

TOWN OF COLONIE PLANNING BOARD MINUTES

FEBRUARY 26, 2008

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PRESENT: Chairman Donovan, Members Cosgrove, Holland, Nardacci, O'Rourke, Platt, Silo, Counsel Stuto, Senior Planner Lyons

ABSENT: None

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

* The minutes of February 12, 2008 were read and unanimously adopted as amended on a motion by Member Holland, seconded by Member Platt.

* Senior Planner Lyons presented an application for the replacement of an off premise sign for the Court Club to be located on the **Colonie Center Mall** property located at **15 Wolf Road**. Senior Planner Lyons defined an off premise sign and the purpose of the Board's review as well as a history of the shared access between the Court Club and the Colonie Center Mall on the Sand Creek Road access driveway. Member Silo noted he favored such signage when businesses like the Court Club do not have direct access to a public road for the interest of corridor access management or as conditioned by the Planning Board in earlier decisions as in this instance. The Board determined that the proposal is a Type II SEQRA action and granted approval on a motion by Member O'Rourke, seconded by Member Platt and approved by a vote of 7-0.

* **TGIF & Chipotle Restaurants, 2 Wade Road (fka 694 Troy Schenectady Road)**

Senior Planner Lyons gave an overview of the concept proposal that included parcel disposition, zoning, SEQR type and submission dates. He added the proposal employs the use of incentive zoning to reduce the green space from the 35% requirement to 30%. Mr. Bruce Secor of Stantec Engineering proceeded to present the details of the concept submission including addressing the various comments raised by the Planning and Economic Development Department, Department of Public Works offices and the New York State Department of Transportation. Mr. Secor noted the waiver requesting parking within the 15 ft. front yard setback along Wade Road can be eliminated through reducing the parking space depth to 17 ft. and shifting the Chipotle building to the east along with the parking area. The other three design code waivers include allowing the access aisle along Troy Schenectady Road to be placed within the front yard at a 30.3 ft. setback; allowing the Chipotle building to be placed beyond the 25 ft. maximum setback; and a reduction in the minimum sidewalk width from 8 ft. to 5 ft. All three waivers are supported by the Planning and Economic Development Department. Mr. Secor discussed the entrance into the site from Wade Road noting the proposal is consistent with the Route 7 Corridor study recommendations with driveway placement and left turn stacking lane. He added the NY State DOT office will be sent the additional information requested. Mr. Secor then discussed the storm water management plan in relation to the written comments as well as follow-up conversations held with the Department of Public Works on the use of CDS units to treat the run-

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off rather than rely on infiltration, which is acceptable to the DPW.

Member O'Rourke commented that he has concerns with the location of the full access to Wade Road and placing additional traffic from a restaurant use during peak hours. Member Holland noted he was satisfied with the proposal and the completeness of the application. Member Silo noted he would like to see further reviews by the New York State Department of Transportation for the left turn lane into the site and questioned whether only the new impervious areas were to be treated for storm water quality. Mr. Secor noted nearly the entire site will now be treated. Member Platt noted this is a good location for proposed food uses and had no further comments. Member Cosgrove reminded the applicant of the lighting standards for type and height of fixture adding he too was satisfied with proposal. Member Nardacci noted that although the minimum number of parking spaces has been met, he questioned whether adequate parking is proposed based on the successfulness of other TGIF locations in the Capital District. Mr. Secor replied the applicant is very comfortable with the number of spaces proposed and they do not foresee a parking issue. Chairperson Donovan discussed the storm water design in context to additional comments received by the Department of Public Works for the need of test pits results to be provided in the next submission.

Mr. John Fahey of Perry Avenue requested the HVAC units, whether on the roof or ground, be screened and refuse collection be limited to between the hours of 7:00 AM – 7:00 PM.

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 and the Route 7 Corridor Plan. A motion to accept a negative declaration was made by Member Platt, seconded by Member Cosgrove and adopted by a vote of 7-0. The Board granted conditional concept acceptance on a motion by Member Holland subject to:

1. contribution of a proportionate share of mitigating funds consistent with the Airport Area GEIS Statement of Findings,
2. addressing the various town department comments,
3. Continuing to work with the New York State Department of Transportation to provide the information requested to address their concerns,
4. incorporating downward-directed, recessed bulb style cut-off fixture lighting so as not to illuminate adjacent properties or roadways,
5. Screening all HVAC units,
6. Restricting the hours of refuse collection to between 7:00 AM and 7:00 PM.

The following waivers were included:

1. To permit the paved access aisle in the front yard along Troy Schenectady Road at 30.3 ft where 39 ft. is necessary based on the building placement.
2. To place the Chipotle building beyond the 25 ft. maximum setback on a major roadway of Troy Schenectady Road. Due to the grade difference and future taking by the NY State DOT, the Board accepted this request since a future 23.4 ft. front yard setback will be provided.
3. A reduction to a 5 ft. wide sidewalk along Wade Road from the required 8 ft.

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The motion was seconded by Member Cosgrove and adopted by a vote of 6-1 with Member O'Rourke opposed based on earlier comments.

* **Van Buren Acres Subdivision (SD07-009), 27 & 35 Turner Lane**

Senior Planner Lyons began the discussion with an overview of the project status and the proposal that was presented to the Planning Board on November 20, 2007 and the outcome of that meeting. Mr. Victor Caponera, Esq. and Mr. Tony Stellato of Clough, Harbour, & Associates presented amended sketch plans based on two meetings held with neighbors of the area on December 11 and January 29. The concept has been retooled to reduce the number of lots from 27 to 21 (not including the 3.1 acre parcel on Turner Lane) and creating three cul-de-sacs consisting of a 5 lot extension from Burton Lane, a 3 lot cul-de-sac from Fenway Court and a 13 lot cul-de-sac from Turner Lane. The smallest lot size proposed would be 18,000 sq. ft. with an average lot size of 20,000 sq. ft. The 8.75 acres of land consumed by Federal wetlands and a Town protected watercourse are currently shown as a separate undevelopable parcel. Senior Planner Lyons questioned whether the Town emergency services or Department of Public Works has been contacted regarding the new roadway design and the elimination of the through road. Mr. Caponera replied they have not but based on comments received from the neighbors at the two meetings and the Board's earlier concern over impact on environmentally sensitive lands, they thought this plan addressed many of those concerns. Sr. Planner Lyons added the concern with wetland and protected watercourse encroachment had to do with several proposed lots that provided very little buffer to the environmental areas once a home was constructed. The Board raised questions on the impact of the storm water runoff from the Burton Lane development on this parcel; the loss of a through road connector between Burton and Turner Lanes; extending the Burton Lane cul-de-sac with additional homes and at what point does a cul-de-sac become too long or have too many homes; turning movements, especially left turns during peak hours, onto Loudon Road from both Turner Burton Lanes and the potential impact additional homes may have; the number of proposed homes and the minimal lot sizes due to the wet soils; and ownership of the 8.75 acres of environmentally effected land. Neighbors of Burton lane noted they were not invited to these two meetings and many still favor an extension of Burton Lane to Turner Lane as well as the elimination of the roundabout on Burton Lane. Other issues raised by surrounding neighbors were providing fewer but larger lots; provide trails connecting neighborhoods should connecting roadways not be provided; safety issues on Turner Lane for pedestrians due to the current narrow width; increasing the number of homes on a cul-de-sac beyond the suggested 25 home limit as recommended by American Society of Civil Engineers; reducing the speed limit on Schuyler Hills Road from 40 to 30 mph; continuing to show development off of Fenway Court despite a NYS Supreme Court ruling on an adverse possession issue; impact on existing and proposed development due to the high ground water table; and general traffic safety issues due to the increase in the number of new trips generated by the new homes. Mr. Caponera added that following prior comments from the neighbors and Board regarding high ground water and ponding, a beaver dam was discovered on the property and measures are underway to remove the beavers and the dam. As for notices of the two neighborhood meetings not being sent to Burton Lane residents, Mr. Stellato noted they followed the Town's guideline of 200 ft. within the project's limit but future notices will include all surrounding neighbors of Turner, Burton and Fenway Court. Sr. Planner Lyons noted due to the

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significant changes made to the design, resubmission of concept plans for distribution will be necessary and the Department of Public Works and Emergency Services Departments should be contacted on the new roadway layout. No action was taken.

* The meeting was adjourned at 10:10 PM on a motion by Chairman Donovan.

MJL/ml

G: minutes/2008

_____	(Chairperson)	_____
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