Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110
https://www.colonie.org/

Sean M. Maguire
(518) 783-2741

Tuesday, December 19, 2023 | **6:00 PM** | **Town Hall**

1. Call to Order

The meeting was called to order at 6:00 p.m. by Chair Steve Heider. He recognized outgoing Planning Board members Louis Mion and Craigh Shamlian for their years of service to the Town.

Also present: Planner Andy Acker (PEDD), Planner Ethan Townsend (PEDD), Town-Designated Engineer Devin Dickinson (CHA), Town-Designated Engineer Brad Grant (Barton & Loguidice), and Senior Associate Attorney Veronika DeGiovine.

Chair Heider stated that the public hearing would start at 7:00 p.m.

Attendee Name	Title	Status	Arrived
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	Absent	
Megan Baker	Board Member	Present	
Paul A. Leo	Board Member	Present	
Sean M. Maguire	Director	Present	
E. Guy Roemer	Town Attorney	Absent	

2. Report of the Planning and Economic Development Director

3. Regular Business

a. *66 Crabapple Lane, Gallivan Warehouse.*

Applicant: Sean M. Gallivan, represented by Advanced Engineering & Surveying PLLC. Revised concept. Proposing going from a 2 story, 10,725 sq ft warehouse with 24 parking spots to a 1 story, 10,646 sq ft warehouse with 12 new parking spots. Site is zoned Industrial (IND). TDE: CHA (PL-22-00021)

Nick Costa

Devin

The Board discussed the project including the large asphalt area to the south end of the site

1. **Motion To:** Accept the Concept Plan

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Louis Mion, Board Member
SECONDER:	Craig Shamlian, Board Member
AYES:	Heider, Mion, Shamlian, Malone, Baker, Leo
ABSENT:	Kevin M. Bronner

b. 784 Troy Schenectady Road, Porsche Latham.

Applicant: Country Realty Co. Presented by Environmental Design partnership, LLP. Concept review for proposed 2-story 25,320 sf, automobile sales and service building on a 3-acre parcel. The site is zoned COR, Commercial Office Residential. TDE: Barton & Loguidice PL-23-00038

Victor Caponera presented the project for the applicant. This project was originally included with Lexus project to the west of this site but due to costs associated with a garage to provide adequate space for both brands, the project was split and the Porsche brand is now proposed at this site. He was joined by Dan Tompkins from EDP as the applicant's design professional.

Brad Grant issued a concept review letter on December 14, 2023 and reviewed the same with the Board and the applicant.

The Board discussed this project including the confirmed route for test drives, an improved location with the traffic signal, and addition of a statement restricting car carriers from loading/unloading on Troy Schenectady Road.

1. **Motion To:** Accept the Concept Plan

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

c. 415A & 421 Albany Shaker Road, Verizon Wireless Green Meadows Facility.

Applicant: Cellco Partnership d/b/a Verizon Wireless, Presented by Young/Sommer LLC. Concept plan review for a proposed 124+ foot monopole tower; 9 Verizon wireless panel antennas mounted at the top of the tower, one manned 4 foot by 11.5 foot equipment platform and a GPS antenna unit. The site is zoned SFR, Single Family Residential. TDE: Barton & Loguidice (PL-23-00012)

Dave Brennan from Young/Sommer LLC presented the project. He noted that the most significant change since the sketch plan submission is the monopine design that will disguise the tower as a pine tree, similar to one installed at Elks Lane in Latham.

Brad Grant provided the TDE comments including continuing the monopine design further down to the ground and improving the taper to the top. He raised a question about visibility due to topography versus season vegetation.

The Board discussed the project and expressed its need for the facility and its location is ideal. A question was asked if aircraft lighting was required and the applicant indicated that a light would not be needed and a letter confirming such can be provided by the FAA.

1. **Motion To:** Accept the Concept Plan

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Louis Mion, Board Member
SECONDER:	Megan Baker, Board Member
AYES:	Heider, Mion, Shamlian, Malone, Baker, Leo
ABSENT:	Kevin M. Bronner

d. 85 Coliseum Drive. Coliseum Drive Office Building.

Applicant: Starlight Associates LLC, presented by Hershberg & Hershberg. Sketch plan review. Proposed construction of a four-story 135,000 square foot office building with associated parking. This site is zoned, Commercial Office Residential (COR) TDE: CHA **(**PL-23-00138)

Bill Mafrici from Hershberg & Hershberg presented the project for the applicant including the waivers that would be requested from the Planning Board. He indicated that an area variance would be required from the Zoning Board of Appeals.

Devin Dickinson from CHA provided the TDE comments on the project including questions about incentive zoning (per the applicant, not being requested) and the connection between the building and the parking garage. He recommended a traffic study for the volume of cars being added to the area.

The Board discussed the project including support for a traffic study, the one-way direction at Old Loudon Road into Coliseum Drive, and the volume of traffic that would be put onto Old Loudon Road and a desire to explore alternative access at Coliseum Drive. The elevations were displayed for the Board's consideration. Additional comments from the Board included larger tree sizes than what was installed at Ayco. It was asked if there was a tenant and David Ahl from the Galesi Group noted that they have been awarded this project by the New York State Insurance Fund after a bidding process. Chair Heider stated that another sketch should be presented before moving forward.

1. **No action taken.**

e. 10 South Family Drive. Islamic Community Center.

Applicant: Islam Shia Ithna-Ashri Jamaat, represented by Advance Engineering & Surveying PLLC. Final plan review for the proposed construction of a 22,500 square foot community building. The site is zoned OR, Office Residential. TDE: Barton & Loguidice (PL-22-00020)

Nick Costa from Advance Engineering and Surveying, PLLC presented the project.

Brad Grant

The Board discussed the project including its elevations and the need to add landscaping.

1. Motion To: Approve a Negative Declaration under SEQRA

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

2. Motion To: Approve Land Use Waiver Findings

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

3. Motion To: Final Approval with Conditions

COMMENTS - Current Meeting:

All outstanding Town department and designated engineer comments are fully resolved prior to stamping, including additional landscaping.

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

4. Public Hearing

a. 34 Denison Road, Ridgewood Subdivision.

Applicant: Charlew Construction, Inc, represented by C.T.Male Associates**.** Proposed concept plan extension, public hearing, and final site plan review for proposed conservation subdivision consisting of 75 residential lots, associated stormwater lots and remaining lands for open space and a pocket park. Site is zoned Single Family Residential (SFR). TDE: CHA. (PL-19-00019)

PEDD Director Sean Maguire reviewed concerns about the public notice and steps taken to correct an initial mistake by the developer's attorney. Ms. DeGiovine also confirmed that the public notice requirement was cured and all requirements for notice have been met.

PEDD Director Sean Maguire read the public hearing notice into the record.

i. 34 Denison Road, Ridgewood Subdivision. Applicant: Charlew Construction, Inc, represented by C.T.Male Associates. Proposed concept plan extension, public hearing, and final site plan review for proposed conservation subdivision consisting of 75 residential lots, associated stormwater lots and remaining lands for open space and a pocket park. Site is zoned Single Family Residential (SFR). TDE: CHA. (PL-19-00019)

COMMENTS - Current Meeting:

Andy Brick, attorney for the Applicant, introduced the project. He acknowledged the error with the initial notice and stated that his staff were at the Public Operations Center and redirected five individuals to Town Hall for this hearing. He reviewed the plan generally including conservation lands and a pocket park location. He reviewed the progress of the project including a preliminary final plan in 2021 that required additional work with the sewer lines that included additional infrastructure design changes without any significant changes to the subdivision plan itself.

Devin Dickinson from CHA provided the TDE comments on the project.

Susan Quine-Laurilliard, resident of the Town of Colonie, commented on the history of the site, public notice, availability of plans, and the prior concept plan acceptance. She urged the Board to take no action tonight. She provided a copy of her statement to be added to the administrative record. Mr. Maguire accepted the documents and instructed staff to add to the project file.

Joel Weingarten, resident of the Town of Colonie, provided a report from the Hudsonia Ltd. that was hired by the Birchwood Neighborhood Association regarding the project (Mr. Maguire accepted a copy and instructed staff to add to the project file). He reviewed comments regarding wetlands and a letter issued by the ACOE, including a recent communication with the local office about wetland delineation for the project. He stated that the concept plan had expired and inquired why the project was advancing to a final plan approval. He asked that materials are made readily available to the public.

Wendy Allen, resident of the Town of Colonie, provided comments on the Comprehensive Plan and her position that this project is inconsistent with the Comprehensive Plan.

Paula Weiss, resident of the Town of Colonie, commented on her position on procedural errors with the public hearing including notices and availability of documents.

Suzanne Maloney, resident of the Town of Colonie, stated that the final subdivision application is incomplete for a number of stated reasons.

Susan Weber, resident of the Town of Colonie, stated her comments regarding the Planning Board review process. She noted that prior approvals have been issued with conditions but there is no mechanism for such. She requested that the developer include in the final approval a park, walking trails, and a parking area at the park. She provided documentation to be added to the record. Mr. Maguire accepted the documents and instructed staff to add to the project file.

Peter Orsted, resident of the Town of Colonie, commented on the stormwater ponds proposed at Walnut Lane and the culverts in the area.

June Beyer, resident of the Town of Colonie, commented on the South Colonie bus facility being placed at the former BOCES and if that development was also considered in this project review.

Peter, resident of the Town of Colonie, commented on stormwater concerns in the neighborhood as well as the Town's responsiveness. He asked the developer to explain more about how it will handle runoff during the project development.

Dana and Rich, resident of the Town of Colonie, commented on a decision to leave their prior community due to development and concerns that they are about the experience it again.

Bob Irvine, stated his questions have been covered and made no additional comment.

Sean Mahar, resident of the Town of Colonie, commented that he did not have enough time to prepare comments and requested that more time be provided for residents review plans. He presented his concerns with the impact of developmet including the loss of trees and drainage in the area. He respectfully requested that the Board not make a decision at tonight's meeting.

NAME, resident of the Town of Colonie, stated that many in the room do not understand what the map represents. He stated that it represents the input of the neighborhood and is proud of the plan as presented. He stated this site has been under consideration for approximately 35 years. He asked about a red line on the map (a walking trail per the applicant).

Chair Heider asked the Mr. Brick to address some of the questions that were raised up to this point. Mr. Brick refuted any claims that the project is flawed or incomplete. He continued to respond to additional questions and concerns. He noted that they are preserving more trees than are being removed and will add two street trees per home lot. He stated that the developer is agnostic to the walking trail - it if it is included, it is requested that it be unpaved and routed to preserve trees.

Frank Palumbo from CT Male reviewed the concerns with the wetland delineations and jurisdictional determination questions.

Mr. Brick noted that archaeological sensitive site is included in the lands to be dedicated to the Town.

Mr. Weingarten returned to provided additional comments on the wetlands, pocket park, and prior discussions for a park in the area.

Mr. Brick stated that 8.6 acres would be donated to the Town. The area of flat usable land is more than 5 acres.

Mr. Maguire reviewed the progress to develop the pocket park and compared it to Sanderson Health Haven Park adjacent to the Loudonville Reservior.

Mr. Dickinson summarized the technical work that will be needed to complete the project.

Chair Heider asked about how much buffer will exist between residents on Denison Road and the project site itself.

Mr. Palumbo reviewed how development of the project will have a more intense development with the infrastructure and home lots in exchange for the conservation of other lands.

The Board discussed the project. Mr. Malone asked about the water line and easement to Scarlet Oak Drive (proposed). Mr. Mion asked about the location of the existing water tower and if the location of the water tower may not be desirable behind a home.

A question was asked from the public if the water pressure would be improved as a result of this project.

Harry Dunn, a resident of Birchwood asked about an easement. Mr. Palumbo noted that is part of an existing trunk sewer.

Mr. Shamlian asked about the GEIS estimates. Mr. Maguire stated that he believed that the town's former Senior Planner had prepared one and provided to the applicant. The applicant confirmed. Mr. Shamlian asked about if a tree survey was performed. Mr. Maguire said he would review the file. Mr. Brick stated that one had been prepared. Mr. Shamlian asked about the wetland delineation. Mr. Palumbo confirmed that an updated delineation was not performed but a walk through was conducted and is very confident that the wetland delineation performed previously. Mr. Shamlian asked about home elevations. Mr. Maguire displayed the elevations that were submitted during the 1st Preliminary plan review which is an internal staff review - he acknowledged it was not included in the final submittal.

Mr. Mahar returned to comment on wetlands delineated in 2002 and walked a few years ago. He suggested that the Board wait for a delineation before approving the final plan.

Chair Heider asked what the ACOE requires to finalize the wetlands. Mr. Brick stated that the ACOE would review a PCM to the road crossing. He further stated that the applicant has delinations and just that they have not been confirmed by the ACOE.

Ms. Laurilliard returned to comment on the wetland delineation. Mr. Brick responded to the matter.

NAME returned to comment on the water pressure concerns in the neighborhood.

The hearing was closed at 9:10 p.m.

RESULT:	**CLOSED [UNANIMOUS]**
MOVER:	Louis Mion, Board Member
SECONDER:	Craig Shamlian, Board Member
AYES:	Heider, Mion, Shamlian, Malone, Baker, Leo
ABSENT:	Kevin M. Bronner

ii. Motion To: Extend the Accepted Concept Plan

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Louis Mion, Board Member
SECONDER:	Craig Shamlian, Board Member
AYES:	Heider, Mion, Shamlian, Malone, Baker, Leo
ABSENT:	Kevin M. Bronner

iii. Motion To: Approve a Negative Declaration under SEQRA

COMMENTS - Current Meeting:

Devin Dickinson reviewed the Part 2 prepared by CHA as the Town-Designated Engineer. Chair Heider asked about categories that were indicated as "no" and if that also meant it was a small impact. Mr. Maguire reinforced that where Mr. Dickinson said there was a "no" to a category, staff could review each item individually if there were any questions. Chair Heider asked a follow-up question about the historic resources. Mr. Dickinson indicated that the developer was taking steps to protect the historic area and that mitigates the impact so that "no or small impact" would occur.

Mr. Dickinson read the resolution. A motion to approve a negative declaration was made.

RESULT:	**ADOPTED [5 TO 1]**
MOVER:	Louis Mion, Board Member
SECONDER:	Michael J Malone, Board Member
AYES:	Heider, Mion, Malone, Baker, Leo
NAYS:	Craig Shamlian
ABSENT:	Kevin M. Bronner

iv. Motion To: Approve Land Use Law Conservation Findings

RESULT:	**ADOPTED [5 TO 1]**
MOVER:	Louis Mion, Board Member
SECONDER:	Michael J Malone, Board Member
AYES:	Heider, Mion, Malone, Baker, Leo
NAYS:	Craig Shamlian
ABSENT:	Kevin M. Bronner

v. Motion To: Final Approval with Conditions

COMMENTS - Current Meeting:

Chair Heider made a statement that he believed that this plan has been the best that has been considered over approximately 30 years.

Conditions include that 1.) All outstanding Town department and designated engineer comments are fully resolved prior to stamping, 2.) There shall be no identical home designs or colors adjacent to one another, 3.) The Development of the walking trail shall minimize removal of trees and its location subject to Town department review.

RESULT:	**ADOPTED [5 TO 1]**
MOVER:	Louis Mion, Board Member
SECONDER:	Michael J Malone, Board Member
AYES:	Heider, Mion, Malone, Baker, Leo
NAYS:	Craig Shamlian
ABSENT:	Kevin M. Bronner

5. Adjournment

935