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

Sean M. Maguire
(518) 783-2741

# Planning Board

## Regular Meeting

## ~ Minutes ~

**Tuesday, July 12, 2022** **6:00 PM** **Town Hall**

## 1. Call to Order

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

Also present: Planner Andy Acker (PEDD), Mike Tengeler (PEDD), TDE Bradley Grant (B&L), and TDE Joe Grasso (CHA).

| 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 | |
| Sean M. Maguire | Director, Planning and Economic Development | Absent | |
| Jill A. Conway | Counsel | Present | |

## 2. Report of the Planning & Economic Development Director

PEDD Planner Andy Acker asked the Board to call a public hearing for the proposed 855-861 First Street. Lincoln Ave Development ODA, to be scheduled for August 9, 2022.

**a.** **Motion To:** Call a public hearing for the proposed 855-861 First Street. Lincoln Ave Development ODA, scheduled for August 9, 2022

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

## 3. Public Hearing

**a.** **NOTICE IS HEREBY GIVEN THAT PURSUANT TO Section 276 of Town Law, the Town Planning Board of the Town of Colonie, Albany County, New York will meet and conduct a Public Hearing at Town Hall Main Hearing Room, 534 New Loudon Road, Latham, in said Town of Colonie, County of Albany, New York on the 12th day of July, 2022 at 6:00 P.M. for the purpose of hearing all persons upon the approval, modification or**

**disapproval of a certain residential subdivision plat in the Town of Colonie, County of Albany known as Vly Subdivision, consisting of 4.973 acres of land located at address to be divided into two (2) residential buildings lots.**

**HISTORY:**

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| **07/12/22** | **Planning Board** | **ADJOURNED** |
| **Next: 09/13/22** | | |

Applicant Richard G. Rosetti, represented by Advance Engineering & Surveying, PLLC. 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) .

Public hearing was opened by the Chair at 6:03pm. Nick Costa from Advance Engineering presented the project. Mark Kennedy, 225 Shaker Ridge Drive (Colonie) commented in regards to setbacks, asked for clarification as to the consistency of information throughout the application process, questions regarding the proposed driveway and stormwater locations, along with delineation of wetlands. Neighboring property owner Linda Lawrence commented in regards to limits of clearing and privacy concerns. Public hearing was closed.

The Board discussed the project and concerns brought about from the public comment period amongst the Board and with the TDE. During that discussion the delineation of wetlands was discussed further and the board decided obtaining additional information in regards to the location of said wetland would be needed and made a motion to re-open the public hearing was made my Mr. Mion, seconded by Mr. Ashworth.  The motion passed unanimously.  A motion to adjourn the public hearing was made and passed unanimously.

**COMMENTS - Current Meeting:**

Applicant Richard G. Rosetti, represented by Advance Engineering & Surveying, PLLC. 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) .

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| **RESULT:** | **ADJOURNED [UNANIMOUS]** |
| **MOVER:** | Craig Shamlian, Board Member |
| **SECONDER:** | Louis Mion, Board Member |
| **AYES:** | Ashworth, Heider, Mion, Shamlian, Malone, Bronner |
| **ABSENT:** | Megan Baker |

## 4. Regular Business

### *a. 702 Troy Schenectady Road. Latham Ford.*

Applicant: Latham Ford, LLC, represented by Hershberg & Hershberg. Final Site Plan for proposed construction of a two- story 42,528 square foot car dealership. This site is zoned COR, Commercial Office Residential. TDE: Barton and Loguidice (PL-21-00005)

Dan Hershberg from Hershberg & Hershberg presenting the project and waiver requests on behalf of the applicant. Brandley Grant provided the TDE comments, SEQRA and resolution for waivers. The Board discussed the project and voted to approve SEQRA (motion Lou, 2nd Chip), approve the waivers according to the resolution (motion Lou, 2nd Chip). The Board also voted to approve the final site plan with four conditions (motion Lou, 2nd Chip).

**1. Motion To:** Approve waiver.

**COMMENTS - Current Meeting:**

RESOLVED, that the Board hereby finds that the extent of the requested individual 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 standards and that the waivers are necessary in order to secure reasonable, orderly and safe development of the project site; and be it further

RESOLVED, that the Board hereby issues a waiver from the maximum building setback; and be it further

RESOLVED, that the Board hereby issues a waiver from the minimum square footage of the landscaped island in the interior of the parking area; and be it further

RESOLVED, that the Board hereby issues a waiver from the maximum front yard setback; and be it further

RESOLVED, that the Board hereby issues a waiver from the minimum frontage buildout percentage of landscaping; 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.

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

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

**COMMENTS - Current Meeting:**

The project is an Unlisted action under SEQRA. The proposed action will not result in any significant adverse environmental impacts.

The conditions of the approval include:

1. Landscaping and fencing along the frontage area of Route 7 must be satisfactory to PEDD.
2. Redesign of ingress/egress on Route 7 must be satisfactory to PEDD
3. No deliveries allowed to enter along Route 7, must use Wade Road Entrance.
4. No unloading or loading of any vehicles or products on either Wade Road or Route 7.
5. No approval stamps shall be affixed to the plans until all department's comments have been satisfied.

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

***b. 1384 Central Ave. Tidal Wave Auto.***

Applicant: New Potato Creek Holding, LLC, represented by Bohler Engineering. Sketch Plan review for 3,620 square foot car wash facility. This site is zoned COR, Commercial Office Residential. TDE: CHA (PL-22-00018)

Scott Shearing from Bohler Engineering presented the project on behalf of the applicant. Joe Grasso from CHA provided the TDE?S comments. The Board discussed the project including the concerns about the traffic flow in and out of the site, location of dumpster, lighting, noise concerns and its desire for a tree survey so no trees are removed between the residents located behind the property and the natural barrier being maintained.

No action was taken.

***c. 76 Crabapple Ln. Carey Electric Warehouse.***

Applicant: Carey Electric, Inc., represented by Advance Engineering & Surveying, PLLC. Concept plan review for a 15,025 square foot, one-story warehouse building. 3,025 square feet of this area to be used for offices. The site is zoned IND, Industrial. TDE: CHA (PL-22-00008)

Nick Costa from Advanced Engineering presented the project on behalf of the applicant. Joe Grasso from CHA provided the TDE?s comments. The Board discussed the concerns with the open curb cut and requested more review of the grade changes.

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

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

***d. 66 Crabapple Ln. Gallivan Warehouses.***

Applicant: SM Gallivan, represented by Advance Engineering & Surveying, PLLC. Sketch Plan Review for two (2) 10,833 square foot warehouse buildings. The site is zoned IND, Industrial. TDE: CHA (PL-22-00021)

Nick Costa from Advanced Engineering presented the project on behalf of the applicant. Joe Grasso from CHA provided the TDE’s comments. The Board discussed the need for ZBA variance being less than 100 ft to a SFR zone and inquired about neighbors being approached for comment. The Board continued to discuss their concerns in regards to aesthetics to the adjoining SFR zone neighbors, attempts to purchase more land so as to not require a ZBA variance, parking and building size. Board requested the applicant take return for a sketch plan update in hopes the applicant will consider changes discussed.

No action was taken.

## 5. Adjournment

With no further business before the Board, the meeting was adjourned at 8:20 p.m.