



Planning Board

Regular Meeting

~ Minutes ~

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

Sean M. Maguire
(518) 783-2741

Tuesday, October 20, 2020

6:00 PM

Town Hall

1. Call to Order

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	6:04 PM
Louis Mion	Board Member	Present	
Craig Shamlian	Board Member	Present	
Sean M. Maguire	Director, Planning and Economic Development	Present	

2. Report of the Planning and Economic Development Director

3. Regular Business

a. 2044 Central Avenue. Minimart Redevelopment.

Applicant: Sam Petroleum, LLC, presented by Bohler Engineering. Updated waiver requests for construction of a 3,000 square foot, one-story minimart with four gas pumps on a parcel that was previously a Getty gas station. The applicant requests waivers to exceed the maximum building setback, to allow a fuel canopy, parking and a dumpster within the front yard setback, and to make an incentive zoning payment in exchange for less green space on site. The site is zoned COR, commercial office residential. TDE: Not assigned for redevelopment projects. (PL-20-00008)

Director Sean Maguire introduced the project and reminded the Board that it is here for the waivers only and that this is otherwise a redevelopment project that is reviewed by staff. Victor Caponera, Esq. presented the project on behalf of the applicant. One comment was made by a member of the public regarding hours of operation, playing amplified music, and the sale of alcohol.

1. Motion To: Approve the waivers as requested.

COMMENTS - Current Meeting:

Grant the waivers requested subject to the conditions discussed tonight and subject to the conditions of the Planning and Economic Development Department and all other Departments.

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

2. **Motion To:** Withdraw the prior approval of the waivers.

COMMENTS - Current Meeting:

Due to a question after the vote, a motion was made to withdraw the prior approval.

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

3. **Motion To:** Approve a resolution regarding land use law waiver findings for 2044 Central Avenue

COMMENTS - Current Meeting:

RESOLUTION

MINI-MART REDEVELOPMENT - 2044 CENTRAL AVENUE

LAND USE LAW WAIVER FINDINGS

WHEREAS, SAM Petroleum LLC (the ?applicant?), has proposed construction of a Mini-Mart with accessory fuel pumps and associated parking at 2044 Central Avenue, Town of Colonie, Albany County, New York. The project involves the construction of a 1-story 3,210 sq. ft. mini-mart building with 4 dual side gasoline pumps housed under a 3,072 sq. ft. canopy and 18 parking spaces; and

WHEREAS, the applicant is requesting multiple waivers from Town of Colonie Land Use Law, Article IX - 190-9, Design Standards, for the Commercial Office Residential (COR) zone related to the following: maximum front building setback of 20 feet, parking located within a front yard setback, fuel pumps within a front yard setback, refuse within a front yard setback as well as an Incentive Zoning Request for a greenspace statistic below 35 percent. Parking Requirements for an apartment use; 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, setting the building further from Central Avenue will allow for safe maneuvering in and out of parking spaces; and

WHEREAS, locating the fuel island canopy such that it provides a safe access for pedestrians and vehicles while maintaining a visibility from the building;

WHEREAS, the applicant received a Variance from the Zoning Board of Appeals (ZBA#19-032) to allow for the setback of the refuse area in relation to the neighboring SFR Zone, the fact that the subject parcel has three front yards makes it impractical if not impossible to locate the refuse area elsewhere; and

WHEREAS, parking located within the front yard are based on the uniqueness of the parcel having three front yards as well as building positioning making the site practical and safe for the redevelopment; and

WHEREAS, the Incentive Zoning Request resulting in a payment of \$12,370.00 is reasonable given that the redevelopment of the subject site will not diminish from the pre-existing greenspace statistic but still falling short of the mandated 35 percent; and

NOW, THEREFORE BE IT

RESOLVED, that the Board hereby finds that the extent of the requested waivers are not considered substantial and it has been established that there are no practical alternatives to the proposed waivers that would conform to the standards; and be it further

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

RESOLVED, that the Board hereby issues the waiver from the maximum building setback of 20 feet; and be it further

RESOLVED, that the Board hereby issues the waiver from the prohibition of fuel pumps, refuse and parking from the front yard setback; and be it further

RESOLVED, that the Board hereby accepts the Incentive Zoning Request, equating to a one-time payment in the amount of \$12,370.00, resulting from a green space statistic of 31.7 percent (3.3 percent below the 35 percent standard); and be it further

RESOLVED, that the Planning and Economic Development Department will work with the applicant to further enhance the landscaping at the rear of the parcel; 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:	Steven Heider, Board Member
AYES:	Rosano, Stuto, Ashworth, Heider, Milstein, Mion, Shamlan

b. 882 Old Albany Shaker Road. Premier Fire Apparatus.

Applicant: Kenneth and Barbara Finke, Premier Fire Apparatus, Inc., presented by ABD Engineers, LLP. Sketch review for construction of a one-story, 19,200 square foot building to include office, service and warehouse space. The site is zoned ABA, Airport Business Area. TDE: Barton & Loguidice (PL-20-00018).

Director Sean Maguire introduced the project, including the presence of a protected watercourse through the site. He noted that this project was before the Planning Board for an initial sketch review and that prior to submission of a concept plan, the Town would require the applicant to receive a decision from the Significant Environmental Areas Management Appeals Board (SEAMAB). Joe Bianchini from ABD Engineers, LLP introduced the project. Chair Stuto asked including how the protected watercourse and nearby wetlands would be mitigated. Chuck Voss from Barton and Loguidice as the Town Designated Engineer presented his initial review of the project. The Board discussed the project.

No action was taken.

4. Adjournment

The meeting was adjourned at 6:29 p.m.