10 Lastly, for lighting we did
11 look into that with the lighting
12 professional before this evening,
13 based on that comment. It does look
14 like they can lower those three
15 fixtures that were 25 feet. So, we'll
16 provide an updated plan where we can
17 hopefully meet that as well, and not
18 exceed that height requirement as far
19 as that goes.

20 CHAIRMAN HEIDER: Can you put
21 the rendering up for the Board to see?

22 MS. MLODZIANOWSKI: It really
23 hasn't substantially changed much since
24 February. I'm not sure if you saw the 3D
25 image before, versus the flat kind of 2D

1 building elevations that are colored,
2 but it is a mixture of stucco materials
3 and metal panels. So, it's more of a
4 brown wood tone, as you can see, around
5 parts of the building. So, on the sides
6 you've got a mixture of that brownish
7 metal type paneling with windows to
8 break it up; both full glazing. Then
9 the more secure areas have those smaller
10 windows. We feel it does help break
11 that up with getting as much glazing as
12 we can and then a darker gray stucco
13 color around the rest of the side.

14 CHAIRMAN HEIDER: All right,
15 to the Board.

16 JoAnne, you want to start?

17 MS. MALOY: I have no comment.

18 CHAIRMAN HEIDER: Rich?

19 MR. BARLETTE: It's sort of
20 looks like, to me, the design of the
21 building looks like a fast food type
22 of -- I mean it just doesn't, to me,
23 look like a presentation for a new bank
24 facility. That's just my thought.

25 CHAIRMAN HEIDER: Kevin.

1 And that let the record show
2 that Kevin Bronner is in attendance.

3 MR. BRONNER: The front of the
4 building that's facing Central Avenue -
5 will we be able to see what the back of
6 the building looks like? Because you're
7 going to be driving to the mall and you
8 are you just going to see --

9 MS. MLODZIANOWSKI: I might
10 have a view, or something. So, the back
11 would be the gray stucco.

12 MR. BRONNER: The way it looks
13 right now, there's not a lot of
14 landscaping on the inside portion of the
15 street that's running through. Then,
16 we're going to be looking at gray. I
17 generally don't get too picky on the
18 building looks, but I think it needs to
19 look more than just the warehouse at the
20 back there. That's what it looks like
21 to me. It's a blah building. I
22 appreciate the project because we are
23 taking very large parking lot and adding
24 a business there. I just like to see
25 that dressed up a little bit. The

1 landscaping definitely. I mean, it's
2 just bare. You look and it's all trees.
3 I understand you probably want people to
4 see it, but they're also looking at a
5 great wall.

6 MS. MLODZIANOWSKI: So, maybe
7 we can either enhance the back of the
8 building a little or if we're going to
9 landscape -

10 MR. BRONNER: I like the
11 project. This is constructive
12 criticism. I think that it's short,
13 architecturally and it needs more.

14 CHAIRMAN HEIDER: Michael.

15 MR. MALONE: Just want to make
16 sure I heard you correctly. The concept
17 plan you brought had one-way drive aisle
18 on the front of the building and you
19 said you will go back to two-way?

20 MS. MLODZIANOWSKI: That's
21 correct, yes.

22 MR. MALONE: Just one way made
23 it a lot tougher for handicapped people
24 to get around.

25 MS. MLODZIANOWSKI: You have

1 to go all the way around.

2 MR. MALONE: So, either way,
3 the building positioning is now the
4 same. It's just a matter of widening
5 the pavement slightly to get a two-way
6 drive-aisle and straighten that out.

7 MS. MLODZIANOWSKI: It's going
8 to go back to that. If the Board is okay
9 with that.

10 MR. MALONE: Excellent.

11 CHAIRMAN HEIDER: Henry?

12 MR. ROSENZWEIG: Just a
13 comment in relation to the landscaping
14 and the fencing. You're putting a
15 financial institution on a busy state
16 road in close proximity to multiple
17 interstates, and this could create an
18 opportunity for criminals and for
19 avenues for them to leave. So, when I
20 look at the land - when I hear about the
21 landscape and the fencing I think to
22 myself, we need to make sure that when
23 we do that we create a line of sight for
24 the employees so that they can still see
25 their surroundings, and that the patrons

1 aren't surprised by returning to their
2 cars. At the same time, the landscaping
3 and the fencing also has to be in a
4 position where routine patrols driving
5 by can observe the business. So, the
6 only thing I would ask is that you
7 know -- well, of course we want to make
8 the location look great but we also keep
9 in mind what exactly this business is
10 and the potential for crime that these
11 businesses can attract. And that we're
12 keeping all that in mind while we're
13 doing this.

14 MS. MLODZIANOWSKI: Understood
15 yeah I think we're definitely working to
16 find what that balance is. So, it's a
17 priority for us; thank you.

18 MR. LEO: Just quickly, I
19 think it looks nice. I'll just you know
20 I think you did a nice job. I like the
21 wood. I like the way it looks.

22 I'm glad you approached the
23 problem with the traffic people coming
24 off the bus stop and you're moving the
25 sidewalk, having extra green space

1 between the sidewalk and the row as
2 people are driving. I think you did a
3 good job.

4 MS. MLODZIANOWSKI: Thank you.

5 CHAIRMAN HEIDER: I've only
6 got one question. Where they going to
7 put the snow? This is still the
8 northeast and sometimes it's going to
9 snow again. Where are they going to put
10 the snow?

11 MS. MLODZIANOWSKI: We're
12 getting less of it. Because it is one
13 overall parcel, we can figure out where
14 exactly that's going to be. As I know
15 now - basically, I mean part of this is
16 huge because it's under-parked.

17 CHAIRMAN HEIDER: You guys are
18 going to remove it?

19 MS. MLODZIANOWSKI: It would
20 likely be removed, yeah. There's not
21 much in the way for storage here.

22 CHAIRMAN HEIDER: I agree
23 about the landscaping. To Henry's
24 point, there's still ways of
25 decoratively landscape in front of the

1 fence and with low cut bushes so they're
2 not growing up and tall -- but
3 definitely minimalistic landscaping.

4 I can't disagree with Rich
5 and Kevin. I think the building is
6 very minimalistic looking. I'm sure
7 that's what Bank of America - that's
8 their niche. That's what they want.
9 Well, sometimes you've got to do
10 something else. I think that's what
11 the general feeling is -- that it
12 might not be bad idea to do something
13 nice.

14 Now, if you drive around
15 this Town, you'll see some new
16 warehouses. We've made them look
17 pretty and this thing needs to look a
18 little prettier.

19 MS. MLODZIANOWSKI: If we were
20 to change something, should we be
21 focusing on the color scheme, or
22 materials?

23 CHAIRMAN HEIDER: Well, I
24 think to the point of the back of the
25 place, it looks like the back of a

1 warehouse. I think that's somehow got to
2 be dressed up. It could be through
3 landscaping. It could be through paint
4 shift. It could be through a number of
5 things, but I just think
6 architecturally, I know they want to
7 stay with the standard. This is Bank of
8 America. This is a main road. Tens of
9 thousands of cars drive by every day.
10 We want to show that we're doing
11 something nice.

12 MS. MLODZIANOWSKI: Alright.

13 CHAIRMAN HEIDER: That's about
14 it.

15 So, what we have before us
16 is the request.

17 Joe, you got anything else?

18 MR. GRASSO: No, Chairman.

19 CHAIRMAN HEIDER: Andy, from
20 the department?

21 MR. ACKER: No.

22 CHAIRMAN HEIDER: Ethan?

23 Anybody back there in the balcony?

24 Nobody? OK.

25 So, what's before us is a

1 request for concept plan review for
2 concept acceptance - the proposed
3 construction of a 5,430 square foot
4 one-story building with the Bank of
5 America. It's within the proper
6 zoning.

7 So, I'd be looking for a
8 motion to grant that concept plan.

9 MR. BRONNER: Make a motion.

10 CHAIRMAN HEIDER: Kevin.

11 Second?

12 MR. ROSENZWEIG: Second.

13 CHAIRMAN HEIDER: All those in
14 favor, say aye.

15 (Ayes were recited.)

16 Opposed?

17 Done.

18 It's up to you to get with
19 the departments, deal with Mr. Grasso
20 and bring back a final plan. Work out
21 all the details and then we'll be
22 back. Thank you.

23 MS. MLODZIANOWSKI: Thank you.

24 (Whereas the above entitled
25 proceeding was concluded at 6:42 PM)

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CERTIFICATION

I, NANCY L. STRANG,
Shorthand Reporter and Notary Public
in and for the State of New York,
hereby CERTIFIES that the record taken
by me at the time and place noted in
the heading hereof is a true and
accurate transcript of same, to the
best of my ability and belief.

Date: 6/18/24

Nancy L. Strang

Nancy L. Strang

2420 Troy Schenectady Road
Niskayuna, NY 12309

1 STATE OF NEW YORK COUNTY OF ALBANY
2 TOWN OF COLONIE PLANNING BOARD
3 *****
4 17 COMPUTER DRIVE EAST
5 VARNI 235 LLC
6 APARTMENT CONVERSION CHANGE IN USE
7 *****
8 THE STENOGRAPHIC MINUTES of the above
9 entitled matter by NANCY L. STRANG, a
10 Shorthand Reporter commencing on June 4,
11 2024 at 6:47 p.m. at The Public Operations
12 Building 347 Old Niskayuna Road, Latham,
13 New York.
14
15 BOARD MEMBERS:
16 STEVEN HEIDER, CHAIRMAN
17 RICHARD BARLETTE
18 KEVIN BRONNER, JR.
19 HENRY ROSENZWEIG
20 PAUL LEO
21 MICHAEL MALONE, JR.
22 JOANNE MALOY
23 ALSO PRESENT:
24 MATTHEW J. MILLEA, ESQ. COUNSEL TO THE
25 BOARD
26 GUY ROEMER, ESQ., TOWN ATTORNEY
27 ANDY AKER, DEPARTMENT OF PLANNING AND
28 ECONOMIC DEVELOPMENT

 NANCY L. STRANG - STENOGRAPHER
 518-542-7699

1 CHAIRMAN HEIDER: Final
2 thing on tonight's agenda is 17
3 Computer Drive East, apartment
4 conversion. The applicant is Varney
5 235 LLC represented by ABD Engineers
6 and Surveyors. Change in use minor
7 site plan referral. Proposing
8 converting approximately 4,742 square
9 feet of existing building into four
10 apartment units. The site is zoned
11 commercial/office/residential.

12 Andy, you have anything
13 further on this, before we go through
14 it? We've got a lot of things to talk
15 about.

16 MR. ACKER: As far as the
17 Planning Board is concerned, as we
18 discussed before, this has been
19 referred to the Board by the previous
20 Director. He chose to exercise the
21 option in the Code that allows for
22 the discretion to refer any minor
23 site plan applications to the Board.

24 As far as what we've seen
25 initially, and what we've seen - in

1 this submission, they did add a gazebo
2 in the back and some trees, some
3 shrubs in that area as well. As far
4 as planning concerns go, I think
5 there's definitely still a lot of
6 concern. I think the discussion we
7 initially had -- a lot of the concerns
8 we had with not been addressed. I
9 think there's some safety concerns
10 here for potential residents. There's
11 not a whole lot of amenities. It's
12 not in character with the rest of the
13 neighborhood.

14 It's under-parked right now,
15 but I think there could be more
16 greenery. The aesthetics of the
17 building could be made to look more
18 residential, rather than the same
19 facade throughout the commercial
20 space. The residential space looks
21 exactly the same.

22 We discussed the dumpster
23 enclosure. I think that the people who
24 are living in the front apartments
25 would essentially look out onto a

1 dumpster without an enclosure and
2 continued vast concrete.

3 We asked the applicant to
4 really take a look at the core design
5 standards and I don't think, as far as
6 we're concerned - the Planning
7 Department -- that those were
8 significantly addressed.

9 Those are some of the main
10 topics I think that the Board should
11 consider in this process today.

12 MR. KIMMER: Good evening
13 everybody. My name is Dave Kimmer
14 from ABD Engineers. I'm here with the
15 applicant tonight for 17 Computer
16 Drive, the minor site plan - change
17 of use application. As you know, we
18 were here back in April requesting --
19 well, we are here at the direction of
20 the Planning Department because we're
21 looking to convert the rear portion
22 of this building, which is vacant
23 commercial space now, into four
24 apartment units. Last time we were
25 here, some of your concerns were

1 amenities for the residents. So, we
2 have added a 12-foot gazebo on the
3 existing patio in the backyard area
4 where you can see there is a pretty
5 nice backyard for these apartments.
6 We've added three additional trees, a
7 new exit for the apartments -- like a
8 back door from the common area, and a
9 picnic table in the back. We did
10 provide the updated building
11 elevations, as requested.

12 I know Andy did mention the
13 dumpster enclosure. I think I kind of
14 touched on this a little bit before at
15 the last meeting, but there is
16 actually a 12-inch gas main that runs
17 under this parking lot that's
18 accompanied by a 50 foot wide National
19 Grid easement. So, we would like to
20 waive the requirement for a dumpster
21 enclosure, because we think National
22 Grid is probably going to say no to
23 constructing anything within that
24 easement anyway.

25 The site, as you're aware --

1 I don't know if you've been out to the
2 site, but it is actually pretty well
3 landscaped and it's got sidewalks
4 throughout. So, we think that it
5 actually fits pretty well into the
6 core design standards. I mean
7 obviously, this is just a change in
8 use. We're not looking at a new
9 development. The applicant is
10 obviously not trying to demolish the
11 building into something new. So, I
12 think at this point the applicant has
13 done most of what they're willing to
14 do in order to convert the space into
15 something usable. So, we're looking
16 to -- and I'm also not sure if we've
17 relied on what the Board needs to do
18 exactly and in terms of making a
19 ruling for this to be able to proceed.
20 But I'd be happy to answer any more
21 questions you guys have tonight.

22 MR. LEO: I work right over
23 there. I go back and forth every day.

24 So, it's really just a
25 warehouse that you're making

1 apartments.

2 What about the neighbors?
3 Have you talked to them? I mean,
4 there's going to be additional people.
5 I mean they're pretty much right in
6 their backyard and some of those
7 folks, as you drive by - have you
8 talked to any of the neighbors?

9 MR. KIMMER: These
10 townhomes - we haven't talked to
11 them. Obviously, the variance was a
12 public hearing. People were invited
13 to show up. None of these people
14 showed up.

15 There is a pretty
16 significant buffer between them, as
17 you can see. There's quite a bit of
18 trees, especially on this corner and
19 there's a big row of Evergreen trees
20 along the property line.

21 Again, we're just converting
22 from what could be office space
23 heavily -- the whole building is an
24 office -- to just four apartments.
25 The intensity of use is going to go

1 down.

2 MR. LEO: To me, it just
3 doesn't really fit in with the
4 neighborhood, if you will. I mean you
5 have the large Ciccotti Center, you
6 have the large apartment buildings in
7 the back, you have housing, you have
8 all of that back road, but you don't
9 have -- that section is just really
10 all commercial. So, I'm not really
11 sure it really fits, to be honest.

12 MR. KIMMER: So, what you
13 got is you got commercial, obviously
14 on Computer Drive, which is all in
15 the COR zone. Then, you've got
16 residential. So, we kind of actually
17 think that putting up apartments in
18 between commercial and single family
19 residential actually fits.

20 MR. LEO: You see it going
21 all the way through that and it's
22 like phase one or phase two? I know
23 you have an issue right now with
24 renting commercial space because of
25 all the things that people are --

1 MR. KIMMER: I mean office
2 space -- there's just really not a
3 huge demand for it. I know DeNoyer
4 is using this right now for a body
5 shop -- extra space for them.
6 Possibly this parking lot looks
7 pretty underutilized. Maybe they'll
8 want to develop it, but I'm not sure.

9 MR. LEO: Okay, that's all
10 the questions I have; thank you.

11 MR. MALONE: Are there any
12 businesses near there?

13 MR. KIMMER: No, these are
14 all professional offices. They're
15 not open late, or early.

16 MR. MALONE: What happens
17 when residents' garbage barrels are
18 all the way out to the street?

19 MR. KIMMER: They would
20 likely use the existing dumpster. r
21 yes.

22 MR. MALONE: The reason
23 you're doing this is to make more
24 money. It's more lucrative to lease
25 that as apartments than a 5,000

1 square foot office. One hundred
2 percent of that is commercial
3 property. You're making it apartments
4 for what other reason? It has,
5 working what's that it's just
6 departments.

7 MR. KIMMER: I can't really
8 comment on that.

9 CHAIRMAN HEIDER: Kevin?

10 MR. BRONNER: I just have a
11 concern with the apartments going in
12 a place that's almost purely
13 commercial. It just doesn't seem to
14 fit.

15 CHAIRMAN HEIDER: Richard?

16 MR. BARLETTE: I've raised
17 questions before about that apartment
18 partnering the residential commercial
19 occupancy and the difficulty of
20 having to delineate the address on
21 it. How do you plan on doing that?
22 We have 17 Computer Drive East. So,
23 the call comes from emergency medical
24 - call in the rear. How do the
25 responders know that there actually

1 are residents associated with that
2 building?

3 MR. KIMMER: So, I think we
4 actually talked about this last time.
5 I think you plan on using it letters.

6 MR. PATEL: It's already
7 sectioned using that address.

8 MR. BARLETTE: Would it be
9 currently be accessible from the
10 street so the emergency responders
11 are coming down the road? How would
12 they identify that there is actually
13 a residential component to that
14 building? What would it be labeled?

15 MR. PATEL: It would be
16 labeled 17A or 17B. We could add a
17 sign in the front.

18 MR. BARLETTE: That's my
19 concern. It just doesn't look as
20 though it fits a residential
21 component to that commercial.

22 CHAIRMAN HEIDER: I go back
23 to my comments from a month ago. You
24 know there's no sidewalks on Computer
25 Drive. You're next to a very busy

1 DeNoyer Chevrolet - truck details
2 like where they drive all over the
3 lawn right next to this building.
4 There's no sense of community within
5 this building. I think when people
6 talk about
7 commercial/office/residential they
8 talk about some of those developments
9 down south where you have winding
10 little streets and you have shops at
11 the bottom floor, apartments on the
12 top floor, and there's a theater.
13 There's a sub shop, there's a coffee
14 shop, the laundromat. There's all
15 this stuff. I just don't - I used the
16 comment last time. This is almost
17 like spot zoning. I'm against it. I
18 don't think that's what the people
19 had in mind when they invented the
20 COR commercial district. I've been in
21 many places where it works, but it
22 works because it's all blended
23 together and this isn't blended with
24 anything. I'm sorry.

25 MR. ACKER: You touched on

1 what the process is as far as you
2 guys the understanding why it came
3 here. Within 190-55G of Article 11,
4 the minor site plan review can be
5 sent to the Planning Board at the
6 discretion of the Planning Department
7 for review and approval. So,
8 essentially this is whatever the
9 Board decides it is. It's an approval
10 or denial of the process. So, that's
11 kind of why we're here, essentially.

12 If Guy, you have any more
13 legal terminology you'd like to throw
14 out.

15 MR. ROEMER: You hit it.
16 We're here for that reason only. It
17 might not have gotten here, but it's
18 here.

19 CHAIRMAN HEIDER: So, I
20 guess I need a motion to either
21 approve, or deny, or if it's approved
22 people could vote. But I need a
23 motion to some extent.

24 MR. BARLETTE: I make a
25 motion to disapprove, given it's

1 sandwiched in on a lot of automotive
2 facilities and it just doesn't fit in
3 that area.

4 CHAIRMAN HEIDER: Do I have
5 a second?

6 MR. LEO: I'll second.

7 CHAIRMAN HEIDER: Paul.

8 All those in favor of not
9 approving this or denying the
10 application?

11 (Ayes were recited.)

12 Any opposed?

13 (There were none opposed.)

14 MR. KIMMER: Okay.

15

16 (Whereas the above entitled
17 proceeding was concluded at 7:58 PM)

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CERTIFICATION

I, NANCY L. STRANG,
Shorthand Reporter and Notary Public
in and for the State of New York,
hereby CERTIFIES that the record taken
by me at the time and place noted in
the heading hereof is a true and
accurate transcript of same, to the
best of my ability and belief.

Date: 6/20/24

Nancy L. Strang

Nancy L. Strang

2420 Troy Schenectady Road

Niskayuna, NY 12309

