



Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110

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

Sean M. Maguire
(518) 783-2741

Tuesday, November 14, 2023

6:00 PM

Town Hall

1. Call to Order

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

Also present: Planner Andy Acker (PEDD), Assistant Planner Ethan Townsend (PEDD)

Attendee Name	Title	Status	Arrived
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	
Paul A. Leo	Board Member	Present	
Sean M. Maguire	Director, Planning and Economic Development	Present	
E. Guy Roemer	Town Attorney	Present	

2. Public Hearing

There were no public hearings.

3. Report of the Planning and Economic Development Director

PEDD Director Sean Maguire acknowledged members of the Board that recently completed annual training at the recent CDRPC Fall Workshop.

4. New Section

a. 2772 & 2792 Curry Road. Lisha Solar 1 & Lisha Solar 2.

Applicant: Eden Renewable. Represented by Environmental Design Partnership, LLP. Final Environmental Impact Statement scope for proposed solar farm. The site is zoned SFR, Single Family Residential. TDE: CHA Companies. (PL-22-00002 & PL-22-00003).

Board Member Craig Shamlian previously recused himself from the project and stepped out of the room.

William Hurst from Young/Sommer LLC, attorney for the Applicant, introduced the project for the purpose of the draft scoping document.

Joe Grasso from CHA presented the Town Designated Engineer's comments about the draft scoping documents, comments received during the public hearing and through the course of the project, and reviewed the updated draft scoping document.

The Board discussed the draft scoping document including question about notice to the Town of Guilderland as an interested agency, if the panels move or track (applicant indicated that they have a single axis and will move), concerns with screening and batteries, restoration and decommission of the site.

1. Motion To: Approve the final scoping document.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Kevin M. Bronner, Board Member
SECONDER:	Paul A. Leo, Board Member
AYES:	Mion, Malone, Bronner, Baker, Leo
ABSTAIN:	Craig Shamlan
ABSENT:	Steven Heider

b. 886 Watervliet Shaker Road. BOCES CTE Extension.

Applicant: CIDC Colonie IV, LLC c/o BBL Construction Services, LLC and represented by Hershberg and Hershberg. Sketch plan review for the proposed construction of a 46,000 SF career and technical education extension building with associated parking. Site is zoned OR, Office Residential. TDE: Barton & Loguidice. (PL-23-00112)

Brandon Stabler from BBL introduced the project on behalf of the Applicant.

PEDD Director Sean Maguire noted that the Applicant mentioned that it will need to appear before the Zoning Board of Appeals and because of this, he does support and recommend that the Zoning Board of Appeals be the lead agency for any coordinated review under SEQRA.

Brad Grant from Barton & Loguidice presented the Town Designated Engineer's initial comments about the project.

The Board discussed the project including hours of operations of the school (per the applicant, approximately 8am to 1:30pm), seasons of operation (per the applicant, generally September to June based on outside conditions), stabilization of the training site during the off-season (per the applicant, disturbances are small in scale), height of the future pole barn (per the applicant, tallest garage door is 15' on the building), types of equipment (per the applicant equipment includes skid steers, small excavators, and perhaps a small backhoe but no large dump trucks or grading), storage of large equipment (per the applicant it is in the main building), the ownership of the road between the equipment work area and the main building (per the applicant it is a private road with an easement that allowed traffic to access a traffic light), the layout of the parking lot across the road from the building and the need to cross, the amount of parking proposed (per Town Code, 1 space per teacher and staff member, maximum shift, plus 1 space per 4 students or 113 parking spaces based on the project narrative), support for a painted crosswalk across South Family Drive, support for banking any parking that the Town code requires but construct what is actually necessary based on performance, how will the Applicant prevent tracking dirt and debris between the work area and the garage (per the applicant's engineer, a stabilized construction entrance could be used), and how a limited grading plan may be considered.

1. **No action taken.**

c. **71 Morris Road. Backstretch Conservation Subdivision.**

Applicant: Greg Meyer, represented by Advance Engineering & Surveying, LLC. Concept plan review of proposed 15-lot conservation subdivision on 14.15 acres with 5.48 acres to be conserved. Site is zoned: SFR, Single-Family Residential. TDE: Barton & Loguidice. (PL-22-00010).

Nick Costa from Advance Engineering & Surveying, LLC introduced the project.

Brad Grant from Barton & Loguidice presented the Town Designated Engineer's initial comments about the project. His letter dated October 27, 2023 was noted for the Board.

Mr. Mion invited public comments on the project. Marion Geleta, 25 Morris Road expressed her concern about the dam and future runoff. Lynn Jackson from Save the Pine Bush and resident of the City of Albany commented on the project's location in the Pine Bush. Russell Ziemba from Save the Pine Bush and resident of the City of Troy commented on the project's location in the Save the Pine Bush. Nick Costa noted that the Albany Pine Bush Preserve Commission has issued a letter about the project.

The Board discussed the project including concerns about the slope to the Lisha Kill and potential need for fencing, runoff from the site to the Lisha Kill, concerns with the dam (the applicant's representative noted that the applicant does not own the dam), where the stormwater management will discharge to, prior use of underground chambers on a residential property, minimum frontage in a conservation subdivision, presence of wetlands, and the slopes to the Lisha Kill.

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

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

d. **956 Loudon Road. Stewart's Shops Corp.**

Applicant: Chris Potter from Stewart's Shops Corp, presented by Stewart's Shops Corp. Final site plan for the proposed construction of a one-story, 3,975 square foot mini-mart and two fueling canopies totaling 4,460 square feet. Site is zoned HCOR, Highway Commercial Office Residential. TDE: CHA. (PL-22-00016)

Chris Potter from Stewart's introduced the projects and changes made to the plans and reflected in the final plan submission.

Joe Grasso from CHA presented the Town Designated Engineer's comments including its last letter dated August 29, 2023. The applicant has since updated the plans and appears to have addressed all of the outstanding comments. Waivers are required for the project. The project is a Type II action under SEQRA and does not require further review. A minor subdivision will be handled administratively by the Planning and Economic Development Department. CHA will assist in that review as an expansion of the right of way at Wellness Way and Route 9 is expected at some time in the future. The applicant also agreed to dedicate a portion of the right of way to the Town for that future expanded right of way.

The Board discussed the project including the future turning lane.

1. Motion To: Approve a waiver findings resolution.

COMMENTS - Current Meeting:

Waivers for exceeding the maximum 25' front-yard setback from Loudon Road, placement of fuel canopies and parking in the front-yard, parking placement within 10' of the side-yard, and landscaping interior islands.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Craig Shamlian, Board Member
SECONDER:	Megan Baker, Board Member
AYES:	Mion, Shamlian, Malone, Bronner, Baker, Leo
ABSENT:	Steven Heider

2. Motion To: Approve the final site plan with conditions.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Craig Shamlian, Board Member
SECONDER:	Michael J Malone, Board Member
AYES:	Mion, Shamlian, Malone, Bronner, Baker, Leo
ABSENT:	Steven Heider

e. 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)

Nick Costa from Advance Engineering & Surveying, LLC introduced the project. On July 6, 2023, the applicant held a Zoom meeting with neighbors about the proposed plan.

Brad Grant from Barton & Loguidice presented the Town Designated Engineer's comments about the project, including a letter dated October 19, 2023. He noted that this project will help with drainage in the area including a berm with a drainage system to direct stormwater to culverts installed in a prior phase of the project that have capacity to handle runoff. He states that it can improve conditions on Bergen Woods Drive. A variety of evergreen trees are recommended along them berm of 6' to 8' in height and maintenance of the vegetation on the berm will need to be addressed so that the Town is not responsible for it.

Mr. Mion invited public comments on the project. Steven Sossy at Wetherby Court provided comments about the extension of Wetherby Court, speeding on the road, lack of sidewalks, width of roadway, and some traffic control along the road. A resident from 25 Bergen Woods commented on the amount of water and the runoff from Welding Way, wetland condition of the site, and concerns for school. Brian Beaury from Bergen Woods commented on the conditions of water run off from Welding Way, the need to repair his pool, the grade that has eroded on his property, concerns with segmentation, damage to 31 Bergen Woods, and damage to the culvert. Chris Guzda from Bergen Woods noted that the Planning Board stated in its condition of the last extension of Wetherby Court that it was not the Board's intent to extend the road any further, if the project advances that the road width remains consistent as well as lot sizes and home styles, and more information about the proposed berm. Mark Couch from Bergen Woods noted that his son was photographed clearing a culvert that showed the height of the standing water level, his experience with the damage caused by water in this area, and whatever is proposed will should be increased to handle more stormwater than modeled. David Malecki from Bergen Woods expressed his concern about water on the property, comments made by his home's builder about this subdivision site, and his opinion that the site is undevelopable.

Counsel Mr. Roemer noted that the last property developed carries the highest burden. This Board can opt to uphold the intent of the prior Planning Board and the property owner would need to consider alternatives. PEDD Director noted that he was on staff when the prior Planning Board approved the prior project for Wetherby Court and in consulting with the Town Attorney at the time, it was determined there was no way to legally restrict future development and the Planning Board's intent was stated for the consideration of future Planning Boards. Mr. Maguire also noted that alternative access does not necessarily address the concerns with water.

The Board discussed the project including the jurisdiction of the wetlands (Mr. Costa stated that these are under the jurisdiction of the Army Corps of Engineers), the potential for a berm to offer some solutions, the possibility of digging test pits to assess the depth to groundwater, waiting to hear from the Army Corps based on the concerns with water, opportunities to mitigate speed and traffic with signs, the decision not to extend certain temporary cul-de-sacs that has created some of the traffic concerns, opportunities to calm traffic, and the intent of the prior Planning Board.

1. No action taken.

5. Adjournment

With no further business before the Board, the meeting was adjourned at 9:08 p.m.