

TOWN OF COLONIE PLANNING BOARD MINUTES

APRIL 7, 2009

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PRESENT: Chairperson Donovan, Members Nardacci, O'Rourke, Lane, Sullivan, Vaida, Counsel Stuto

PEDD Representatives: Sr. Planner DeLaughter and Sr. Planner Lyons, Director LaCivita

ABSENT: Member Holland

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

* **Fine Properties Retail - 1839 Central Avenue** – Sr. Planner Lyons gave an overview of the project which is before the Planning Board for Renewal of Concept and Final Approval. This project before the Board had received concept on September 11th, 2007. The original plan proposed the merger of site 1831 and 1839 into one parcel. The original Dexter Shoe store (approx 10,000 sq.ft) is being removed from the site and being replaced with a retail property similar to what exists at 1839, which is approximately 9,600 sq.ft. Also the merger of the parcels into one would bring green space to 34.1%. The proposal requires a parking waiver from the code of 7 parking spaces, the code calls for 128 parking spaces and 121 are being provided. There is also a request for incentive zoning under the code of 0.9%, which will be approximately \$10,000.

Joe Bianchine from ABD Engineering summarized the processes that the developer has taken the property through at this time. Currently the Dexter Shoe store has been removed from the site based on prior approval process. They had also worked with Town and NYSDOT to reduce curb cuts on Central Ave. from 2 to 1. The applicant also agreed to revise the access to Consaul Road to right-ins and right-outs. Also additional landscaping and fencing will be provided for neighbors.

The project had raised several issues from the Board. Chairperson Donovan questioned the size of the new building and if this was being built on spec why they could not downsize to meet the green space requirement or increase the parking waiver to 8 or 9 in order to meet the 35%. Member Sullivan had questions on travel lane within the parking lot and the width of the alley way (which is 16').

Member O'Rourke asked Counsel Stuto to review storm water agreement between developer and Town to see if all issues are addressed. O'Rourke also questioned the turning configuration from the parking area onto the main roads, both Vly Road and Central Ave. Member Vaida expressed concerns regarding the uncertainty of the intended use of the property (retail, restaurant, fast-food, etc.) as it impacts the number of required parking spaces; especially in light of the fact that the applicant is seeking a parking waiver. Similar questions or concerns were addressed by the remaining members of the Board. Joe Bianchine addressed these concerns and stated that the plans before the Board were based on several meetings with NYSDOT and TOC and these access points were agreed to by these agencies. Additionally the access to Consaul helps take traffic off Central Ave.

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Chairperson Donovan had expressed concern about granting waivers from prior board action when the overall use of the site has issues. PB members echoed comment and the floor was opened to residents of the area.

Several comments were made regarding blind spots on both Consaul and Central from the residents of this area. Chairperson Donovan asked that a review from both Fire Services and Highway Safety be done looking at recommendations as to blocking off exit and truck route within the parking area.

Due to the number concerns the Board had with the site plan and the concerns for access to both Central Ave., Consaul Road and the additional review being asked by Fire Services and Highway Safety, the Board tabled any action on this proposal.

Additionally, Chairperson Donovan and members of PEDD will meet with the developer and the engineer to discuss the overall site plan and bring the proposal back to be reviewed.

Motion to table and not to adopt SEQRA was moved by Member Lane, seconded by Member O'Rourke.

(See the full transcription for further reference)

* **Verizon Balloon Test – 11 Elks lane**

The Board previously heard and approved the proposed Verizon Balloon Test for the Loudonville Presbyterian Church. Similar to that request Mr. David Brennan, representing Verizon Wireless, presented before the Board a request for 11 Elks Lane. This had been previously reviewed in the past but no action was ever taken.

The proposal calls for a new 100 ft monopole tower with capability for 12 panel antennas mounted on top of the tower. The request is for a visual balloon test to be conducted on April 25th, 2009.

Motion to approve the test date was made by Member O'Rourke, seconded by Member Nardacci.

* **Mohawk River Estates PDD – 1360 Loudon Road–** Sr. Planner DeLaughter gave an

overview as to the history of the development proposal and the current zoning of the parcel. This site is currently zoned as Commercial Office Residential (COR) and the developer is looking for a recommendation for re-zoning to a Planning Development District (PDD). The action of the board requires recommendation of the re-zoning to the Town Board and also the acceptance of concept plans. The proposal is located on 11.6 acres and calls for 92 condominium units within 7 buildings, each 2 ½ stories in height, boat access to the Mohawk River, a pool and a 3,700 sq.ft. club house for the residents. The condo units will be approximately 1,400 to 2,400 sq. ft. Also within the development proposal is a 1 story retail/office building, 10,000 sq.ft. along Rte. 9 and a 3 story apartment building with 30 units. Parking of 166 spaces will be provided on-site and all roads will be privately owned and maintained by the Homeowners Association. *If a food service location is to be anticipated within the PDD it needs to be asked for within the re-zoning request/recommendation.*

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Victor Caponera gave an overview of the current site makeup, which consists of 36 mobile homes and 2 apartments, currently 40% green space is provided. If re-zoning is successful the above mentioned re-development of the site will take place.

Chairperson Donovan asked about the current tenants and how they are being provided for. It was explained that under state law a 6 month notification is the requirement, to which the developer Mr. Cavanagh had given 14 months under the lease agreement; additionally a \$4,000 stipend was written into the agreement to help defray the cost of moving expenses.

Chairperson Donovan and Member O'Rourke commented as to the lengthy comments presented by Joseph Stockbrige from Environmental Services at the Town's Landfill. They were puzzled as to the number of comments made on this development and the fact that no comments were made as to the Shelter Cove proposal just south of this project proposal. Sr. Planner DeLaughter stated that there were similar comments when the initial phase of Shelter Cove came in.

Member Sullivan expressed concerns as to the trip generation coming from this location traveling south, combined with Shelter Cove and Walmart proposals this will create further concerns in the Route 9 corridor at 9 and 9R. *A call for traffic counts was requested.*

Various comments were made as to the elevation of the property and what the flood plain was. Ms. Kathleen Simmonds from Clough, Harbour & Associates explained that the current flood plain was a 194' elevation and the building height will be at 196.2' once fill is brought in during the construction and grading phases.

The remaining members of the board addressed minor questions as to development logistics such as the use of the launch area, the use of the wetland. Member Nardacci asked specifically about cultural assessments. Ms. Simmonds explained that Phase I and Phase II assessments have been done on the site and the NY State Office of Parks, Recreation and Historic Preservation has reviewed and signed off on the report.

Having no additional questions Chairperson Donovan opened the floor to the public. Mr. Timothy Nichols stood and expressed how this was smart growth and was for the open forum that is being presented this evening. Public input is important and with that wanted to voice his concern for the residents of the current trailer park. He asked that their rights be looked at and see that they are being taken care of. Chairperson Donovan and Member O'Rourke reiterated the agreement that Mr. Cavanagh has with the residents of the park, as well as the extension of time to find suitable housing and the stipend to assist in moving expenses.

Mr. Nichols also had questions relating to SEQRA, the Army Corps study of the site, traffic impacts, and the access to the river. Additionally, several residents both in the trailer park and surrounding the park asked several questions as to maintenance of the waterway, cost per unit, flooding concerns and drainage. One resident talked about the viewscape of the area and the need to preserve such, to which currently nothing exists at present in the area.

After everyone had the opportunity to speak on the project Chairperson Donovan closed the hearing. Any further review of the project from a departmental and Planning Board perspective will take place on May 26th. Once again the public hearing is closed.

(See the full transcription for further reference)

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* **James Emmi Hair Salon – 1280 Central Avenue** - Sr. Planner Lyons gave an overview of the project. This is a minor application that would not normally come before the board but for the fact that 2 waivers are being requested. Mr. Emmi is looking to convert the location to a salon with 8 proposed parking spaces. This is a review and action on final plans for the project. Waivers are required for parking in the front yard and side yard pavement setbacks.

Chairperson Donovan highlighted the meeting PEDD members and she had with Mr. Emmi and his engineer, Ms. Nicole Walsh. At that meeting it was decided that Mr. Emmi would remove the shed that currently exists, and move 2 parking spaces to the rear of the site in order for him to keep the large tree that currently exists. Mr. Emmi would also remove and replace the chain link fence that was on the property.

Chairperson Donovan opened comments to the members – no comments against the project were raised. Member Nardacci wanted to see what, if anything, can the Town do to help small businesses in the Town. It was mentioned that the IDA and Albany Colonie Chamber have programs to assist small businesses within the Town’s limits.

Having not heard any issues against the project Chairperson Donovan asked for a motion. A motion to grant final approval was made by Member Nardacci, seconded by Member O’Rourke.

* With no other business adjournment was called for at 9:40pm, on a motion by Member Lane.

JL

G:PB/minutes/2009

_____(Chairperson) _____

