

TOWN OF COLONIE PLANNING BOARD MINUTES

OCTOBER 23, 2007

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PRESENT: Chairman Platt, Members Cosgrove, Herman, Holland, McCashion, Silo, Prevratil, Counsel Hoblock, Planner Mateja

ABSENT: None

* Chairman Platt called the meeting to order at 7:00 PM at the Public Operations Center.

* Planner Mateja and Ms. Erin Wulff presented an application for the **Wulff Open Development Area**, proposed for **110B Fonda Road**. Planner Mateja explained that the applicant owns a lot that has zero frontage on a public right of way. The Wulffs do have access to Fonda Road through an easement through their neighbor's property, which they share with four other neighbors. The Wulff's property must receive an "open development area" classification from the Town Board in order to build a house upon their property. The Planning Board may not make this classification themselves, but must make a recommendation to the Town Board. Issues like this were once the domain of the Zoning Board of Appeals, but due to a recent court case, the "open development area" process must now be followed for properties that do not have frontage on a public or private right of way. Planner Mateja explained the Paper Streets Committee had examined the project, and the Public Safety entities: the police, EMS and Fire Prevention departments had all signed off, as have the Departments of Public Works. For purposes of public safety, the Police Department has recommended the easement be given a name as a private street, and the properties on that street be re-addressed. Ms. Wulff presented additional copies of the comments to the Board, and further delineated her request to the Board. Planner Mateja made a positive recommendation to the Planning Board.

Member Herman questioned who owned the property behind the houses along the easement, to which Ms. Wulff explained a Mr. Reepmeyer was the property owner. The rest of the Board felt the presentation had addressed their concerns regarding the project. Neighbors of the proposal had concerns about the drainage issues. Planner Mateja explained that DPW would be examining these issues when the applicant came forth with their minor subdivision application.

The Board reviewed the plans and the departmental comments and made a positive recommendation to the Town Board, with a motion from Member McCashion, seconded by Member Prevratil and adopted by a vote of 7-0, with the following conditions:

- reviewing the turning radius on the proposed private drive for a fire truck,
- noting the proposal is within proximity of the Town's landfill
- agreeing to address the issues of stormwater management

* Mr. Frank Fazio of L. Sipperly & Associates presented an application for **Scarborough's Restaurant**, a 2,200 sq. ft. change in use from a residence to a restaurant, and a 1,875 sq. ft. addition proposed for **497 Old Niskayuna Road**.

Mr. Fazio described the building layout and site details. He explained the layout of the site's wetlands, and addressed the comments that were made when the applicant came into the Board for a pre-concept discussion. The second driving aisle has been

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removed, and a natural berm is being left in the front of the site. The dumpster has also been moved away from the adjacent residential neighbors. There is a storm water management area to the south that is proposed to eventually drain to the Shaker Creek. The proposal calls for a family style restaurant that will have a deck for outdoor dining, but no outdoor entertainment will be proposed. A solid wood fence will be constructed along the shared property line with the adjacent residents, the Millers, to shield them from headlights in the parking lot. Mr. Fazio and the Millers both asked the Board to waive the Planning and Economic Development Department's recommendation for sidewalks from the site to Route 7.

Member Cosgrove approved of the changes to the project since its last iteration. He also commented about depositing the snow removal into the stormwater basin. Member Herman commented about the future parking designation, and the lighting. He also asked Mr. Fazio to explain the site's grading, with which Mr. Fazio complied. Member Herman recommended the applicant work with the Millers on the landscaping plan.

Member Holland did not have any issues with the project, and felt his concerns had been addressed with the changes that had been made to the plans. In response to a question from Member Prevratil, Mr. Fazio explained that all the HVAC units would be located on the ground, and would be screened. Member McCashion suggested the applicant do some title work on the adjacent easement, and remarked upon the thickness of the woods between the applicant and the Millers. Member Silo commented that he liked the perennial gardens proposed on the plans.

The Millers commented that while they were initially had trepidations about the proposal, they were satisfied by discussions with the applicant about their intent to be good neighbors.

The Board reviewed the plans, the environmental assessment form, the application, and the Planning and Economic Development Department's SEQRA recommendation, and determined that the action is consistent with the Statement of Findings issued pursuant to the Airport Area Generic Environmental Impact Statement. The Board granted concept acceptance on a motion by Member Holland subject to:

1. Contribution of a proportionate share of the cost of improvements consistent with the Airport Area GEIS Statement of Findings.
2. Addressing the various Town department comments.
3. Removing the "future" driveway from the plans,
4. Depositing snow from snow removal efforts into the Storm Water Basin,
5. Ensuring the lighting plan conforms with Town Standards.
6. Limiting dumpster pick up to the hours of 7am – 7pm.

The motion was seconded by Member Silo and adopted by a vote of 7-0.

* The proposal for **British American Plaza**, proposed for **798 Albany Shaker Road**, had been pulled from the agenda at the request of the applicant and was not heard by the Board.

* The meeting was adjourned at 8:30 PM on a motion by Member Holland.

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