



Planning Board

Regular Meeting

~ Minutes ~

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

Steven Heider

Tuesday, February 6, 2024

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), Planner Ethan Townsend (PEDD), TDE Brad Grant (Barton & Loguidice), and TDE Joe Grasso (CHA).

Attendee Name	Title	Status	Arrived
Steven Heider	Chairman	Present	
Joanne Maloy	Board Member	Present	
Ricahrd Barlette	Board Member	Present	
Kevin M. Bronner	Board Member	Present	
Michael J Malone	Board Member	Present	
Paul A. Leo	Board Member	Present	
Henry J. Rosenzweig	Board Member	Present	
Matthew Millea	Counsel	Present	
Sean M. Maguire	Director	Present	

2. Public Hearing

There was no public hearing.

3. Report of the Planning and Economic Development Director

There was no report.

4. Regular Business

a. 710 Loudon Rd. Margarita Mexican Kitchen.

Applicant: Roy Rojas, represented by ABD Engineers. Minor site plan waiver request for renovations to an existing 5804 square foot restaurant. The site is zoned COR (Commercial Office Residential). (PL-23-00081) No TDE assigned.

Luigi Palleschi from ABD Engineers presented on behalf of the applicant. The updates proposed include some interior renovations, an outdoor patio, updates to the parking lot, curbing, landscaping, and the improvement of the grease tank on site. As this site is in the COR zone, the applicant requests a waiver for 80% frontage buildout. This would allow for the patio in the front of the site.

The Board had no comments.

i. **Motion To:** Approve waiver request.

COMMENTS - Current Meeting:

WHEREAS, a 5,804 SF one (1) story building being renovated for use as a restaurant, is proposed by Roy Rojas (the "applicant"). The proposed project utilizes the site at 710 Loudon Road, a 1.2-acre project site, located in the COR (Commercial Office Residential) Zoning District. The project use and size as proposed will be generally consistent with existing adjacent land uses.

WHEREAS, the applicant is requesting 1 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:

1. (WAIVER) ?190-40.A(1)(b); the requirement for a minimum of 80% frontage buildout to create a near continuous facade along the sidewalk.

WHEREAS, the Town of Colonie Planning Board (the "Board") may waive these standards to the extent it deems necessary in order to address the unique nature of an individual site and 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 Board shall issue a written Finding stating the extent and justification of the waiver; and

WHEREAS, the use of the site is suitable for, and typical of prior approved commercial uses along

Loudon Road in the Town; and

WHEREAS, the proposed site design is consistent with the design of the other pre-existing and/or recently approved office and commercial structures located in proximity to the site; and

NOW, THEREFORE BE IT

RESOLVED, that the Board hereby finds that the extent of the requested waiver 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 minimum frontage buildout; 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.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Paul A. Leo, Board Member

SECONDER: Kevin M. Bronner, Board Member

AYES: Heider, Maloy, Barlette, Bronner, Brennan, Leo, Rosenzweig

b. **1334 Loudon Rd. Home Evolution Shop & Storage Buildings.**

Applicant: Alex Kotsyuba represented by Advance Engineering & Surveying, PLLC. Sketch plan review for the proposed construction of a 12,500 square foot commercial warehouse

building and redevelopment of existing 2,437 square foot building into a commercial office. The site is zoned NCOR. (PL-22-00036) TDE: Barton & Loguidice.

Nick Costa from Advance Engineering & Surveying presented on behalf of the applicant. A new access road would be built from Loudon Rd. as part of this project.

Brad Grant from Barton & Loguidice provided the initial TDE comments on the project. There were questions about septic on the site (there is an existing septic system that will remain in place). There were also questions about any possible uses of the warehouse beyond storage. The site will require a waiver as it is set farther than 25 feet back from Loudon Rd. There were concerns about the reduction of greenspace and amount of asphalt on the site. The applicant was asked to minimize tree removal and keep trees as a visual buffer for neighbors. Access, grading, adding guardrails, showing turning movements for trucks, draining, the stormwater system, and erosion control were discussed.

The Board inquired what kind of business would operate on the site. The applicant let them know it is a roofing business. There were questions about the size of trucks that will be entering the site, as there were concerns about the ease of trucks exiting the property. They also asked about the height of the proposed building. They asked if there was a need for sprinkler systems and if propane would be stored in the building. The Board expressed concerns about the amount of pavement on the property. They also asked if the applicant was planning to abandon the road off of Crescent Terrace (they were not). The Board also asked for aerial imagery to understand if any remediation with the trees needs to be done.

The Board allowed public comments. Marie Capozzelli lives at 20 Crescent Terrace and expressed concerns about large trucks and the amount of traffic on the road adjacent to her property. Chad Dehmler of 29 Crescent Terrace expressed environmental impact concerns, concerns about tree removal and concerns about road damage from prior work that he was concerned may have occurred on state property. Engineer Nick Costa indicated that any prior work was not related to this project and the drainage installation work done on the applicant's property is designed to carry water away from the residential neighbors.

i. Sketch plan review, no action taken.

c. 1417 Central Ave. Bank of America.

Applicant: Bank of America, represented by Nelson Worldwide. Sketch Plan review for proposed construction of a 5,430 square foot one story building. The site is zoned HCOR, Highway Commercial Office Residential. (PL-23-00148) TDE: CHA.

Chris Boyea from Bohler Engineering spoke on behalf of applicant. Bank of America will be leasing the space.

Joe Grasso from CHA provided the initial TDE comments on the project. He noted that this is an area of high pedestrian movement and requested more separation between pedestrian routes from Central Ave. to Colonie Center so that pedestrians are not walking through the bank parking lot to get to Colonie Center. He also suggested that the walkway from the bus stop area to the bank be redirected. He noted that the reduction of green space on the site from 32% to 25% would require incentive zoning fees. A waiver would also be required to remove landscape islands on the site. He spoke about access to the site. The applicant proposed that the exit be right only, but

this is currently not possible and left turns will have to be allowed. This parcel is located in the Airport GEIS and mitigation fees will apply. Access rights to parking on the neighboring parcel need to be confirmed.

The Board asked if the building has a sprinkler system (the applicant indicated they will likely put in a fire hydrant). They asked why the applicant chose this location within the overall Colonie Center site. The Board also discussed access, the volume of in-person visits to the bank and traffic flow and safety. The applicant indicated that they chose this location because it will create a low traffic impact in a high traffic area and not increase traffic during peak traffic times. They asked if the applicant planned to put a sign for the bank on Central Avenue how this would impact the trees that are there. They asked the applicant to consider that it may not make sense to put a sign on Central Ave. due to limited car access to the site from Central. They encouraged the applicant to keep parking to a minimum. The Board noted that the upper parking portion of this site is often used for dumping snow and expressed concerns about maintaining safe pedestrian access in the area.

i. Sketch plan review, no action taken.

d. 38 Karner Road. A+ MediTrans Service Facility.

Applicant: Rejha Group, LLC represented by ABD Engineers Surveyor. Sketch Plan review, for a proposed 24,000 square foot structure including 390 parking spaces (employee and fleet) and associated improvements. The site is zoned IND. (PL-24-00010) TDE: CHA.

Luigi Palleschi from ABD Engineers presented on behalf of the applicant.

Joe Grasso from CHA provided the initial TDE comments on the project. He noted that the site is half wooded and the project site would be cleared of trees. This would decrease the visual buffer from this site and the pocket park and neighbors to the south. The use of pervious pavement or underground stormwater management techniques to reduce the clearing needed is recommended instead. There is agreement with the no left turn out on to Western Ave., but he asked the applicant to rearrange the site to avoid dual curb cuts and improve overall access. He asked for more information regarding the number of employees and fleet vehicles to better understand parking needs on the site. Landscape islands were recommended to break up the parking area. He also indicated that the drainage on the site is poor.

The Board asked how many vehicles will be parked in the fleet area (the applicant indicated that 200 fleet vehicles will be parked as well as many of the 180 employees' vehicles). The Board also discussed the hours of operation on the site and how this would impact traffic. They asked specifically about the types of vehicles in the company's fleet and if this includes school buses. They asked if the applicant was planning on clearing trees on the property and reiterated that the trees are important as a visual buffer. The Board expressed concerns whether or not the water main on the site is sufficient for serving the car wash and the overall site.

i. Sketch plan review, no action taken.

e. 997 Loudon Road. Century House Multifamily PDD.

Applicant: Latham Century Partners LLC, represented by Lansing Engineering. Concept update for a Proposed Planned Development District consisting of 7,284 square foot of commercial space, 105 apartment units totaling 176,200 square feet, and 194 hotel rooms totaling 103100sqft. (PL-22-00024) TDE: CHA.

Chairman Steven Heider began by describing prior Board concerns about the two previous submissions for this project. There were concerns about the number of proposed units on the property, the access from Loudon Rd., and the proximity of the proposed buildings to the neighbors and the property line.

Scott Lansing presented on behalf of the applicant. The new proposal includes 20 acres (a 6 acre increase from the prior proposal). This proposal would maintain the historic Century House on the property. The existing Century House hotel would also be preserved with a new entryway and circular drop-off area. The Comfort Inn hotel and the access point there would also be maintained. Access to the parcel would be from Loudon Rd. There are currently 4 curb cuts with no traffic signals on the Loudon Rd. side of the site. This proposal would add a traffic signal on Loudon Rd. and the property would have right-in, right-out only access there. The Board had previously commented on wanting to see more public benefit through this project. The applicant feels that this new site design does a better job of providing public benefit by maintaining the historic Century House hotel building. The uniqueness of the mixed-uses, the preservation of the open space and trails, the addition of the traffic signal on Loudon Rd., and the monetary benefit of the mitigation fees that would need to be paid to the Town for the level of housing density were also cited as public benefits of this proposed project.

Joe Grasso from CHA provided the initial TDE comments on the project. The applicant proposed the creation of a Planned Development District (PDD) which essentially requires rezoning as it overrides any existing zoning for the site. PDDs are based on a very unique, site-specific development plan and require referral from the Planning Board to the Town Board. The TDE agreed with the applicant that this plan shows a much greater variety of buildings and uses than the prior plan and meets the intent of a PDD, which encourages that variety. The TDE also expressed support for the access changes proposed, though the traffic signal added on Loudon Rd. is a required part of the project, not a public benefit as indicated by the applicant. The applicant was asked to consider creating an access connection to the adjacent Lexus site, which could potentially be considered a public benefit. The TDE noted that concerns remain about fire service access between buildings on the site which would need to be addressed before the project moves forward. This project would add 51 units over what is currently allowed by the zoning, but the TDE urged the Planning Board to weigh the potential public benefit of the mitigation fees that the applicant would pay the Town for this. The site is in a GEIS study area and this project will require mitigation fees for this as well. There will need to be a Lead Agency established in accordance with SEQRA.

The Board expressed that they felt this proposal much better fit the requirements of a PDD than prior submissions but stressed that the aesthetics need to stand out as part of the PDD requirement. They asked to see architectural elevations of the Century House building in future submissions. They expressed concerns about fire access and electric vehicles being charged and stored in garages for fire safety (the applicant stated that the charging stations would be outside). They also suggested that recreation areas and playground equipment for the apartments be added. The Board also expressed that they do not feel the creation of a PDD is a public benefit in itself.

The Board would like the applicant to come back to the Planning Board for another site plan update after they seek approval for the PDD rezoning from the Town Board and before the Planning Board would issue any final approvals.

i. Motion To: Accept concept plan.

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

f. 101 Crescent Rd. Reepmeyer Ridge Subdivision.

Applicant: Cillis Builders, Inc., represented Advance Engineering & Surveying, PLLC. Concept plan review of a conventional subdivision with 37 single-family lots, 4 existing lots and 2 stormwater management parcels and two new streets dedicated to the Town. The site is zoned SFR, Single Family Residential. (PL-21-00026) TDE: CHA.

Board member Kevin M. Bronner recused himself from the discussion and vote on this project.

Nick Costa presented on behalf of the applicant. This subdivision would be located on 5 parcels.

Joe Grasso from CHA provided the initial TDE comments on the project. He spoke about the importance of understanding the overall site in relation to existing residential lots in the area and that robust landscaping and screening may be required. There are two lots that are small and constrained by slopes that do not seem to have the same buildable area as other lots and a recommendation was given to either eliminate those lots or adjusting the overall layout of the site. The proposed use of Timothy Dr. for emergency access was discussed. Similar access roads have been implemented in the Town with little success. It was recommended that a condition of concept acceptance by the Board be that all the lots within the development have sprinkler systems in lieu of an emergency access route. There are concerns about sight distance along Fonda Rd., and a request for additional details on driveway placement on the site. A sub-street on the adjacent land to the west was proposed and this appears to be up to Town specifications, though the pavement needs to be built up to the property line. The Planning Board would act as Lead Agency under SEQRA and this is an Unlisted Action.

The Board allowed public comment. Joann Niles asked for clarification about the location of this project (which also has addresses on Fonda Rd.) and had questions about site access. Paul Reepmeyer lives at 112A Fonda Rd. and this parcel is part of his great-grandfather's farm. He spoke in support of this project as an area resident and in support of his driveway being used as a gated emergency access route. Donna Ellrott of 96a Fonda Rd. explained that she has an easement to use Paul Reepmeyer's property for access. She expressed concerns that a street would be put in on Timothy Dr. and there would be increased traffic around her home. Steve Ellrott, also of 96a Fonda Rd. also expressed concerns about an emergency exit on Timothy Dr. He had questions about the size of an emergency access road versus a Town road (Town roads are about 30 feet across, and the Board indicated they would want this to be a Town road).

The Board asked why the utility easement on the site was not considered as an access point (the applicant noted that it is too narrow.) The Board expressed concerns about there only being one

access point currently proposed on this site and that Timothy Dr. would need to be turned over to the Town in order to be an access route. They also expressed concerns about the number of lots and density of the proposed site plan. The Board also indicated that they heard neighbors' complaints that they do not want a Town road running through their properties, and asked the applicant to improve the emergency access plan for the site.

i. Motion To: Accept concept plan.

COMMENTS - Current Meeting:

Accepted with the following conditions:

All Town Departments and TDE comments must be satisfied prior to final acceptance.

Clarification must be provided in regards to potential for sprinkler systems in homes.

Emergency access must be satisfied prior to final approval.

RESULT: ADOPTED [6 TO 0]

MOVER: Ricahrd Barlette, Board Member

SECONDER: Joanne Maloy, Board Member

AYES: Heider, Maloy, Barlette, Malone, Leo, Rosenzweig

RECUSED: Kevin M. Bronner

5. Adjournment

With no further business before the Board, the meeting adjourned at 8:30pm.