



Planning Board

Regular Meeting

~ Minutes ~

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

Sean M. Maguire
(518) 783-2741

Tuesday, July 21, 2020

6:00 PM

Town Hall

1. Call to Order

The meeting was called to order at 6:00 p.m.

The Planning Board has implemented certain measures at its meetings to protect public safety during the State of Emergency triggered by COVID-19. This includes increased physical distance between all Board members and attendees, requiring face coverings in the meeting room, and capping seating at 25 people exclusive of the Board and staff in order to provide for 6 feet of space between members of the public.

2. Roll Call

Attendee Name	Title	Status	Arrived
Paul L. Rosano	Board Member	Present	
Peter Stuto	Chairman	Present	
Frederick Ashworth	Board Member	Present	
Steven Heider	Board Member	Present	
Susan Milstein	Board Member	Present	
Louis Mion	Board Member	Present	
Craig Shamlan	Board Member	Present	
Sean M. Maguire	Director, Planning and Economic Development	Present	
Kathleen Marinelli	Counsel	Present	

3. Report of the Planning and Economic Development Director

a. 44 Waterford Avenue East. Rezoning.

Applicant: Richard G. Rosetti, LLC; represented by Nia Cholakis. Referral from Town Board to make a recommendation on a request to rezone approximately 2.35 acres located at 44 Waterford Avenue East from Single-Family Residential (SFR) to Multi-Family Residential (MFR) with the intent to construct four two-family homes. The site is zoned SFR, single-family residential.

The case was tabled for a future meeting, with the applicant to provide notice to all property owners whose properties are located partially or wholly within a 500 foot distance from the perimeter of the subject parcel.

4. Regular Business

a. 261-261A Troy Schenectady Road. Schuyler Manor Conservation Subdivision.

Applicant: Marini Homes, LLC; represented by Advance Engineering and Surveying, PLLC. Amendment to approved conservation subdivision to remove a no disturbance area behind lots 17, 19, and 21 Penfield Drive containing poplar trees and underbrush to be replaced with eighteen (18) 8-foot to 10-foot evergreen trees at the rear of the same lots. The site is zoned SFR, single family residential. (PL-17-00028/SD17-005).

Board Member Heider recused himself from this case.

Public comment was opened and no one provided comments.

The Board discussed the application. A motion was made.

i. Motion To: Approve the modification to the conservation subdivision with the following conditions.

COMMENTS - Current Meeting:

A motion was made to approve the modification to the conservation subdivision with the following conditions:

1. The no disturbance area behind lots 17, 19, 21, and 23 shall be eliminated and a new no disturbance area shall be established behind these lots starting at the boundary of the stormwater easement closest to the home and extending 25-feet towards each home.
2. The applicant shall plant of eighteen (18) white fir or norway spruce trees, 8 feet to 10 feet in height (as shown on the applicant's plan) in the new no disturbance area.
3. The applicant shall warranty the trees installed here for one year following the issuance of the Certificate of Occupancy.

RESULT:	ADOPTED [6 TO 0]
MOVER:	Paul L. Rosano, Board Member
SECONDER:	Louis Mion, Board Member
AYES:	Rosano, Stuto, Ashworth, Milstein, Mion, Shamlian
RECUSED:	Steven Heider

b. 925 Watervliet Shaker Road. Rosetti Office/Commercial Subdivision.

Applicant: Rosetti Associates; represented by Hershberg & Hershberg. Concept plan review for a Three-lot subdivision with the anticipated construction of two buildings for Capital Region BOCES, totaling 206,000 square feet with 475 parking spaces. The site is zoned CO, commercial office. TDE: Barton & Loguidice. (PL-20-00007).

Public comment was opened comments were received from Conservation Advisory Council Member Laura Weed and Shaker Heritage Society Executive Director Johanna Batman.

The Board discussed the application. A motion was made.

- i. **Motion To:** Approve concept acceptance.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louis Mion, Board Member
SECONDER:	Steven Heider, Board Member
AYES:	Rosano, Stuto, Ashworth, Heider, Milstein, Mion, Shamlian

c. **28 Everett Road Extension. Crisafulli Senior Living PDD.**

Applicant: Crisafulli Associates, LLC; represented by Hershberg & Hershberg. Application to rezone approximately 10 acres located at 28 Everett Road Extension from Neighborhood Commercial Office Residential (NCOR) to Planned Development District (PDD) with the intent to develop a 4-story, 197,600 square foot building for 153 independent senior apartments. The site is zoned NCOR, neighborhood commercial office residential. TDE: CHA Companies. (PL-20-00002).

Board Member Heider recused himself from this case.

Public comment was opened and the Board received comments from area residents.

The Board discussed the application.

No action was taken.

d. **767 Troy Schenectady Road. Medical Office Building.**

Applicant: J. Luke Construction Co., LLC; represented by ABD Engineers, LLP (Luigi Palleschi). Final site plan review for the construction a one-story, 15,000 square foot medical office building for multiple tenants with 88 parking spaces. Primary access via new driveway on Troy Schenectady Rd. The site is zoned NCOR, neighborhood commercial office residential. TDE: CHA Companies. (PL-15-00028).

Public comment was opened and no one provided comments.

The Board discussed the application. A motion was made.

- i. **Motion To:** Approve a Negative Declaration under SEQRA.

COMMENTS - Current Meeting:

WHEREAS, J. Luke Construction Co., LLC. (the "Applicant") has submitted to the Town of Colonie Planning Board (the "Board") J Luke Office project ("the Project") located at 767 Troy Schenectady Road, Colonie, New York; and

WHEREAS, the Project is a Unlisted action under SEQR; and

WHEREAS, the Planning Board has reviewed Part 1 of the Full Environmental Assessment Form (FEAF) submitted by the Applicant and completed Parts 2 of the FEAF in conjunction with the review of a significant number of documents related to this project that are enumerated in the draft Negative Declaration and maintained in Town files; and

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 [UNANIMOUS]
MOVER:	Steven Heider, Board Member
SECONDER:	Frederick Ashworth, Board Member
AYES:	Rosano, Stuto, Ashworth, Heider, Milstein, Mion, Shamlian

ii. Motion To: Approve Land Use Law waiver findings.

COMMENTS - Current Meeting:

WHEREAS, J. Luke Construction Co. LLC. (the “applicant”), has proposed the development of a medical office building and associated parking at 767 Troy Schenectady Road , Town of Colonie, Albany County, New York. The project will involve the construction of a 15,000 +/- SF medical office building and associated parking.

WHEREAS, the applicant is requesting waivers from the Town of Colonie Land Use Law, Article IX - Chapter 190-9, Design Standards, for the Neighborhood Commercial Office Residential (NCOR) zone related to the following: to allow a building to exceed the 25 foot maximum front yard setback from Troy Schenectady Road; and

WHEREAS, the Town of Colonie Planning Board (the “Board”) may waive these standards to the extent it deems necessary in order to secure 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 Board shall issue a written Finding stating the extent and justification of the waiver; and

WHEREAS, the proposed building setback is consistent with the adjacent existing buildings to the east and west within the Troy Schenectady Road corridor;

NOW, THEREFORE BE IT

RESOLVED, that the Board hereby finds that the extent of the requested waiver 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 a waiver to allow the maximum building setback to be exceeded; 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 [UNANIMOUS]
MOVER:	Louis Mion, Board Member
SECONDER:	Frederick Ashworth, Board Member
AYES:	Rosano, Stuto, Ashworth, Heider, Milstein, Mion, Shamlian

iii. Motion To: Approval final site plan.

COMMENTS - Current Meeting:

A motion was made to approve the final plan subject to the conditions of the Town departments, the conditions of the Town Designated Engineer, and the conditions that the Board made

including a mix of pine trees (white fir, Norway spruce) as part of the landscaping plan and the addition of arborvitae or other as approved by the PEDD Director along the curve of the fence.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louis Mion, Board Member
SECONDER:	Craig Shamlian, Board Member
AYES:	Rosano, Stuto, Ashworth, Heider, Milstein, Mion, Shamlian

5. Adjournment

The meeting was adjourned at 8:47 p.m.