



Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110

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

Sean M. Maguire
(518) 783-2741

Tuesday, October 24, 2023

6:00 PM

Town Hall

1. Call to Order

Attendee Name	Title	Status	Arrived
Steven Heider	Chairman	Present	
Louis Mion	Board Member	Present	
Craig Shamlian	Board Member	Present	
Michael J Malone	Board Member	Absent	
Kevin M. Bronner	Board Member	Present	
Megan Baker	Board Member	Absent	
Paul A. Leo	Board Member	Absent	
Sean M. Maguire	Director, Planning and Economic Development	Present	
E. Guy Roemer	Town Attorney	Present	

2. Public Hearing

3. Report of the Planning and Economic Development Director

a. Update on the Lisha Solar DEIS draft scoping.

PEDD Director Sean Maguire provided a public update on the draft scoping for this project. Chair Heider asked that in the draft scoping address how often these projects are proposed or built in SFR areas in the State of New York.

4. Regular Business

a. 409 Vly Road, Stewart's Shops Rezoning.

Applicant: Stewart's Shops, Inc. Sketch plan review on a recommendation to the Town Board to rezone 409 Vly Road from SFR to COR requested by the Applicant. No PL, no TDE assigned.

PEDD Director Sean Maguire introduced the project and the process for rezoning including the referral from the Town Board.

Chris Potter from Stewart's presented the request to rezone the site from SFR to COR. He summarized the request including the changes to the road behind the existing Stewart's Shop at Vly Road and Troy Schenectady Road.

The Board discussed the project including when the property was purchased, dimensions of the greenspace to the neighboring residential property. Mr. Potter estimated that the shortest distance is approximately 15 feet. Mr. Shamlian and Mr. Bronner suggested that more space

may be needed there as a buffer to the existing home. Mr. Mion asked PEDD Director Maguire about the rezoning at the former Martin, Harding & Mazzotti.

Chair Heider invited comments from the public about the project.

1. No action taken.

b. 1273 Central Avenue. Stewart's.

Applicant: Stewarts Shops Corp., represented by Chris Potter. Concept plan review for the proposed construction of a 3,975 square foot mini-mart with a 4,450 square foot fueling canopy with 12 fueling positions. Waivers requested. The site is zoned HCOR, Highway Commercial Office Residential. TDE: CHA Companies (PL-22-00031)

Chris Potter from Stewart's Shops introduced the project including changes made from the sketch plan review.

Joe Grasso from CHA provided the Town Designated Engineer's comments. A comment later dated October 17, 2023 was issued and reviewed including the waivers required, a review of the landscaping, parking that exceeds the Town Code minimums, and the impact to the site plan of the adjacent Chit Chat Cafe site and its size.

The Board discussed the project. Chair Heider asked if Stewart's will own the Chit Chat Cafe and Mr. Potter stated that Stewart's would not and the current owner plans to retain ownership of it. Mr. Shamlan supported the consolidation of access from Central Avenue. He also suggested that landscaping be incorporated on both sides of the fence on Central Avenue by shifting the fence if needed. Mr. Mion asked if there would be an air machine and Mr. Potter said it would. Mr. Shamlan asked if a rear door can be incorporated for the parking at the rear. Mr. Potter stated that it would not work with the internal operations of the store. Chair Heider stated that he supported looking into the changes and how they impact the Chit Chat Cafe.

1. Motion To: Accept the concept plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louis Mion, Board Member
SECONDER:	Craig Shamlan, Board Member
AYES:	Steven Heider, Louis Mion, Craig Shamlan, Kevin M. Bronner
ABSENT:	Michael J Malone, Megan Baker, Paul A. Leo

c. 2871 Curry Road. Barbara Office/Warehouse.

Applicant: Ryan Barbera, Presented by ABD Engineers, LLP. Concept plan review for the proposed construction of a 5,000 square foot office/warehouse building. The site is zoned ABA, Airport Business Area. TDE: CHA. (PL-23-00013)

Dave Kimmer from ABD Engineers introduced the project on behalf of the applicant. He reviewed the changes made to the project since its sketch plan was reviewed by the Planning Board. It remains a 5,000 square foot building with parking in the front and an outdoor storage area. The building was shifted back on the site and more native plantings were added to the landscaping package. A 6' high vinyl fence was added to provide screening to the adjacent residential property.

Joe Grasso from CHA provided the Town Designated Engineer's comments. A comment later dated October 16, 2023 was issued and reviewed including the archeological significance of the area and the need to consult SHPO and a waiver needed for parking in the front yard setback. Mr. Grasso reviewed the driveway and the buildings configuration on the site, recommending that the building is mirrored and the driveway shifted to align with the overhead doors with the outdoor storage remaining as shown. Mr. Grasso what appears to be a discrepancy on the narrative versus the plan. Mr. Kimmer identified as a typographical error carried from a prior proposal on the site. He noted that only two parking spaces are required for the office space and two are required for the two employees at the site for a total of four spaces required. Mr. Grasso reviewed the requirements of the conservation overlay and how the site satisfies those requirements. He stated it is recommended that the property is conveyed directly to an organization like the Albany Pine Bush Preserve Commission, a conservation easement to the same, or a deed restriction.

The Board discussed the project. Mr. Mion stated his interest in screening to the residential property. Mr. Shamlian noted that the red maple was reference in height and it is usually noted in caliper. Mr. Kimmer said they would modify it. The Board asked the that the applicant provide notice to the adjacent home and provide proof that was made prior to the final plan approval.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin M. Bronner, Board Member
SECONDER:	Louis Mion, Board Member
AYES:	Steven Heider, Louis Mion, Craig Shamlian, Kevin M. Bronner
ABSENT:	Michael J Malone, Megan Baker, Paul A. Leo

d. **645 Boght Road, Wetherby Ext Subdivision.**

Applicant: Marini Land II. Inc, represented by Advanced Engineering. Concept plan update for a proposed 13-lot residential subdivision and development of a new street to be dedicated to the Town. The site is zoned SFR, Single-Family Residential. TDE: Barton and Loguidice. (PL-22-00022)

Chair Steven Heider recused himself from the project due to a business relationship with the applicant.

This project was adjourned due to a lack of quorum.

5. **Adjournment**