



Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110

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

Sean M. Maguire
(518) 783-2741

Tuesday, November 15, 2022

6:00 PM

Town Hall

1. Call to Order

The meeting was called to order at 6:00 p.m. by Chair Steven Heider. The roll was called.

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

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

2. Report of The Planning and Economic Development Director

- a. **Motion To:** Call a public hearing for an Open Development Area at 93 Fisler Lane on December 6, 2022.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Frederick Ashworth, Board Member
SECONDER: Louis Mion, Board Member
AYES: Ashworth, Heider, Mion, Shamlian, Malone, Bronner

3. Regular Business

- a. **4 & 6 Wellness Way, formerly 4 & 6 Autopark Dr. Medical Facility**

4 & 6 Wellness Way, formerly 4 & 6 Autopark Dr. Medical Facility. Applicant: Amedore Autopark LLC & 4 & 6 Autopark property LLC, represented by Hershberg & Hershberg. Concept review for construction of a 50,000 square foot medical/office building. The site is zoned COR, Commercial Office Residential. TDE: Barton and Loguidice. (PL-22-00032)

Dan Hershberg from Hershberg & Hershberg presented the project on behalf of the applicant. Don Fletcher presented the TDE's comments including landscaping, stormwater, and GEIS mitigation.

Planning Board discussed exit gate to private road on the south east portion of the parcel and amount of parking.

- i. **Motion To:** Accept the concept plan.

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

b. **11 Middlefield Drive. Siena College – Noble Hall Expansion.**

11 Middlefield Drive. Siena College Noble Hall Expansion Applicant: Siena College, represented by Hershberg & Hershberg. Concept review of proposed expansion of the science complex, adding a 47,700 square foot, three-story building. The site is zoned SFR, Single-Family Residential. TDE: CHA Companies (PL-22-00007)

Dan Hershberg from Hershberg & Hershberg presented the project on behalf of the applicant. Joe Grasso presented the TDE's comments including variance granted from ZBA to allow exceeded building height, lot merger, waivers, additional landscaping island, impacts on construction, establishing phasing time frames, friars road islands being moved for separation of parking lots, stronger pedestrian connections, friars road intersection, emergency access road, stormwater and unlisted action for SEQRA.

Planning Board discussed possibility of building new parking lot prior to construction to help elevate the removal of parking, height on proposed building related to neighboring buildings, weight limit concerns on Middlefield road and the need to determine construction access to stay off of fiddlers way and neighboring properties.

- i. **Motion To:** Accept the concept plan.

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

c. **95 Coliseum Dr, formerly 635 Columbia St. Starlite Retail.**

95 Coliseum Dr, formerly 635 Columbia St. Starlite Retail. Applicant: Starlite Associates, LLC, represented by Hershberg & Hershberg. Final Plan review of a 6.1-acre parcel for construction of a three-story, 60,344 square foot building. First floor: 2,500 square foot bank with two drive-through lanes, a 3,000 square foot, 30-seat restaurant, a 2,000 square foot retail area, and an entrance lobby and office. Second and third floors: 52,844 square feet general office. 233 parking spaces. The site is zoned COR, Commercial Office Residential. TDE: CHA Companies. (PL-19-00005)

Dan Hershberg from Hershberg & Hershberg presented the project on behalf of the applicant. Joe Grasso presented the TDE's initial comments including GEIS mitigation fee, 3 waivers : 25 ft

maximum setback, parking in the front yard and less parking than required in code, along with draft resolution for final site plan approval.

Planning Board discussed, banked parking, landscaping, size of trees, fencing and amount of seating in the restaurant.

i. Motion To: Approve Land Use Law Waiver Findings

COMMENTS - Current Meeting:

WHEREAS, Starlite Associates LLC (the "applicant?"), has proposed the development mixed commercial use at 95 Coliseum Drive, Town of Colonie, Albany County, New York. The project will involve the construction of a 3-story 60,344 SF mixed use building (office, bank, retail, restaurant) and 234 parking spaces (plus 39 banked parking spaces); and

WHEREAS, the applicant is requesting a waiver from the Town of Colonie Land Use Law, Article IX - Chapter 190-9, Design Standards, for the Commercial Office Residential (COR) zone related to the following: maximum front building setback of twenty-five feet, parking and parking being located within the front yard; and

WHEREAS, the Town of Colonie Planning Board (the "Board?") may waive these standards to the extent it deems necessary in order to secure reasonable development of the site. In such case, the applicant must establish that there are no practical alternatives to the proposed waiver that would conform to the standard, and the Board shall issue a written Finding stating the extent and justification of the waiver; and

WHEREAS, the project site is a previously developed project site, and redevelopment of the site as proposed represents a highly desirable redevelopment of the site that is geared towards the needs of the community; and

WHEREAS, the Planning Board had requested the three-story building be set back from the adjacent roadways and the site being a corner lot does not allow the building to meet the maximum setback requirements with adequate circulation to serve the proposed uses including a drive-thru; and

WHEREAS, the site layout was designed to provide parking opportunities around the building with spaces located in the front yard setback based on the required building orientation and site circulation.

NOW, THEREFORE BE IT

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

RESOLVED, that the Board finds the applicant has established that there are no practical alternatives to the proposed waivers that would conform to the standard and that the waivers are necessary in order to secure reasonable development of the project site; and be it further

RESOLVED, that the Board hereby issues waivers from the maximum front building setback of twenty-five feet; and be it further

RESOLVED, that the Board hereby issues a waiver from the prohibition of parking located within the front yard; and be it further

RESOLVED, that these Waiver Findings be a condition of site plan approval of the application and 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:	Ashworth, Heider, Mion, Shamlan, Malone, Bronner

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

COMMENTS - Current Meeting:

The conditions of approval include the following.

1. All comments from Town of Colonie's reviewing departments and the Town-Designated Engineer shall be resolved, satisfied, and verified by the Planning and Economic Development Department prior to final stamping.
2. Applicant will modify landscaping per the Planning Board's discussion and modifications must be verified by Planning and Economic Development Department prior to final stamping.

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

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

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 for an additional 30 senior apartments on the 13.06-acre parcel. Site is zoned OR, Office Residential. TDE: CHA Companies. (PL-22-00027)

Jamie Easton presented the project on behalf of the applicant. Joe Grasso presented the TDE's initial comments including PDD need for public benefit, with potential sidewalks, landscaping neighbors are requesting and evaluation of max allowable density. Need for moving the dumpster location away from Forts Ferry Rd and neighbors to the south west.

Planning Board discussed flipping dumpster to the north of banked parking currently proposed, south entrance gating purpose/site distance and appreciation for working directly with neighboring properties/public. TDE discussed the PDD process moving forward.

No action was taken.

e. 1201 Troy Schenectady Road. First Columbia Development.

1201 Troy Schenectady Road. First Columbia Development. Applicant: First Columbia LLC, represented by Advanced Engineering & Surveying. Revised Concept plan to eliminate construction of a 107,000 square foot building, proposing the existing building at 1201 be reused and renovated to house a national brand auto dealership. The site is zoned COR, Commercial Office Residential. TDE: CHA (PL-21-00015)

Chris Bette presented the project on behalf of the applicant. Joe Grasso presented the TDE's initial comments including it being an amended site plan review as they are utilizing existing

building. Truck turning movements were discussed and decreed that there should be ample space and to indicate it on future plans, along with signage indicating such. Discussed test drives and potential concerns to mitigate local neighboring concerns, minor lot line adjustment, reconfigured parking and grading. SEQRA was previously issued as a negative declaration and can remain as such.

Planning Board discussed signage, test driving, trucks entering from west on Rosendale, EV charging stations, landscaping and less impact than a four-story building.

- i. **Motion To:** Accept the concept plan.

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

f. **855-861 First St. Lincoln Avenue Development Phase 1A**

855-861 First St. Lincoln Avenue Development Phase 1A. Applicant: Lincoln Avenue Development, LLC, represented by McFarland Johnson. Final site plan amendment for a single 120,000 square foot building rather than the four previously approved 26,000 square foot buildings. The site is zoned IND, Industrial. TDE: CHA (PL-20-00020)

Adam Fusino of McFarland Johnson presented the project on behalf of the applicant. Joe Grasso presented the TDE's comments including loading dock being decreased to address greenspace requirements. Planning Board previously declared SEQRA as a negative declaration and no need for any change at this time.

- i. **Motion To:** Approve the site plan amendment.

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

4. **Adjournment**

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