



# Planning Board

## Regular Meeting

~ Minutes ~

347 Old Niskayuna Road  
Latham, NY 12110

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

Sean M. Maguire  
(518) 783-2741

Tuesday, January 24, 2023

6:00 PM

Town Hall

### 1. Call to Order

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

Also present: Senior Planner Monique Wahba (PEDD), Planner Mike Tengeler (PEDD), Planner Andy Acker (PEDD), and TDE Bradley Grant (B&L).

| Attendee Name    | Title                                       | Status  | Arrived |
|------------------|---------------------------------------------|---------|---------|
| Steven Heider    | Chairman                                    | Present |         |
| Louis Mion       | Board Member                                | Absent  |         |
| Craig Shamlan    | Board Member                                | Present |         |
| Michael J Malone | Board Member                                | Present |         |
| Kevin M. Bronner | Board Member                                | Present |         |
| Megan Baker      | Board Member                                | Present |         |
| Paul A. Leo      | Board Member                                | Present |         |
| Sean M. Maguire  | Director, Planning and Economic Development | Present |         |
| E. Guy Roemer    | Town Attorney                               | Present |         |

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

Sean Maguire briefed the Board on the ODA project at 611 Troy Schenectady Road it will review at its next meeting.

### 3. Regular Business

#### a. 405-415 Old Niskayuna Rd. T&T Warehouses.

Applicant: Ben Radtke, represented by Hershberg & Hershberg. Final review for Phase 1 construction of two (2), 29-foot tall Flex Warehouses (33,600 square feet and 34,000 square feet). The site is zoned ABA, Airport Business Area. TDE: Barton & Loguidice (PL-19-00018).

Bill Mafrici from Hershberg & Hershberg presented the project on behalf of the applicant. Brad Grant from Barton & Loguidice provided TDE comments including items discussed with PEDD during the agenda review including wrapping landscaping around the Phase 1 buildings. The Board discussed the project including the type of panel system, the number of buildings in Phase 2, a detailed and expanded landscaping package including taller elements than just perennials, how would a change in doors or windows impacts the approval on the design of the project (PEDD at this phase would have the applicant present an amended plan back to the Planning Board if the initial design changes from approval to construction, but not for a change-in-tenant), and if there are any major changes to the plan for an initial tenant that the project comes back for an amendment.

1. **Motion To:** Approve a Negative Declaration.

|                  |                                               |
|------------------|-----------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                    |
| <b>MOVER:</b>    | Craig Shamlian, Board Member                  |
| <b>SECONDER:</b> | Megan Baker, Board Member                     |
| <b>AYES:</b>     | Heider, Shamlian, Malone, Bronner, Baker, Leo |
| <b>ABSENT:</b>   | Louis Mion                                    |

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

|                  |                                               |
|------------------|-----------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                    |
| <b>MOVER:</b>    | Craig Shamlian, Board Member                  |
| <b>SECONDER:</b> | Megan Baker, Board Member                     |
| <b>AYES:</b>     | Heider, Shamlian, Malone, Bronner, Baker, Leo |
| <b>ABSENT:</b>   | Louis Mion                                    |

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

Applicant: Saber Sabraj, represented by L. Sipperly & Associates, DPC. Concept review 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)

Lynn Sipperly from L. Sipperly & Associates, DPC presented the project. Brad Grant from Barton & Loguidice provided TDE comments including providing a cushioned surface for the play area. The Board discussed the project including location and length of fencing on the northwest portion of the site, providing a landscape plan at final, egress at the site, types of retail at the front of the project (separate from this review), the elimination of the apartment over the retail building which has been removed, the addition of a 10' no-cut buffer at the rear, and extending a curb to protect an accessible

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

|                  |                                               |
|------------------|-----------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                    |
| <b>MOVER:</b>    | Megan Baker, Board Member                     |
| <b>SECONDER:</b> | Craig Shamlian, Board Member                  |
| <b>AYES:</b>     | Heider, Shamlian, Malone, Bronner, Baker, Leo |
| <b>ABSENT:</b>   | Louis Mion                                    |

**c. 210 Wade Rd Ext. The Haven of Latham.**

Applicant: Dakota Partners, represented by Bohler Engineering. Sketch plan review for construction of 66 units of multifamily housing on 16.6 acres. The site is zoned OR, Office Residential. TDE: Barton & Loguidice (PL-22-00041)

Angela Eicholtz, Development Director from Dakota Partners introduced the project. Steve Wilson from Bohler Engineering presented the project. Brad Grant from Barton & Loguidice provided TDE

comments including protected wetlands, crossing the utility right-of-way, emergency access, and sidewalks. The Board discussed the project including the secondary access, proximity to the adjacent single-family neighborhood, unit mix for affordable housing (applicant indicates it is focusing on workforce housing with incomes between 60% to 80% of area median income), recommendation to seek a variance from the Zoning Board of Appeals for an elimination or reduction of commercial density, addition of a tree buffer to the neighborhood, connecting both ends of the road to Wade Road and not having a single point of access into the site, flipping the parking lot to be behind the building, importance of sidewalks through the entire project out to Wade Road, breaking up the single large building, the proximity of other workforce housing units, concern about using 1.5 cars per unit based on the mix of larger units which will be desirable to families that may have 2 cars, the willingness of the Board to consider banked parking in lieu of building out all of the code-required parking, and providing a play area for children (expected near the clubhouse).

No action was taken

**1. No action was taken.**

**d. 12 Airline Dr. CBA Sports Dome.**

12 Airline Dr. CBA Sports Dome. Applicant: Christian Brothers Academy, represented by Greenman-Pederson, Inc. Final review for construction of a 214-foot by 310-foot multi-use sports dome with entry building. This site is zoned OR, Office Residential. TDE Barton & Loguidice (PL-22-00023)

Chair Steve Heider stated that he previously recused himself from this project but after conferring with the PEDD Director and Town Attorney, it was determined a conflict of interest did not exist.

Craig Tripp from GPI presented the project on behalf of the applicant. Brad Grant from Barton & Loguidice provided TDE comments. The Board discussed the project including questions about additional trees (not planned due to the proximity of the dome) and if there will be any logos placed on the dome (applicant indicated that there would not be).

**1. Motion To:** Approve a Negative Declaration.

|                  |                                              |
|------------------|----------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                   |
| <b>MOVER:</b>    | Craig Shamlan, Board Member                  |
| <b>SECONDER:</b> | Paul A. Leo, Board Member                    |
| <b>AYES:</b>     | Heider, Shamlan, Malone, Bronner, Baker, Leo |
| <b>ABSENT:</b>   | Louis Mion                                   |

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

COMMENTS - Current Meeting:

Conditions include:

1. All town department comments and TDE comments are addressed and resolved prior to final stamping.

|                  |                                               |
|------------------|-----------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                    |
| <b>MOVER:</b>    | Megan Baker, Board Member                     |
| <b>SECONDER:</b> | Craig Shamlian, Board Member                  |
| <b>AYES:</b>     | Heider, Shamlian, Malone, Bronner, Baker, Leo |
| <b>ABSENT:</b>   | Louis Mion                                    |

**e. *Appointing a Temporary Chair***

Chair Steve Heider indicated that he has recused himself from 645 Boght Road due to a business relationship with the applicant.

**1. Motion To:** Appoint Craig Shamlian as Temporary Chair.

|                  |                                               |
|------------------|-----------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                    |
| <b>MOVER:</b>    | Kevin M. Bronner, Board Member                |
| <b>SECONDER:</b> | Paul A. Leo, Board Member                     |
| <b>AYES:</b>     | Heider, Shamlian, Malone, Bronner, Baker, Leo |
| <b>ABSENT:</b>   | Louis Mion                                    |

**f. *645 Boght Rd. Wetherby Ext. Subdivision.***

Applicant: Robert Marini, Marini Homes, Inc., represented by Advance Engineering & Surveying, PLLC. Concept review of a 13-lot subdivision on 13.86 acres through the extension of Wetherby Court. The site is zoned SFR, Single-Family Residential. TDE: Barton & Loguidice (PL-22-00022)

Megan Baker disclosed that in she had recused herself in the past due to a conflict of interest but that conflict has since been resolved and no longer exists.

Nick Costa from Advanced Engineering & Surveying, PLLC presented the project on behalf of the applicant. Brad Grant from Barton & Loguidice provided TDE comments. The Board discussed the projects including the last Weatherby Court extension where the Planning Board at that time intended to not extend the road any further. Temporary Chair Craig Shamlian opened the floor to comments from interested residents regarding the prior developments leading to this project, concerns with standing water at the rear of Bergen Woods Dr, additional traffic, if there are other ways in, and the rights of the property owner to develop it as zoned (SFR). The Board continued to discuss the project including having more time to review prior deliberations, belief that engineering can address stormwater concerns, traffic engineering to address concerns with speeding, the ability of a prior board to bind future boards to decisions, reducing the scope of the project, moving the stormwater area to another place on the site, rights of a landowner, and a desire to reach a compromise. Temporary Chair Shamlian asked that the prior minutes be provided to the Board regarding the prior deliberations. He asked if the site can be modified to move the stormwater area away from #31 Bergen Woods and Nick Costa indicated that the stormwater area was selected based on a low-point on the site. Mr. Costa indicated that water would be discharged from the proposed area to culverts using a control structure. Mr. Costa also indicated that stormwater would not be directed towards Bergen Woods Dr. Mr. Shamlian

suggested moving the stormwater area, reducing the number of homes, and mitigating the on-going stormwater concerns.

1. **No action was taken.**

#### **4. Adjournment**

With no further business before the Board, the meeting was adjourned at 9:00 p.m.