



Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110

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

Steven Heider

Tuesday, November 19, 2024

6:00 PM

Public Operations Center

1. Call to Order

Also present were Senior Planner, Acting Director Andris Blumbergs (PEDD), Planner Jacob Landis (PEDD), Assistant Planner Lauren Dryburgh (PEDD), TDE John Frazer (Barton & Loguidice) and TDE Joe Grasso (CHA).

Attendee Name	Title	Status	Arrived
Steven Heider	Chairman	Present	
Ricahrd Barlette	Board Member	Present	
Kevin M. Bronner	Board Member	Present	
Paul A. Leo	Board Member	Present	
Michael J Malone	Board Member	Present	
Joanne Maloy	Board Member	Present	
Henry J. Rosenzweig	Board Member	Present	
Matthew Millea	Counsel	Present	

2. Public Hearing

There was no hearing.

3. Report of the Planning Department

Planner Jacob Landis joined the Planning Department at the end of October.

4. Regular Business

a. 421 Albany Shaker Road - VZW Green Meadows Facility

Applicant: Alliance Infrastructure and Celco Partnership d/b/a Verizon Wireless. Represented by Young Sommer, LLC. ODA review for proposed construction of 130-foot monopine telecommunications facility. Site is zoned Single Family Residential (SFR). TDE: Barton & Loguidice. (PL-23-00012).

Senior Planner, Acting Director Andris Blumbergs read the resolution.

A motion was made.

- i. **Motion To:** Approve the ODA recommendation to Town Board.

COMMENTS - Current Meeting:

WHEREAS, Alliance Infrastructure (hereinafter referred to as the "Applicant") made application to the Colonie Town Board for creation of an Open Development Area for 421 and 415A Albany Shaker Road for a personal wireless service facility that will be provided access via an ingress/egress easement utilizing an existing private road that services James H. Maloy Inc.; 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 requires approval of an Open Development Area; and

WHEREAS, the Applicant made a request for an Open Development Area to the Town and the Town Board pursuant to Town Law §280-a (4) passed Resolution No. 207 for 2024 to refer the matter to the Planning Board; and

WHEREAS, 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

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 to 421 and 415A Albany Shaker Road across an ingress/egress easement; and

BE IT RESOLVED THAT, the Planning Board recommends approval of the Open Development Area for 421 and 415A Albany Shaker Road.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin M. Bronner, Board Member
SECONDER:	Ricahrd Barlette, Board Member
AYES:	Heider, Barlette, Bronner, Leo, Malone, Maloy, Rosenzweig

b. 1979 Central Avenue - KDP Automotive Facility

Applicant: WCCS Albany, LLC. Represented by Advanced Engineering & Surveying, PLLC. Concept plan update review for proposed construction of a new 30,000 square foot automotive facility. The site is zoned Commercial Office Residential (COR). TDE: Barton & Loguidice. (PL-23-00124).

Nick Costa of Advance Engineering & Surveying presented on behalf of the applicant. This proposal is now for a sales and service facility, rather than only a service facility as was previously proposed. Steve Panko of KDP also spoke about the access arrangement on the site, noting that the arrangement shown is the applicant's preferred arrangement.

Senior Planner, Acting Director Andris Blumbergs provided comments on behalf of Town staff. He noted concerns about ease of access to the dumpsters on site and noted that parking spaces have been reduced to 277 from 282 from the previous submittal.

TDE John Frazer provided his review. He noted concerns about the proposed access arrangement. He also commented on the proposed illuminated sign and suggested that it should be situated a bit further back from the road as these signs can be quite bright.

The Board discussed the project. The Board agreed that the sign should be illuminated and asked for more details on the access arrangement. They also discussed suggestions to improve access to the dumpsters on the site. The Board requested to see a finished landscaping plan. They also commented on the aesthetics of the building, which they noted will be particularly important as it borders a residential neighborhood.

i. Concept plan update review, no action taken.

c. 45-47 Kunker Avenue - Hrelja Mixed Use

Applicant: Armin Hrelja. Represented by Arico Associates. Concept plan review for proposed construction of a three-unit residential apartment building and one detached one-story 1,000 square foot office building with associated parking and stormwater area. Site is zoned Highway Commercial Office Residential (HCOR). TDE: Barton & Loguidice (PL-23-00143).

Dominick Arico of Arico Associates presented on behalf of the applicant.

TDE John Frazer provided his review. He asked for clarification and more detail on the landscaping plan, particularly about which trees are proposed to be removed.

The Board discussed the project. The Board asked about the location of the garages on the site - they would be behind the building, and the renderings show what would be viewed from Maple Ave. They spoke about the need for amenities for residents on the site and suggested adding a fenced in area around the gazebo to create a play area for children. The Board also provided comments on the size and types of plantings proposed in the landscaping plan and suggested adding buffering to protect the residents from noise from the commercial neighbors.

A motion was made.

i. Motion To: Accept the concept plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ricahrd Barlette, Board Member
SECONDER:	Joanne Maloy, Board Member
AYES:	Heider, Barlette, Bronner, Leo, Malone, Maloy, Rosenzweig

d. 4093 Albany Street - National Grid Control Building

Applicant: Niagara Mohawk d/b/a/ National Grid. Represented by Young Sommer LLC. Amended site plan review and reaffirm SEQRA for an addition of three 50-foot lightning masts and two fire walls. Previously approved in October 2023, amendment submission received November 7th. The site is zoned Single Family Residential (SFR). TDE: CHA. (PL-21-00019).

James LaValle of Young Sommer presented on behalf of the applicant. A senior engineer from National Grid, Ivan Sarmiento, also presented.

TDE Joe Grasso provided his review.

The Board discussed the project. They suggested improving the landscaping to further improve the aesthetics of the proposed fire walls. They asked when the lights at the site would be illuminated. Sarmiento explained that the lights are only illuminated when work is being done and if required for EMS.

A motion was made.

i. Motion To: Approve the amended final plan.

COMMENTS - Current Meeting:

WHEREAS, the Town of Colonie Planning Board (the "Planning Board") has received an application from Niagara Mohawk Power Corporation d/b/a National Grid (the "Applicant"), for modifications to an existing National Grid Control Building Substation (the "Project"), requiring Amended Site Plan Approval at 4093 Albany Street, Colonie (SBL 16.4-8-1). The project area consists of +/- 2.7 acres and is located within the SFR Zoning District. The proposal is for the addition of three 50-foot lightning masts and the addition of two fire walls around the southern transformer. The project received previous amended approval in March 2023 for the upgrade and replacement of substation components. In October 2023, the application received administrative amended approval for a shift in the location of the new control building to be six feet closer to Albany Street. The Project is located within the Albany Airport GEIS area; and,

WHEREAS, pursuant to 6 NYCRR Part 617.12, the Planning Board reaffirmed their previously issued SEQR Negative Declaration for an Unlisted Action of December 6, 2022, at their regularly scheduled meeting of November 19, 2024, determining there will be no significant environmental impacts; and,

WHEREAS, the Project has been previously before the Board on November 30, 2021, July 26, 2022, December 6, 2022, and February 7, 2023. The Plans have been extensively reviewed by the Town's professional staff and consultants during Development Coordinating Committee, Completeness Review, and Preliminary Final Review; and,

WHEREAS, the Planning Board has again considered and carefully reviewed the requirements of the Code relative to site plan review, the unique needs of the Town due to the topography, the soil types and distribution, and other natural and man-made features upon and surrounding the area of the proposed site plan, and the Planning Board has also considered the zoning in the area and the project in light of the Town's Comprehensive Plan and compliance therewith; and

WHEREAS, on November 19, 2024, the Planning Board duly considered the proposed site plan in accordance with the provisions of §190 of the Code including concerns addressing site drainage, lighting, nearby residences, landscaping, parking, buffering, screening, driveways, and any potential on and off-site environmental impacts, and upon due consideration thereupon and deliberation by the Planning Board,

NOW, THEREFORE, BE IT RESOLVED, that the National Grid Control Building amended site plan application for the proposed addition of three 50-foot lightning masts and the addition of two fire walls around the southern transformer, and related improvements as shown and to be located at 4093 Albany Street, Colonie (SBL 16.4-8-1), be and hereby is granted and approved, subject to the following conditions:

Condition A: Provide additional landscape plantings along the southern firewall to improve screening from neighboring properties and Albany Street.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin M. Bronner, Board Member
SECONDER:	Paul A. Leo, Board Member
AYES:	Heider, Barlette, Bronner, Leo, Malone, Maloy, Rosenzweig

e. 5, 9, 11 Runway Avenue - Fusco Office/Warehouse

Applicant: David Fusco, represented by ABD Engineers & Surveyors. Concept plan review for the proposed construction of two warehouse buildings, one 45,000 square feet and the second 52,500 square feet. The site is zoned ABA, Airport Business Area. TDE: CHA. (PL-24-00017).

Luigi Palleschi of ABD Engineers & Surveyors presented on behalf of the applicant.

Senior Planner, Acting Director Andris Blumbergs provided comments on behalf of Town staff. He asked if the applicant is still requesting a waiver to not have decorative fencing along the frontage of the site. A fence may not be required based on the design standards in the Town Code and the applicant is now proposing a row of trees rather than a fence.

TDE Joe Grasso provided his review. He commented on the aesthetics of the building based on the rendering provided as well as the landscaping.

The Board discussed the project. They asked about signage on the buildings and the site. They also gave suggestions on how to further improve the aesthetics of the building, especially as it is visible from the road. The Board also suggested adding more landscaping to the front of the building and requested to see a full landscaping plan and the renderings before the applicant comes back seeking final approval.

A motion was made.

i. Motion To: Accept the concept plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joanne Maloy, Board Member
SECONDER:	Henry J. Rosenzweig, Board Member
AYES:	Heider, Barlette, Bronner, Leo, Malone, Maloy, Rosenzweig

f. 2871 Curry Road - Barbera Office/Warehouse

Applicant: Ryan Barbera, Presented by ABD Engineers, LLP. Final 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).

Luigi Palleschi of ABD Engineers & Surveyors presented on behalf of the applicant.

TDE Joe Grasso provided his review. He noted that the language for the deed restricted conservation area should be submitted for review by the Town's Counsel and the Planning department. A waiver is required for this project for parking in the front yard set back.

The Board discussed the project, including the proposed fence and tree buffer between the property and the residential neighbor. They asked for additional landscaping to be added if enough trees along the property line cannot be saved to constitute a suitable buffer.

A motion was made.

i. Motion To: Approve a negative declaration under SEQRA.

COMMENTS - Current Meeting:

WHEREAS, the Town of Colonie Planning Board (the "Planning Board") has received an application from Ryan Barbera (the "Applicant"), for an office/warehouse (the "Project"), requiring Site Plan Approval at 2871 Curry Road, Colonie (SBL 18.00-4-3.2). The project area consists of +/- 1.1 acres and is located within the Airport Business Area (ABA) Zoning District. The proposal is to construct a 5,000 SF office/warehouse building intended for the Applicant's concrete business. An outdoor area is proposed and 4 parking spaces are provided. Access to the site is from Curry Road. The project is within the Town of Colonie Conservation Development Overlay and provides 66.7% greenspace; and,

WHEREAS, the Project is a Unlisted action under SEQR; and

WHEREAS, the Planning Board has reviewed Part I of the Short Environmental Assessment Form (SEAF) submitted by the Applicant and completed Parts II and III of the SEAF in conjunction with the review of a significant number of documents related to this project that are enumerated in the draft Negative Declaration and maintained in Town files; and

RESOLVED that based on a thorough review of the Project by the Planning Board that there will be no significant adverse environmental impacts and no EIS will be required; and be it further

RESOLVED that the attached Negative Declaration be adopted in accordance with SEQR Part 617.12.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin M. Bronner, Board Member
SECONDER:	Joanne Maloy, Board Member
AYES:	Heider, Barlette, Bronner, Leo, Malone, Maloy, Rosenzweig

ii. Motion To: Approve land use law waiver findings.

COMMENTS - Current Meeting:

WHEREAS, Ryan Barbera (the "Applicant"), has proposed the redevelopment of a commercial property located at 2871 Curry Road, Town of Colonie, Albany County, New York. The project will involve the removal of the existing vegetation and the construction of a warehouse/office building and associated parking with outside storage; and

WHEREAS, the applicant is requesting a waiver from the Town of Colonie Land Use Law, Article IX -Chapter 190-41, Design Standards, for the Airport Business Area zone related to the following: parking 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 as proposed represents a desirable commercial development of a site that is currently vacant; and

WHEREAS, the proposed site layout was designed to provide parking in the front yard as the parcel is too small to allow for a drive aisle and parking in the rear which would result in additional clearing and land disturbance; and

NOW, THEREFORE BE IT

RESOLVED, that the Board hereby finds that the extent of the requested waiver 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 waiver that would conform to the standard and that the waiver is necessary in order to secure reasonable development of the project site; 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:	Joanne Maloy, Board Member
SECONDER:	Paul A. Leo, Board Member
AYES:	Heider, Barlette, Bronner, Leo, Malone, Maloy, Rosenzweig

iii. Motion To: Approve the final plan.

COMMENTS - Current Meeting:

WHEREAS, the Town of Colonie Planning Board (the "Planning Board") has received an application from Ryan Barbera (the "Applicant"), for an office/warehouse (the "Project"), requiring Site Plan Approval at 2871 Curry Road, Colonie (SBL 18.00-4-3.2). The project area consists of +/- 1.1 acres and is located within the Airport Business Area (ABA) Zoning District. The proposal is to construct a 5,000 SF office/warehouse building intended for the Applicant's concrete business. An outdoor area is proposed and 4 parking spaces are provided. Access to the site is from Curry Road. The project is within the Town of Colonie Conservation Development Overlay and provides 66.7% greenspace. The applicant is requesting a waiver to allow parking in the front yard; and,

WHEREAS, pursuant to 6 NYCRR Part 617.12, the Planning Board issued a SEQR Negative Declaration at their regularly scheduled meeting on November 19, 2024, determining there will be no significant environmental impacts; and,

WHEREAS, a General Municipal Law §239 referral was sent to the Albany County Planning Board. A review dated October 19, 2023, was received and such recommendations have been duly implemented; and,

WHEREAS, the Project has been previously before the Board on July 25, 2023 for Sketch acceptance, and October 24, 2023, for Concept acceptance. The Plans have been extensively

reviewed by the Town's professional staff and consultants during Development Coordinating Committee, Completeness Review, and Preliminary Final Review; and,

WHEREAS, the Planning Board has again considered and carefully reviewed the requirements of the Code relative to site plan review, the unique needs of the Town due to the topography, the soil types and distribution, and other natural and man-made features upon and surrounding the area of the proposed site plan, and the Planning Board has also considered the zoning in the area and the project in light of the Town's Comprehensive Plan and compliance therewith; and

WHEREAS, on November 19, 2024, the Planning Board duly considered the proposed site plan in accordance with the provisions of §190 of the Code including concerns addressing site drainage, lighting, nearby residences, landscaping, parking, buffering, screening, driveways, and any potential on and off-site environmental impacts, and upon due consideration thereupon and deliberation by the Planning Board,

NOW, THEREFORE, BE IT RESOLVED, that Barbera Office/Warehouse site plan application for the proposed construction of a 5,000 SF office/warehouse, and related improvements as shown and to be located at 2871 Curry Road, Colonie (SBL 18.00-4-3.2), be and hereby is granted and approved, subject to the following conditions:

Condition A: Attempt to keep as many existing trees as possible on the east side of the building. If the trees cannot be kept as a result of construction, replant a mix of evergreen and deciduous trees along the eastern side of the building. The applicant shall submit as-built plans upon completed construction to the PEDD showing the status of the existing and/or newly planted trees.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J Malone, Board Member
SECONDER:	Paul A. Leo, Board Member
AYES:	Heider, Barlette, Bronner, Leo, Malone, Maloy, Rosenzweig

5. Adjournment

With no further business before the Board, the meeting was adjourned at 7:22 p.m.