



Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110

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

Sean M. Maguire
(518) 783-2741

Tuesday, December 13, 2022

6:00 PM

Town Hall

1. Call to Order

The meeting was called to order at 6:02 p.m. by Chair Steve Heider. Due to technical difficulties, a video feed could not be established for this meeting until 7:57 p.m. The roll was called.

Also present: Senior Planner Monique Wahba (PEDD), Planner Andy Acker (PEDD), TDE Joe Grasson (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 Shamlan	Board Member	Present	
Michael J Malone	Board Member	Absent	
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	Present	

2. Report of the Planning and Economic Development Director

Director Sean Maguire asked the Board if they had reviewed the 2023 Planning Board meeting calendar and if they have any questions or concerns. None were raised. Mr. Maguire also noted that the proposed project at 1129 and 1133 Loudon Road has been further revised and the plan for 1133 Loudon Road would now be considered as a minor site plan and a redevelopment. Redevlopments are an administrative procedure but the PEDD would welcome the Board's comments.

3. Regular Business

a. 4232 Albany Street. Rezoning

Concept Plan and schedule public hearing for review of request to rezone from IND, Industrial to SFR, Single-Family Residential.

Victor Caponera presented the project on behalf of the applicant and reviewed this history of zoning at the site. Director Sean Maguire provided the PEDD comments on the project and noted that the Board received a memo from staff about its analysis. He noted that as a rezoning, it does not follow the typical steps of a sketch plan prior to a concept plan. The Board discussed the project including the frontage on Albany Street, plans to subdivide, and question about a

feature on the aerial photo that appears to be a hedgerow. A motion was made to call a public hearing on the proposal for the next Planning Board meeting in January.

- i. **Motion To:** Call a public hearing.

COMMENTS - Current Meeting:

A public hearing will be called at 6:00 p.m. on January 16, 2023.

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

- b. **616 Columbia St Ext. Minimart and Gas Station. Applicant: Sandeep**

Singh, represented by Advance Engineering and Surveying, PLLC. Final plan review for construction of a 4,176 square foot mini-mart with four islands (eight (8) fueling stations) and 44 parking spaces. The site is zoned COR, Commercial Office Residential. TDE: CHA Companies. (PL-20-00021).

Nick Costa from Advance Engineering and Surveying, PLLC presented the project on behalf of the applicant. Joe Grasso from CHA provided the TDE comments. The Board discussed the project including the right-out-only to Columbia Street and reviewed the elevation design of the building.

- i. **Motion To:** Approve a negative declaration for an Unlisited action under SEQRA.

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

- ii. **Motion To:** Approve a resolution regarding land use law waiver findings.

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

- iii. **Motion To:** Approve the final plan.

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

c. 331 Vly Rd. Vly Subdivision.

Applicant: Richard G. Rosetti, represented by Advance Engineering & Surveying, PLLC. Continuation of public hearing and final review of subdivision of 4.973 acres into two lots. The site is zoned SFR, Single-Family Residential. TDE: Barton and Loguidice (PL-21-00025).

Director Sean Maguire reviewed with the Board the prior review that resulted in an adjournment of the public hearing based on questions that were raised about wetlands. The Board is seeing this because while it is a minor subdivision, it is treated as a major subdivision because of the time that has elapsed since prior minor subdivisions of the initial lot. The Board can continue the hearing and if it is satisfied, it can act in the final subdivision plan or ask for additional information.

Nick Costa from Advance Engineering & Surveying, PLLC presented the project on behalf of the applicant and reviewed the delineation of the wetlands. The Army Corps of Engineers (ACOE) has approved a wetland disturbance permit. Brad Grant from Barton & Loguidice provided the TDE comments. The Board did not have further questions about the project.

Mark Kennedy at Shaker Ridge Drive provided comments about setbacks and why they have changed. Nick Costa explained that the lots meet the requirements for single-family residential zoning. Chair Heider asked if the building would be placed at the center of the lot. Mr. Costa noted that placement of the home is predicated by the presence of wetlands on the lot. Mr. Shamlan asked why cannot the building be placed based on established and approved setbacks by the Planning Board. A discussion continued about setbacks. The applicant agreed to treat the two lot lines which extend from Shaker Ridge Drive as front yards with front yard setbacks and a 15' limit of grading and clearing around the property.

i. Motion To: Continue the public hearing.

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

ii. Motion To: Close the public hearing

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

iii. Motion To: Approve a negative declaration for an Unlisted action under SEQRA.

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

iv. Motion To: Approve the subdivision with conditions.

COMMENTS - Current Meeting:

Approved with the conditions that the two frontages which extend from Shaker Ridge Drive are recognized as front yards and front yard setbacks (40') will apply and a 15' limit of grading and clearing will apply.

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

d. 600 Troy Schenectady Rd. Hudson Valley Credit Union.

Applicant: Hudson Valley Credit Union, represented by LaBella Associates. Concept review for proposed construction of a one-story, 4,600 square foot financial institution with detached drive through. The site is zoned HCOR, Highway Commercial Office Residential TDE: Barton and Loguidice. (PL-22-00025)

The project was presented by a representative from LaBella Associates. Brad Grant provided the TDE comments. The Board discussed the project including signage on the site which LaBella would review and revise as appropriate with NYSDOT comments, a desire to see more detail in a landscaping plan, sidewalks along Troy Schenectady Road, a prior recommendation about a no-left turn on Utica Ave, and a continued discussion about sidewalks that the concern is not resolved tonight.

1. Motion To: Accept the concept plan.

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

e. 947 Troy Schenectady Rd. Viscusi Mixed Use PDD.

Applicant: Viscusi Holdings, LLC, represented by Hershberg & Hershberg. Sketch plan update for construction of 2, three-story apartment buildings with 11,200 square footprints and 1, two-story building with a 7,800 square footprint. Renovation of 6,000 square foot commercial building as clubhouse with

upper floor apartments. Total of 72 apartments and 130 parking spaces. The site is zoned COR, Commercial Office Residential. TDE: Barton and Loguidice. (PL-22-00028)

Dan Hershberg from Hershberg & Hershberg presented the project on behalf of the applicant. Brad Grant provided the TDE comments. The Board discussed the project including the residential neighborhood next to this lot and if they are aware of the project, the buffer of trees along Mill Road, the number of units on the lot and the condensed form of the development, and the former plan that included a right-in and right-out.

No action was taken.

f. 925 Watervliet Shaker Rd. West Shaker Farm PDD.

Applicant: Rosetti Acquisitions, LLC, represented by Hershberg & Hershberg. Sketch plan review for construction of 342 multi-family units, a 15,000 square foot multi-tenant retail building, and a 24,000 square foot office building. The site is zoned CO, Commercial Office. TDE: Barton & Loguidice (PL-22-00038)

Dan Hershberg from Hershberg & Hershberg presented the project on behalf of the applicant. Brad Grant provided the TDE comments. The Board discussed the project including its prior design for the concept plan approved in 2021 and the plans even prior to that, how many stories are some of the buildings, the distance between the proposed clubhouse and some of the apartment buildings to the southeast, a lot of greenspace on the site but adding greenspace amenities around the buildings (e.g. picnic areas), the existing colonial style home on the site which the applicant intends to remove, more variety to the roadways (e.g. too linear as presented), providing for EV charging stations, the topography of the site, providing additional separation between the proposed driveways at the proposed convenience store, how the barn on the site would be moved/relocated on the site, overall density and the need for a PDD to address the proposed plan for the site, the overall appearance/amenities on the site, and if the road connecting to BOCES was a town road. The next step is for the applicant to request a PDD from the Town Board.

No action was taken.

4. Adjournment

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