



Planning Board

Regular Meeting

~ Minutes ~

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

Steven Heider

Tuesday, June 10, 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 Director Andris Blumbergs (PEDD), Planner Jacob Landis (PEDD), Planner Lauren Dryburgh (PEDD) Planning Aide Noah Savastio (PEDD), and TDE John Frazer (B&L).

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	Present	
Kevin M. Bronner	Board Member	Late	6:08 PM
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. 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 and a 4,558 square foot fuel canopy with 12 fueling stations. The site is zoned Neighborhood Commercial Office Residential (NCOR). TDE: Barton and Loguidice. (PL-24-00336).

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

Director Blumbergs encouraged the applicant to front load the green space on the site, particularly at the corner of Albany Shaker and Osborne. Mr. Blumbergs also requested the applicant meet with the Albany County Department of Public Works regarding the Traffic Improvement Plan prior to their submission for Completeness and Compliance.

TDE John Frazer provided his review.

The Board discussed the project. Board member Michael Malone questioned if fuel tankers would use Osborne Road. To which applicant stated no, fuel tankers will exclusively use Albany Shaker Road. The applicant also stated they will include a truck maneuvering plan in the next submission. Board member Kevin Bronner requested additional renderings of the Building. The applicant stated they will include additional renderings with the next submission. Members Paul Leo and Richard Barlette stated they would like to see increased green space on the site. Mary Brizzell of Loudonville Association expressed support for the Planning Boards decision.

1. Motion To: Accept concept plan.

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

b. 1979 Central Ave. KDP Automotive Facility.

1979 Central Ave. KDP Automotive Facility. Applicant: WCCS Albany, LLC. Represented by Advance Engineering & Surveying, PLLC. Final site plan review, SEQR determination, and waiver consideration for the proposed construction of a new 30,000 square foot Tesla automotive facility. The site is zoned Commercial Office Residential (COR). TDE: Barton & Loguidice. (PL-23-00124).

Nick Costa of Advance Engineering presented on behalf of the applicant. Applicant Steve Panko also spoke.

TDE John Frazer provided his review.

The Board discussed the project. Chairman Heider expressed his concerns over the landscaping plan. Particularly with the use of spirea around the property, stating that he feels the plant is being used in excess. He suggested they break up the spirea with different plants and landscaped islands. He also raised concern over the ability of the row of arborvitaes in the back to provide adequate screening, suggesting these be replaced by blue spruce.

Kaden Tennent of Bolton Landing spoke in support of the project.

David Stutz of 380 Vly Rd. expressed his support of the project.

Kathy Reilly of 23 Sparrowbush S. expressed concerns about the project.

Pamela Zepf of 8 Fiddlers Ln. expressed concerns about the project.

Jane Bergdorf of 7 Chippendale Ct. spoke in support of the project.

Albany County Legislator Paul Bergdorf of 7 Chippendale Ct. expressed support for the project.

i. Motion To: Negative Declaration SEQR

COMMENTS - Current Meeting:

WHEREAS, WCCS Albany LLC ("Applicant") has submitted to the Town of Colonie Planning Board ("Planning Board") an application for Site Plan Approval regarding the Tesla brand automotive facility at 1979 Central Avenue ("Project"). The proposal is for the demolition of the vacant school building and the construction of a new 30,000 square foot building utilized for auto sales, delivery, and service; and

WHEREAS, the Project has been identified by the Planning Board as an Unlisted Action under SEQR (State Environmental Quality Review Act); and

WHEREAS, the Planning Board has reviewed Part I of the Short Environmental Assessment Form (SEAF) submitted by the Applicant, and completed Parts II and III of the SEAF in conjunction with the review of a number of documents related to this Project that are enumerated in the attached Negative Declaration and maintained in the town files; and

WHEREAS, the Project shall be completed in accordance with the requirements set forth by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that based on a thorough review of the Project by the Planning Board, there will be no significant adverse environmental impacts as a result of the Project and no Environmental Impact Statement will be required; and be it further

RESOLVED that the attached Negative Declaration is hereby adopted, and, in accordance with 6 NYCRR Part 617.12, the same shall be kept on file with the Town of Colonie Planning and Economic Development Department.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ricahrd Barlette, Board Member
SECONDER:	Michael J Malone, Board Member
AYES:	Heider, Leo, Malone, Bronner, Barlette, Maloy

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

COMMENTS - Current Meeting:

WHEREAS, WCCS Albany LLC ("Applicant") has submitted to the Town of Colonie Planning Board ("Planning Board") an application for Site Plan Approval regarding the Tesla brand automotive facility at 1979 Central Avenue ("Project"). The proposal is for the demolition of the vacant school building and the construction of a new 30,000 square foot building utilized for auto sales, delivery, and service; and

WHEREAS, the Applicant is requesting a waiver from the Town of Colonie Land Use Law, Article IX - Chapter 190-40, Design Standards, for the Commercial Office Residential (COR) zone related to the following: (1) exceeding the 20-foot minor road setback; and (2) parking within the front yard; and

WHEREAS, the Planning Board may waive these standards to the extent it deems necessary in order to secure a reasonable development of the site. In such case, the Applicant must establish that there are no practical alternatives to the proposed waiver that would conform to the standard, and the Planning Board shall issue a written finding stating the extent of and justification for the waiver;

WHEREAS, the project site is a dilapidated commercial parcel and the Project as proposed by the Applicant represents a desirable redevelopment of a site that is currently vacant and underutilized; and

WHEREAS, the proposal is consistent with commercial proposals found along Central Avenue that allow for a further setback from the road to accommodate customer parking and improved traffic flow; and

WHEREAS, the proposed site layout is designed to provide parking in the front yard as is common of retail stores and car dealerships within the Town.

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 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 development of the project site; and be it further

RESOLVED, that the Planning Board hereby issues a waiver from the prohibition on exceeding the 20-foot minor road setback; and be it further

RESOLVED, that the Planning Board hereby issues a waiver from the prohibition on parking in the front yard; 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:	Paul A. Leo, Board Member
SECONDER:	Kevin M. Bronner, Board Member
AYES:	Heider, Leo, Malone, Bronner, Barlette, Maloy

iii. Motion To: Conditionally Approve Final Plan

COMMENTS - Current Meeting:

WHEREAS, WCCS Albany LLC ("Applicant") has submitted to the Town of Colonie Planning Board ("Planning Board") an application for Site Plan Approval regarding the Tesla brand automotive facility at 1979 Central Avenue ("Project"). The proposal is for the demolition of the vacant school building and the construction of a new 30,000 square foot building utilized for auto sales, delivery, and service; and

WHEREAS, the Project has been identified by the Planning Board as an Unlisted Action under SEQR (State Environmental Quality Review Act); and

WHEREAS, pursuant to 6 NYCRR Part 617, the Planning Board issued a SEQR Negative Declaration on June 10, 2025, determining there will be no significant adverse environmental impacts; and

WHEREAS, a referral was sent to the Albany County Planning Board ("ACPB") on June 24, 2024 in accordance with N.Y. General Municipal Law § 239; a review by the ACPB dated July 22, 2024 was received and such recommendations have been duly implemented; and

WHEREAS, the Project has been previously before the Planning Board on December 5, 2023, August 6, 2024, November 19, 2024, and April 8, 2025. The Project plans have been extensively reviewed by the Town's professional staff and consultants by and through the Development Coordination Committee, Completeness Review, and Preliminary Final Review; and

WHEREAS, the Planning Board has considered and carefully reviewed the applicable requirements of the Colonie Town Code (the "Code") relative to site plan review, the unique needs of the Town due to the topography, the soil types and distribution, and other natural and man-made features upon and surrounding the area of the proposed site plan; and, the Planning Board has also considered the zoning in the area, the Project in light of the Town's Comprehensive Plan and its compliance therewith; and

WHEREAS, on June 10, 2025, the Planning Board duly considered the proposed site plan in accordance with the provisions of § 190 of the Code including, but not limited to, concerns addressing site drainage, lighting, nearby residences, landscaping, parking, buffering, screening, driveways, and any potential on and off-site environmental impacts, and upon due consideration thereof and deliberation thereby the Planning Board adopts the resolution(s) herein set forth.

NOW, THEREFORE, BE IT RESOLVED, the Town of Colonie Planning Board hereby approves the proposed site plan for 1979 Central Avenue - KDP Automotive, subject to the following condition:

- a. Address all outstanding Town Departments and Town Designated Engineer comments prior to the issuance of a Building Permit.
- b. An improved landscaping plan shall be developed with the elements described by the Planning Board included. The plan is subject to the review and approval of the Planning and Economic Development Department and Town Designated Engineer.
- c. No offloading or loading of vehicles allowed on Culver Avenue.
- d. No parking or advertising of vehicles on the southwest corner of the site.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joanne Maloy, Board Member
SECONDER:	Michael J Malone, Board Member
AYES:	Heider, Leo, Malone, Bronner, Barlette, Maloy

5. Adjournment

With no further business before the Board the meeting was adjourned at 6:41 pm.