

# TOWN OF COLONIE PLANNING BOARD MINUTES

June 9th, 2009

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**PRESENT:** Acting Chair Nadacci, Members  
Holland, O'Rourke, Lane, Sullivan, Counsel Stuto, Director LaCivita

**Also Present:** Sr. Planner Lyons, Joe Grasso, Clough Harbour Associates, James Boglioli Attorney of Benderson Development; Brad Grant of Barton & Loguidice and Kathy Simmons of CHA, Donald Zee, Esq, Luigi Palleschi, ABD Engineering, Dan Thompkins, Environmental Design Partnership, Tom Andress, ABD Engineering

**ABSENT:** Chairperon Donovan, Member Vaida

\* Acting Chair Nardacci called the meeting to order at 7:02 PM at the Public Operations Center.

\* **Minutes of April 7<sup>th</sup>, 2009** were reviewed and approved under a motion made by member Lane and 2<sup>nd</sup> by member Holland.

\* **Minutes of April 28<sup>th</sup>, 2009** were reviewed and approved under a motion made by member Holland and 2<sup>nd</sup> by member Sullivan

\* **A motion was made to schedule a Public Hearing for June 23<sup>rd</sup> at 7pm:** The motion to call a Public Hearing was made by member Lane and 2<sup>nd</sup> by member O'Rourke for 1A Sunnyside Special Use permit.

\* **Loudon Square -399 Albany Shaker Road-** Acting Chair Nardacci called on the engineers for the project to present the project. Mr. Donald Zee, attorney for Crisafulli Associates and Luigi Palleschi of ABD Engineering presented the project. They are seeking final approval for the project located at 399 – 401 Albany Shaker Road, current site of the Vandello Fence Company. The concept approval that was received is no different than then the final approval before the board this evening. One small change is the location of one of the curb cuts.

The developer has met with the neighbors on this project and has agreed to the stipulation that no restaurant would be a part of the project at the concept stage. If the bank building changed the developer would need to come before the planning board to seek additional approvals. For the most part the developer has agreed to all of the conditions or requests of the neighborhood associations.

Mr Zee and Mr Palleschi went through the entire site plan and discussed the comments from the various departments in great depth. Mr Grasso of CHA is the Town's designated engineer on this project discussed his review as well as the thorough presentation by the applicant. CHA started review in February and had 2 subsequent submittals for this project. Stormwater plan is acceptable and no further comments need to be address at this time. As for traffic a left-turn lane was discussed but CHA does not support such a comment.

Members of the Board had various questions as to grade on the site, dumpster location, height of retaining wall, fencing and many housekeep style questions like snow removal of which were answered by both the TDE and the applicants engineer. The board members were satisfied as to the response received.

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Acting Chair Nardacci opened the floor the neighbors who applauded the efforts of the developer and his efforts to work to he neighborhood association to make a project the was suitable for the area.

After public comment was closed a motion was made on the project to include the various conditions set forth on the project. They are:

- 1) Snow removal to be removed when accumulation is excessive within a 24 hour period
- 2) The conditions set forth in the April 8<sup>th</sup> minutes be successfully addressed
- 3) The cross-access easement needs to be finalized
- 4) Waiver on the side-yard setback for the car stacking
- 5) Satisfactory explanation of the mitigation fees and its uses
- 6) Address the 3% grade concern
- 7) Increase the green space within the site (with the reduction in parking)

With the conditions set a motion was made by member O'Rourke and 2<sup>nd</sup> by member Holland. Member Nardacci abstained due to working for Mr. Crisafulli on a prior project through another client.

\* **Shaker Veterinary Hospital – 213 Maxwell Road** – the project before the board is for the review of concept on the construction of a 12,000 sq. ft. office/training facility. Mr. Thomas Andress described the project to the board. This explanation is necessary due to he continued growth in the applicants practice. They had gone through a similar explanation process 10 years ago on the original building and now need to grow the business even more. The applicant has addressed all department comments to date and the storm water was made easy due to the sandy soil where water is absorbed into the ground. With that being said there is also a series of filtration basins to treat the water that is collected.

Mr. Grasso, the TDE for the project addressed the narrow roadway on Coyote Avenue which is approximately 18 feet wide, which can handle two-way traffic but CHA recommends a 24 foot width and align the existing roadways for ease of circulation. CHA had concern for the clear cutting and removal of a number of mature trees on this site which could pose an impact for noise. The other concern is the parking demand for this site, it difficult to predict. The high volume of clients and waiting periods has this site parking cars along Coyote Avenue during peak demands.

Mr Andress addressed that issue by stating that between the two sites there will be a parking capacity of 73 spaces all total, which would accommodate the demand. Mr Grasso still had concerns as to the calculation of the parking capacity and the execution. Of note, Coyote Avenue is a private road , which is owned by the veterinary clinic.

Members of the board had questions as to the storage area within the new facility, the office space and the training component. Consider the use and the employee parking needed there was more concern for bottlenecks in this area. Members questioned if there had been any contact with abutting neighbors on this project to see if there were any concerns. Mr. Andress knew of one conversation with one of the neighbors but was unsure of the other.

Sr. Planner Lyons informed the board that there is a waiver needed for the side-yard setback. The board also heard from two of the abutting neighbors and their concern that the properties they occupy are feed by well water and had concern for the new storm water

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leaching. CHA was unaware of the well water for these homes but would note this for the continued review of the project.

Based on the parking constraints and the excessive use of Coyote Avenue which impacts the emergency access the Board did not want to consider action at this meeting. The TDE will also need to look at the concern of the well water locations with consideration of the storm water locations. The Board asked the applicant to work with the neighbors, Town Departments and TDE on the issues mentioned including parking. With that the board move to the next project

**\* Keeler Smart Car 1075 Troy Schenectady Road – waiver on parking in front yard**

Mr. Dan Thompkins from Environmental Design partnership described the project to the board. This is an existing car dealership. Approx two years ago Keeler converted the former Clark Music store into a showroom for the Smart Car. There was compliance with prior zoning in place at that time which included a 50 set back. Now that they are occupying the space there is need for greater display area along Route 7 area. The need to display both new and pre-owned cars has limited space on the lot to accomplish this therefore they are before the board requesting the waiver.

Members asked various questions for the applicant which were addressed to their satisfaction. A concern for granting a waiver and how that would transfer to a future owner was raised and addressed. The waiver is not specific to the tenant answered Mr. Lyons.

Having no additional comments or questions from the board or the public a motion to approve was made by member Holland and 2<sup>nd</sup> by member Sullivan. Member O'Rourke opposed the decision

**\* Fresh Market – 664 Loudon Road –** Mr. Grasso from CHA and the TDE on this project updated the board from the last meeting in May regarding the progress they have made with DOT. Not being able to set a meeting with DOT has hindered the process up until now. A meeting has been set for June 10<sup>th</sup> with all parties so there is no reason to asked the board for a decision on the project. The overall premise of meeting is to see if Fresh Market can keep the existing grade of 8% and work everything from that point.

Having no action before them the board closed the meeting on the project.

**\* With no other business adjournment was called for at 10:25pm.**

JL

G:PB/minutes/2009

\_\_\_\_\_ (Chairperson) \_\_\_\_\_

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**CERTIFICATION:**

*"The information provided in the minutes above are a highlighted summary of the project that was before the Planning Board this evening. This summary is not intended to be used as final action or within any legal proceeding as a full stenographic record has been taken for the project. Any conditions placed upon this project will be duly noted within the stenographic record that is kept on file in the Planning and Economic Development Office located at 347 Old Niskayuna Road, Latham, NY 12110"*