



Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110

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

Sean M. Maguire
(518) 783-2741

Tuesday, September 13, 2022

6:00 PM

Town Hall

1. Call to Order

The meeting was called to order by Acting Chair Lou Mion at 6:00 p.m. The roll was called.

Also present: Senior Planner Monique Wahba, Planner Michael Tengeler, Planner Andy Acker, TDE Joe Grasso (CHA), and TDE Brad Grant (Barton & Loguidice)

Attendee Name	Title	Status	Arrived
Frederick Ashworth	Board Member	Present	
Steven Heider	Chairman	Absent	
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	
Sean M. Maguire	Director, Planning and Economic Development	Present	
E. Guy Roemer	Town Attorney/Acting Planning Board Counsel	Present	

b. Motion To: Appoint Craig Shamlian as Temporary Chair

RESULT: ADOPTED [UNANIMOUS]
MOVER: Frederick Ashworth, Board Member
SECONDER: Kevin M. Bronner, Board Member
AYES: Ashworth, Mion, Shamlian, Malone, Bronner, Baker
ABSENT: Steven Heider

2. Report of the Planning and Economic Development Director

3. Public Hearing

Applicant: 861 First Street. Lincoln Avenue Development, LLC (Chuck Pafundi), represented by Advance Engineering. Open development area request to allow access to parcel 1A through the adjacent remaining lands at 861 First Street. Site is zoned IND, Industrial. No TDE. (No PL #)

a. Call for Public Hearing: 855-861 First Street. Lincoln Avenue Development ODA

COMMENTS - Current Meeting:

Board Member Megan Baker recused herself due to a business relationship with the applicant and left the dais.

Victor Caponara presented the project on behalf of the applicant. TDE comments were discussed by Joe Grasso of CHA.

Jennie Huling a resident of 445 Eight Avenue expressed concerns with additional development being so close to her residential neighborhood. Concerned about increased noise levels, additional truck traffic and safety issues for neighbors. Doesn't want to see additional development.

Wayne Dooley 506 9th Ave expressed concerns about the berm and the issues its been causing the neighbors, very dusty.

Paul Norman of 9th Ave also expressed concerns about the berm and the "mess" its caused for the neighbors, a fallen tree over a fence that hasn't been removed, safety concerns and hours of operation for construction.

Mike Reinhert expressed concerns about the berm as well and asked for dust/dirt control measures moving forward.

Chuck Pafundi provided response on behalf of the Lincoln Ave Development LLC. Resolving some matters like the fallen tree are subject to restrictions NYSDEC has on the project as a brownfield clean-up activity. They will look into the other concerns and address them.

Further action on the proposal was held for the related case under Regular Business, 4.a.

RESULT:	CLOSED [5 TO 0]
MOVER:	Frederick Ashworth, Board Member
SECONDER:	Louis Mion, Board Member
AYES:	Ashworth, Mion, Shamlian, Malone, Bronner
ABSENT:	Steven Heider
RECUSED:	Megan Baker

4. Regular Business

a. **855-861 First Street. Lincoln Avenue Development, LLC Phase 1A.**

Applicant: Lincoln Ave Development LLC, represented by McFarland Johnson. Final site plan review, and associated Open Development Area (No PL #), for a 28-acre parcel for construction of five warehouse buildings totaling 155,500 square feet. Each building will include a loading dock/storage area and supporting roadway infrastructure. The site is zoned IND, Industrial. TDE: CHA Companies. (PL-20-00020)

Adam Frosino from McFarland Johnson and Chuck Pafundi from Luizzi presented the project on behalf of Lincoln Ave Development LLC. Joe Grasso from CHA provided and discussed the TDE comments.

Planning Board discussed the emergency access gate that will provide visual screening, having the applicant work harder to address neighbors concerns on a timely manner and berm.

Victor Caponera the attorney for Lincoln Ave Development spoke in response to TDE and Planning Board's discussion.

1. **Motion To:** Approve a Negative Declaration determination under SEQRA

RESULT: ADOPTED [5 TO 0]
MOVER: Frederick Ashworth, Board Member
SECONDER: Louis Mion, Board Member
AYES: Ashworth, Mion, Shamlan, Malone, Bronner
ABSENT: Steven Heider
RECUSED: Megan Baker

2. Motion To: Approve findings related to the establishment of a Open Development Area (ODA)

COMMENTS - Current Meeting:

NOW THEREFORE, BE IT RESOLVED THAT, the Planning Board has determined that it is in the best interest of the public's health safety and welfare to permit access to 861 First Street across an ingress/egress easement; and

BE IT RESOLVED THAT, the Planning Board recommends approval of the Open Development Area for 861 First Street.

This resolution shall take effect immediately and shall be transmitted to the Colonie Town Board for consideration.

RESULT: ADOPTED [5 TO 0]
MOVER: Louis Mion, Board Member
SECONDER: Frederick Ashworth, Board Member
AYES: Ashworth, Mion, Shamlan, Malone, Bronner
ABSENT: Steven Heider
RECUSED: Megan Baker

3. Motion To: Approve the Final Site Plan with Conditions

COMMENTS - Current Meeting:

The conditions include:

1. No approval stamps shall be affixed to the plans until all department's comments have been satisfied.

RESULT: ADOPTED [5 TO 0]
MOVER: Louis Mion, Board Member
SECONDER: Frederick Ashworth, Board Member
AYES: Ashworth, Mion, Shamlan, Malone, Bronner
ABSENT: Steven Heider
RECUSED: Megan Baker

b. 44 Sherwood Dr. Sherwood Estates Conservation Subdivision.

Applicant: Daniel O'Brien, 44 Sherwood, LLC represented by L. Sipperly & Associates, DPC. Concept review for a 16-lot subdivision (15 new and 1 existing) on 31.3 acres along a cul-de-sac to be conveyed to the Town. Site is zoned SFR, Single-Family Residential and ABA, Airport Business Area. TDE: CHA Companies. (PL-20-00026)

Lynn Sipperly from L. Sipperly presented the project on behalf of the applicant. Joe Grasso from CHA provided and discussed the TDE comments.

Planning Board discussed addressing residents concerns in regards to tree buffer/screening/fencing, potential of keeping some trees along the backyards of Mildred Lane and what legal protections the Board could use to make sure owners can't remove trees in the future. The potential increase in noise pollution from I-87 after removal of existing trees and what can be done with mitigation practices, such as adding arborvitae's, landscaping, grading, etc. The Board requested providing architectural renderings at next presentation. It also discussed headlights potentially impacting neighbors.

1. Motion To: Accept the Concept Site Plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louis Mion, Board Member
SECONDER:	Frederick Ashworth, Board Member
AYES:	Ashworth, Mion, Shamlan, Malone, Bronner, Baker
ABSENT:	Steven Heider

c. 33 & 45 Forts Ferry Rd. Addition to The Summit at Forts Ferry.

Applicant: Paul Hodorowski, Forts Ferry Road Development, LLC represented by EP Land Services, LLC. Sketch plan review for an additional 30 senior apartments on the 13.06-acre parcel. Site is zoned OR, Office Residential. TDE: CHA Companies. (PL-22-00027)

Joe Grasso from CHA provided the TDE comments including a brief history of the previously approved project, while discussing the PDD aspect of the new proposal. Jamie Easton presented the project on behalf of the applicant. TDE comments were discussed by Joe Grasso of CHA.

The Board invited two representatives of West Latham Neighborhood Association (WLNA) to comment who agreed the residential proposal is a much better option than commercial and understood town comment typically isn't allowed but grateful for the opportunity to meet with the developer later this month.

The Board discussed difference of impacts in stormwater and other site concerns by switching to residential, being thankful that the applicant has reached out to local residents including WLNA, need for proposed amount of parking, if food service would be provided, public benefit aspect being based off the entire project site, parking location and request to come back for sketch plan update.

No action was taken.

d. 46 Fuller Road. Multi-Tenant Commercial Building.

Applicant: Ben Cardella, represented by Advance Engineering. Concept review for a new 4,900 square foot multitenant building with associated access drive and parking. Site is split zoned COR, Commercial Office Residential and SFR, Single-Family Residential. TDE: Barton & Loguidice (PL-20-00015)

Nick Costa presented the project on behalf of the applicant. Brad Grant of Barton & Loguidice discussed TDE comments.

Town resident Wayne Dooley expressed concerns about the restaurant use causing smells and noise nuisances.

Planning Board discussed Mr. Dooley's concerns and asks the applicant to be cognizant of such concerns. Also discussed the facade/elevations not being appealing, the necessity of proposed building size being so large, amount of doors, inquiring about location of the hoods.

1. **Motion To:** Accept the Concept Site Plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louis Mion, Board Member
SECONDER:	Frederick Ashworth, Board Member
AYES:	Ashworth, Mion, Shamlan, Malone, Bronner, Baker
ABSENT:	Steven Heider

5. **Adjournment**

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