Planning Board

Regular Meeting

~ Minutes ~

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

Steven Heider

Tuesday, January 7, 2025 **6:00 PM** **Public Operations Center**

1. Call to Order

The meeting was called to order at 6:03 p.m. by Chair Steven Heider. The roll was called. All members were present.

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	
Henry J. Rosenzweig	Board Member	Present	
Paul A. Leo	Board Member	Present	
Michael J Malone	Board Member	Present	
Kevin M. Bronner	Board Member	Present	
Ricahrd Barlette	Board Member	Present	
Joanne Maloy	Board Member	Present	
Matthew Millea	Counsel	Present	

2. Public Hearing

There was no hearing.

3. Report of the Planning Department

The Planning Department is hiring an Assistant Planner. Applications can be completed on the Town website. The deadline to apply is January 17th.

Chair Heider noted that he would recuse himself from the 28 Everett Rd. Ext., Crisafulli Senior Living PDD item on the agenda and that this would be moved to the last item on the agenda.

4. Regular Business

a. 465 Albany Shaker Rd., Mini Mart and Fuel.

Applicant: Osborne Ventures, LLC. Represented by Advance Engineering and Surveying, PLLC. Sketch review for the proposed construction of a 6,730 square foot building with a 6,225 square foot fuel canopy with 16 pumps. The site is zoned NCOR, Neighborhood Commercial Office Residential. TDE: Barton and Loguidice. (PL-24-00336).

Nick Costa of Advance Engineering and Surveying presented the project on behalf of the applicant. He noted that the applicant is seeking a waiver for parking in the front yard and another for the front setback not meeting the setback requirements for a major road.

TDE John Frazer of Barton & Loguidice provided his review. He inquired if the applicant had coordinated with Albany County DPW regarding traffic. He also requested that the applicant share the traffic analysis that has been completed.

Senior Planner, Acting Director, Andris Blumbergs noted that the site is required to have 65 parking spaces and the applicant is proposing 68 (16 of these would be under the fuel pump canopy). He recommended that the applicant seek a waiver to reduce the number of parking spaces required rather than have less than 35% green space on the site.

The Board discussed the project. The Board expressed concerns about traffic - particularly about the possibility of someone trying to take a left out of Walgreens conflicting with someone trying to turn left out of the proposed gas station. They discussed the color and amount of bollards proposed in front of the building, noting that they prefer the black bollards shown over the green bollards previously proposed for another QuickChek project. They asked the applicant to consider landscaping along the frontage if no fencing can be put in place due to utility easements. They expressed concerns about the amount of parking spaces proposed, the lack of green space, the number of gas pumps proposed, and the size of the building. They encouraged the applicant to consider bringing the amount of green space on the site up to 35%. They stressed the importance of the aesthetics of the building and overall site. In particular, they suggested that the design of the east side of the building could be improved.

i. Sketch plan review, no action taken.

b. 1867-1869 Central Ave., Saber Apartments.

Applicant: Saber Seraj. Represented by Represented by Hershberg & Hershberg. Concept Extension Approval for construction of 2, two-story, eight-unit apartments totaling 13,824 square feet. The site is zoned COR, Commercial Office Residential. TDE: Barton & Loguidice (PL-22-00011).

Nicholas Daniels of Hershberg & Hershberg gave a brief review of the history of the project on behalf of the applicant.

A motion was made.

i. Motion To: Approve concept plan approval extension.

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

c. 784 Troy Schenectady Rd., Porsche Latham.

Applicant: Country Realty Co. Represented by Environmental Design Partnership, LLP. Final review for proposed 2-story 28,577 square foot, 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 on behalf of the applicant. Dan Tompkins of Environmental Design Partnership also spoke.

TDE John Frazer of Barton & Loguidice provided his review.

The Board discussed the project. They discussed the proposed placement of the fire hydrants and other fire protection measures on the site. They asked if the applicant was aware that Afrim's is proposing adding another field behind the site and is working on a shared parking arrangement with the NYSUT property.

A motion was made.

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

COMMENTS - Current Meeting:

WHEREAS, Country Realty Co. ("Applicant") has submitted to the Town of Colonie Planning Board ("Planning Board") an application for Site Plan Approval regarding the Porsche of Latham located at 784 Troy Schenectady Road ("Project"). The proposal is for the construction of a two-story, 28,577 SF automobile sales and service building; and

WHEREAS, the applicant is requesting a waiver from the Town of Colonie Land Use Law, Article IX - Chapter 190-40, Design Standards, for the Commercial Office Residential (COR) zone related to the following: building front setback exceeding 20 feet on minor roads and 25 feet on the major road; parking in the front yard; and, a minimum build-out of 80% of the street frontage; and

WHEREAS, the Planning 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 Planning Board shall issue a written finding stating the extent and justification of the waiver;

WHEREAS, the project site is a previously developed commercial property containing an office building and associated parking, and redevelopment of the site as proposed by Applicant represents a desirable redevelopment of a site that is currently vacant; and

WHEREAS, the proposed site layout is a corner lot and is designed to facilitate vehicular access and circulation throughout the site around all sides of the building; and

WHEREAS, the proposed site layout is designed to provide parking in the front yard as is common and customary of car dealerships to allow for inventory visibility from the roadway; and

WHEREAS, the Applicant has provided equivalent landscaping outside of the parking lot in lieu of interior landscaped islands.

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

RESOLVED, that the Planning 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 Planning Board hereby issues a waiver from the maximum setback on minor and major roadways; and be it further

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

RESOLVED, that the Planning Board hereby issues a waiver from the required minimum frontage build out; and be it further

RESOLVED, that these waiver findings be a condition of site plan approval of the application and the same shall be kept in the project file in the Office of the Planning and Economic Development Department.

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

ii. **Motion To:** Approve a negative declaration under SEQRA.

COMMENTS - Current Meeting:

WHEREAS, Country Realty Co. ("Applicant") has submitted to the Town of Colonie Planning Board ("Planning Board") an application for Site Plan Approval regarding the Porsche of Latham located at 784 Troy Schenectady Road ("Project"). The proposal is for the construction of a two-story, 28,577 SF automobile sales and service building; and

WHEREAS, the Project has been identified by the Planning Board as an Unlisted Action under SEQR (State Environmental Quality Review Act); and

WHEREAS, the Planning Board has reviewed Part I of the Full Environmental Assessment Form (FEAF) submitted by the Applicant, and completed Parts II and III of the FEAF in conjunction with the review of a significant number of documents related to this Project, which documents are enumerated in the attached Negative Declaration and maintained in the town files; and

WHEREAS, the Project shall be completed in accordance with the requirements set forth by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED that, based on a thorough review of the Project by the Planning Board, there will be no significant adverse environmental impacts as a result of the Project and no Environmental Impact Statement will be required; and be it further

RESOLVED that the attached Negative Declaration be adopted in accordance with SEQR Part 617.12 and kept on file with the Town of Colonie Planning and Economic Development Department.

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

iii. Motion To: Approve the final plan.

COMMENTS - Current Meeting:

WHEREAS, Country Realty Co. ("Applicant") has submitted to the Town of Colonie Planning Board ("Planning Board") an application for Site Plan Approval regarding the Porsche of Latham located at 784 Troy Schenectady Road ("Project"). The proposal is for the construction of a two-story, 28,577 SF automobile sales and service building; and

WHEREAS, the Project has been identified by the Planning Board as an Unlisted Action under SEQR (State Environmental Quality Review Act); and

WHEREAS, pursuant to 6 NYCRR Part 617.12, the Planning Board issued a SEQR Negative Declaration on January 7, 2025, determining there will be no significant adverse environmental impacts; and

WHEREAS, a referral was sent to the Albany County Planning Board ("ACPB") on November 2, 2023 in accordance with N.Y. General Municipal Law §239; a review by the ACPB dated December 21, 2023 was received and such recommendations have been duly implemented; and

WHEREAS, the Project has been previously before the Planning Board on August 8, 2023, and December 19, 2023; the Plans have been extensively reviewed by the Town's professional staff and consultants by and through the Development Coordination Committee, Completeness Review, and Preliminary Final Review; and

WHEREAS, the Planning Board has again considered and carefully reviewed the applicable requirements of the Colonie Town Code (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 January 7, 2025, the Planning Board duly considered the proposed site plan in accordance with the provisions of §190 of the Code including, but not limited to, 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 thereof and deliberation thereby, the Planning Board takes the action hereafter described.

NOW, THEREFORE, BE IT RESOLVED, the Town of Colonie Planning Board approves the proposed site plan for Porsche of Latham at 784 Troy Schenectady Road, subject to the following conditions:

Condition A: Address all outstanding Department and TDE comments prior to the issuance of a Building Permit.

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

d. 1273 Central Ave., Stewart's Shop.

Applicant: Stewart's Shops Corp., represented by Chris Potter. Final review for the proposed construction of a 3,975 square foot mini-mart with a 4,450 square foot fueling canopy with 12 fueling positions. Waivers requested. The site is zoned HCOR, Highway Commercial Office Residential. TDE: CHA (PL-22-00031).

Chuck Marshall presented the project on behalf of the applicant.

TDE Joe Grasso of CHA provided his review.

The Board discussed the project.

A motion was made.

i. **Motion To:** Approve land use law waiver findings.

COMMENTS - Current Meeting:

WHEREAS, Stewart's Shops Corp. ("Applicant") has submitted to the Town of Colonie Planning Board ("Planning Board") an application for Site Plan Approval regarding the Stewart's Shop project located at 1273 Central Ave ("Project"). The proposal is for the construction of a 3,975 SF mini mart and a 4,450 SF fuel canopy with 12 pumps; and

WHEREAS, the applicant is requesting a waiver from the Town of Colonie Land Use Law, Article IX - Chapter 190-42, Design Standards, for the Neighborhood Commercial Office Residential (NCOR) zone related to the following: parking and fuel canopies located within the front yard, building front setback exceeding 25 feet, lack of required landscaped areas within parking lots, and parking or loading area within ten feet of a side lot line; and

WHEREAS, the Planning 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 Planning Board shall issue a written Finding stating the extent and justification of the waiver;

WHEREAS, the project site is a previously developed commercial property containing a restaurant and associated parking, and redevelopment of the site as proposed by the Applicant represents a desirable redevelopment of a site that is currently vacant and in disrepair; and

WHEREAS, the proposed site layout is designed to provide parking in the front yard as is common of convenience stores; and

WHEREAS, the proposed site layout is designed to provide fuel canopies in the front yard as is common and customary of convenience stores and affords appropriate visibility of the fueling canopies to potential customers; and

WHEREAS, the Applicant has provided equivalent landscaping outside of the parking lot in lieu of interior landscaped islands; and

WHEREAS, the Applicant has proposed a drive aisle within ten feet of the side lot line in order to provide an access drive to the adjoining property.

NOW, THEREFORE BE IT

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

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

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

RESOLVED, that the Planning Board hereby issues a waiver from the required landscaped islands within parking lots; and be it further

RESOLVED, that the Planning Board hereby issues a waiver from the required ten-foot setback of parking or loading areas from the side lot line; and be it further

RESOLVED, that these waiver findings be a condition of site plan approval of the application and the same shall be kept in the project file in the Office of the Planning and Economic Development Department.

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

ii. **Motion To:** Approve the final plan.

COMMENTS - Current Meeting:

WHEREAS, Stewart's Shops Corp. ("Applicant") has submitted to the Town of Colonie Planning Board ("Planning Board") an application for Site Plan Approval regarding the Stewart's Shop project located at 1273 Central Ave ("Project"). The proposal is for the construction of a 3,975 SF mini mart and a 4,450 SF fuel canopy with 12 pumps; and

WHEREAS, the Project has been identified by the Planning Board as an Unlisted Action under SEQR (State Environmental Quality Review Act); and

WHEREAS, pursuant to 6 NYCRR Part 617.12, the Planning Board issued a SEQR Negative Declaration on January 7, 2025, determining there will be no significant environmental impacts; and

WHEREAS, a referral was sent to the Albany County Planning Board ("ACPB") on September 27, 2023 in accordance with N.Y. General Municipal Law §239; a review by the ACPB dated December 21, 2023 was received and such recommendations have been duly implemented; and

WHEREAS, the Project has been previously before the Planning Board on February 28, 2023, and October 24, 2023. The Plans have been extensively reviewed by the Town's professional staff and consultants by and through the Development Coordination Committee, Completeness Review, and Preliminary Final Review; and

WHEREAS, the Planning Board has again considered and carefully reviewed the applicable requirements of the Colonie Town Code (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 January 7, 2025, the Planning Board duly considered the proposed site plan in accordance with the provisions of §190 of the Code including, but not limited to, 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 thereof and deliberation thereby the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, the Town of Colonie Planning Board approves the proposed site plan for 1273 Central Avenue, Stewart's Shop, subject to no conditions as outlined by the Planning Board.

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

e. 28 Everett Road Ext., Crisafulli Senior Living PDD.

Applicant: Crisafulli Associates LLC, c/o Michael Crisafulli. Represented by Hershberg & Hershberg. Recommendation to the Town Board regarding a PDD amendment to construct a 19 bay garage at the northeast corner of the site. The site is zoned PDD, Planned Development District. TDE: CHA (PL-20-00002).

Chair Heider recused himself.

Michael Crisafulli presented the project.

TDE Joe Grasso of CHA provided his review. He noted that this parking structure would be built on an area that is currently green space, and noted previous concerns about the amount of landscaping provided along Everett Rd. Ext.

Senior Planner, Acting Director, Andris Blumbergs presented comments on behalf of Town staff. He noted that the area where the parking structure is proposed was labeled as snow storage on the original plans and asked what the plans for snow storage would be if the garage was built. The applicant stated that they are able to move snow on the property and he is confident that snow build up would not be an issue. Blumbergs also asked if the trees in the area would be fully removed or relocated. The applicant stated that the trees would be re-planted if needed. Blumbergs also reminded the applicant that the work proposed is close to the protected watercourse area and that all work must take place outside of that area.

The Board discussed the project.

A motion was made.

i. **Motion To:** Approve recommendation of PDD amendment to Town Board.

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Paul A. Leo, Board Member
SECONDER:	Joanne Maloy, Board Member
AYES:	Rosenzweig, Leo, Malone, Bronner, Barlette, Maloy
RECUSED:	Steven Heider

5. Adjournment

With no further business before the Board, the meeting was adjourned at 7:07p.m.