



Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110

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

Sean M. Maguire
(518) 783-2741

Tuesday, October 19, 2021

6:00 PM

Town Hall

1. Call to Order

The meeting was called to order at 6:00 p.m. by Peter Stuto, Chair. The roll was called.

Also present: Monique Wahba, PEDD; Michael Tengeler, PEDD; Joseph Grasso, CHA Companies (TDE); Brad Grant, Barton & Loguidice (TDE).

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

2. Report of the Planning and Economic Development Director

Director Sean Maguire thanked the Board for participating in last week's programs to celebrate National Community Planning Month in the Town.

3. Public Hearing

a. 560 Boght Rd. Boght Road ODA.

Applicant: SEFCU, represented by Advance Engineering & Surveying, LLP. A public hearing on a recommendation to the Town Board regarding a request for an Open Development Area (ODA) designation to allow the subject parcel legal access to a public street through an existing ingress/egress easement on the adjacent parcel. The site is zoned SFR, Single-Family Residential. TDE: CHA Companies. (No PL #)

The hearing was opened at 6:02 p.m. with the public notice read. Senior Planner Monique Wahba introduced the project. Nick Costa of Advance Engineering & Surveying, LLP presented the project on behalf of the applicant. The Board discussed the project including the prior history of the approved but expired subdivision, utility easements. Joe Grasso provided the TDE's comments including confirming that the subdivision of the single-family home ordered by the Court in the foreclosure action. There were no comments made by the public. The hearing was then closed.

1. Motion To: Approve a Special Rule of the Planning Board

COMMENTS - Current Meeting:

SPECIAL RULE OF THE PLANNING BOARD SETTING FORTH FINDINGS, CONCLUSIONS AND RECOMMENDATIONS FOR THE ESTABLISHMENT OF AN OPEN DEVELOPMENT AREA

PURSUANT TO NEW YORK STATE TOWN LAW SS 280-a(4) Boght Road ODA

WHEREAS, SEFCU (hereinafter referred to as the applicant) is the owner of 560 Boght Road which includes an existing residence where the parcel does not have frontage on a Town road and access is provided through an ingress/egress and utility easement with 564 Boght Road; and

WHEREAS the Town of Colonie Planning and Economic Development Department and Building Department have determined that access to the subject property by means other than use of the property's public road frontage will require approval of an Open Development Area; and

WHEREAS, the applicant made a request for an Open Development Area to the Town of Colonie Town Board; and

WHEREAS, 280-a(4) of the New York State Town Law provides that the Town Board may establish an Open Development Area within the Town, wherein permits may be issued for the erection of structures to which access may be given by right of way or easement, upon such conditions and subject to such limitations as may be prescribed by special rule of the Planning Board; and

WHEREAS, the Open Development Area requested by the applicant is intended to allow primary access to the subject property by ingress and egress over a private driveway; and

WHEREAS, the water and sanitary sewer service will be re-located for the subject property through an easement with 564 Boght Road); and

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 and utility services to the subject property over an ingress/egress and utility easement; and

BE IT RESOLVED THAT, the Planning Board recommends approval of the Open Development Area for the Boght Road ODA.

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

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

4. Regular Business**a. 945 Watervliet Shaker Rd. West Shaker Farms.**

Applicant: Rosetti Properties, represented by VHB. Concept plan acceptance for construction of 116 apartments in 6 new buildings and 10 apartments within 4 existing buildings. 316 parking spaces. The

project will also include a clubhouse, pool, community gardens and/or passive recreational space. The site is zoned CO, Commercial Office. TDE: Barton & Loguidice. (PL-21-00021).

Senior Planner Monique Wahba introduced the project. This is before the Board because the prior concept acceptance had expired. The applicant has submitted an updated application and fees that reflect the current requirements. The Board discussed the project.

1. **Motion To:** Accept the concept plan.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Louis Mion, Board Member

SECONDER: Frederick Ashworth, Board Member

AYES: Rosano, Stuto, Ashworth, Mion, Shamlan

ABSENT: Steven Heider, Susan Milstein

b. 125 Cordell Rd. Capital Bus Parking Lot.

Applicant: Capital Bus, represented by Hershberg & Hershberg. Waiver requests for rear pavement setback and green space/incentive zoning. The site is zoned IND, Industrial. Minor Project (no TDE or PL#).

Planner Mike Tengeler introduced the project. The Board discussed the project.

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

COMMENTS - Current Meeting:

LAND USE LAW WAIVER FINDINGS

WHEREAS, Capital Bus (the "applicant"), has proposed construction of a gravel parking lot to accommodate Capital Bus parking, vehicle parking for bus drivers as well as an accessory above ground propane storage tank at 125 Cordell Road, Town of Colonie, Albany County, New York; and

WHEREAS, the applicant is requesting one waiver from the Town of Colonie Land Use Law, Article X 190-47, D in regards to the rear pavement setback and two waivers from Article VI - 190-27, in regards to minimum greenspace requirement and Incentive Zoning; and

WHEREAS, the Town of Colonie Planning Board (the "Board") may waive these standards to the extent it deems necessary in order to secure a reasonable development of the site; and

WHEREAS, the applicant proposes to develop a previously vacant lot, and

WHEREAS, the depletion of greenspace will result in a final site statistic of 24.3%, equating to an Incentive Zoning Payment of \$50,178.00; and

NOW, THEREFORE BE IT

RESOLVED, that the Board hereby finds that the extent of the requested waivers are not considered substantial; and be it further

RESOLVED, the Board finds that by granting the waivers will still result in a reasonable and safe development of the site and will not hinder any town infrastructure, school districts, natural resources or scenic viewscape; and be it further

RESOLVED, that the Board hereby issues waivers in regards to the aforementioned rear pavement setback requirement of 10 feet as contained in Article X - 190-47, allowing for a 7.8 ft rear pavement setback: and be it further

RESOLVED, that the Board hereby grants a waiver to the required 35 percent greenspace as contained in Article VI - 190-27, to allow for a final greenspace statistic of 24.3 percent: and be it further

RESOLVED, that the Board hereby grants the Incentive Zoning request, equating to a one-time payment of \$50,178.00 as required in Article IV - 190-27 D, in regards to Incentive Zoning Units; and be it further

RESOLVED, that these Waiver Findings 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, Mion, Shamlian
ABSENT:	Steven Heider, Susan Milstein

c. 28 Everett Road Ext. Crisafulli Everett Road PDD.

Applicant: Crisafulli Associates, represented by Hershberg & Hershberg. Final site plan approval for merger of 11 Duffy Street, 12 Duffy Street and 28 Everett Road Extension, creating a 10-acre parcel with a PDD designation (Town Board Resolution #524). The PDD allows for a three-story senior independent living apartment building with footprint of 52,250 square feet. It includes alternate access via Duffy Street and parking accommodations via 49 garage spaces and 136 surface spaces. The site is zoned PDD, Planned Development District. TDE: CHA Companies. (PL-20-00002)

Planner Mike Tengeler introduced the project. Dan Hershberg of Hershberg & Hershberg presented the project on behalf of the applicant. The applicant provided samples of siding and brick to be used in construction for the Board's review. The Board discussed the project including provisions for EV charging locations (stations and conduit).

1. Motion To: Approve final plan.

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

5. Adjournment

With no further business before the Board, the meeting stood adjourned at 6:25 p.m.