



Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110

<https://www.colonie.org/>

Steven Heider

Tuesday, April 23, 2024

6:00 PM

Public Operations Center

1. Call to Order

The meeting was called to order at 6:00 p.m. by Steven Heider, Chair. The roll was called. Henry J. Rosenzweig was absent.

Also present were Planner Andy Acker (PEDD), Planner Ethan Townsend (PEDD), Assistant Planner Lauren Dryburgh (PEDD), TDE Donald Fletcher (Barton & Loguidice), and TDE Joe Grasso (CHA).

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

2. Public Hearing

There was no hearing.

3. Report of the Planning and Economic Development Department

Planner Andy Acker from the Planning and Economic Development Department announced the resignation of Department Director Sean Maguire on April 12th.

The 38 Karner Rd. A+ MediTrans Service Facility project was pulled from this meeting's agenda.

4. Regular Business

a. 1148 Troy Schenectady Rd. British American Mixed Use.

Applicant: Pepper Woods, LLC, represented by Advanced Engineering & Surveying. Final site plan approval extension request for proposed a two-lot merger and development of 180 residential units, clubhouse, and multi-use path. The site is zoned CO, Commercial Office. TDE: Barton & Loguidice (PL-19-00010).

Nick Costa of Advanced Engineering & Surveying presented the extension request on behalf of the applicant. Chris Connors of British American also addressed the Board.

The Board discussed the project.

A motion was made.

- i. **Motion To:** Approve final site plan approval extension.

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

- b. **244 Wolf Rd. Multi-Tenant Commercial Building.**

Applicant: 244 Wolf Rd LLC, represented by Lansing Engineering. Concept plan update for proposed construction of a 6,400 square foot commercial building. Site is zoned COR. TDE: Barton & Loguidice (PL-22-00001).

Planning Board Council Matthew Millea gave background on the last time the applicant came before the Board on February 27th, 2024.

Scott Lansing of Lansing Engineering gave an update on the project on behalf of the applicant.

Donald Fletcher of Barton & Loguidice (TDE) provided his review.

Planner Ethan Townsend presented comments on behalf of Town staff.

The Board discussed the project.

A motion was made.

- i. **Motion To:** Accept concept plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joanne Maloy, Board Member
SECONDER:	Ricahrd Barlette, Board Member
AYES:	Heider, Barlette, Bronner, Leo, Malone, Maloy

- c. **17 Computer Drive East. Apartment Conversion.**

Applicant: Varni 235 LLC, represented by ABD Engineers & Surveyors. Change in use minor site plan referral. Proposing converting approximately 4,742 sq. ft. of existing building into four apartment units. The site is zoned Commercial Office Residential (COR). (PL-24-00005).

Planner Andy Acker introduced the project.

Dave Kimmer of ABD Engineers presented the project on behalf of the applicant.

The Board discussed the project.

i. Sketch plan review, no action taken.

d. 114 Wolf Rd. Community Bank with Drive-Thru Redevelopment.

Applicant: Community Bank, represented by Advanced Engineering & Surveying. Waiver request for proposed redevelopment of the former Denny's building into a 3,925 sq. ft. bank with addition of a drive-thru. (PL-24-00079).

Planner Andy Acker introduced the project.

Nick Costa of Advanced Engineering & Surveying and applicant Albert Giannino from Community Bank presented the project.

The Board discussed the project.

A motion was made.

i. Motion To: Approve waiver request.

COMMENTS - Current Meeting:

WHEREAS, Albert Giannino has proposed the redevelopment of a building on a.69-acre parcel of land at 114 Wolf Road, Town of Colonie, Albany County, New York; and

WHEREAS, the applicant is requesting a waiver from the Town of Colonie Land Use Law, Article IX-Chapter 190-9, Design Standards, for the Commercial Office Residential (COR) zone related to parking being prohibited within the front yard; building exceeding the 20-foot minor road maximum front yard setback.

WHEREAS, the Town of Colonie Planning Board (the "Board") may waive these standards to the extent is deems necessary in order to secure reasonable development of the site. In such case, the applicant must establish that there are no practicable alternatives to the proposed waiver that would conform to the standard, and the Board shall issue a written Findings stating the extent and justification of the waiver; and

WHEREAS, the use of the site is unique being a lot with a vacant building (former Denny's) in which they will add a drive thru;

WHEREAS, the proposed use is consistent with other lots with pre-existing buildings within the community

WHEREAS, the proposed use is allowable through zoning standards and there are similar types of uses within the vicinity of the site.

NOW, THEREFORE BE IT

RESOLVED, the Board hereby finds the extent of the requested waivers is not considered substantial; and be it further

RESOLVED, the Board finds the applicant has established there are no practical alternatives to the proposed waiver that would conform to the standard and the waiver is necessary in order to secure reasonable development of the project site; and be it further

RESOLVED, the Board hereby issues a waiver from the prohibition of adding one new raised parking display platform within the front yards; and be it further

RESOLVED, this Waiver Finding be a condition of the 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:	Joanne Maloy, Board Member
AYES:	Heider, Barlette, Bronner, Leo, Malone, Maloy

e. 74 Morris Rd. Marcaco Holdings Warehouse.

Applicant: Joe Clark, represented by Advanced Engineering & Surveying. Sketch plan review for proposed construction of a new 10,000 square foot one-story warehouse building. The site is zoned IND. TDE: CHA (PL-24-00037).

Chair Steven Heider noted for the record that he has a personal and professional relationship with the applicant but does not feel this will alter his judgment and did not recuse himself.

Nick Costa of Advanced Engineering & Surveying presented the project on behalf of the applicant.

Town Designated Engineer Joe Grasso of CHA provided his review.

The Board discussed the project.

i. Sketch plan review, no action taken.

5. Adjournment

With no further business before the Board the meeting stood adjourned at 7:22 p.m.

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE PLANNING BOARD

3 *****

4 1148 TROY SCHENECTADY ROAD

5 BRITISH AMERICAN MIXED USE

6 FINAL SITE PLAN APPROVAL

7 EXTENSION REQUEST

8 *****

9

10 THE STENOGRAPHIC MINUTES of the above

11 entitled matter by NANCY L. STRANG, a

12 Shorthand Reporter commencing on April 23,

13 2024 at 6:07 p.m. at The Public Operations

14 Building 347 Old Niskayuna Road, Latham,

15 New York.

16

17 BOARD MEMBERS:

18 STEVEN HEIDER, CHAIRMAN

19 RICHARD BARLETTE

20 PAUL LEO

21 KEVIN M. BRONNER, JR.

22 MICHAEL MALONE, JR.

23 JOANNE MALOY

24

25 ALSO PRESENT:

MATTHEW J. MILLEA, ESQ. COUNSEL TO THE
BOARD

26

ANDY AKER, DEPARTMENT OF PLANNING AND
ECONOMIC DEVELOPMENT

NANCY L. STRANG - STENOGRAPHER
518-542-7699

1 NICK COSTA, PE, ADVANCE ENGINEERING AND
2 SURVEYING

3 CHRIS CONNORS, BRITISH AMERICAN

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1 CHAIRMAN HEIDER: The first
2 order of business is 1148 Troy
3 Schenectady Road, British American
4 Mixed Use. The applicant is Pepper
5 Woods, LLC, represented by Advance
6 Engineering. Final site plan approval
7 extension request for a proposed
8 two-lot merger and development of 180
9 residential units, clubhouse, and
10 multi-use path. The site is zoned
11 commercial/office and the TDE is
12 Barton and Loguidice engineering.

13 This is being presented by
14 Nick Costa, who is here somewhere.

15 MR. COSTA: Good evening.
16 Nick Costa from Advance Engineering.
17 We are here tonight to request an
18 extension of the approval that was
19 given for the development of the
20 Pepper Woods project. It was
21 summarized.

22 This is a project that
23 includes development of construction
24 of 180 residential units in a very
25 unique setting. It's over in British

1 American Boulevard. It is a parcel
2 that is owned by Faddegons and Chris
3 Connors.

4 Jack Faddegon grew up on
5 this particular parcel. He lives
6 there. This is very unique parcel. The
7 Faddegons family has used this parcel
8 for many, many years for farming
9 purposes. It's finally time for them
10 to develop it.

11 For a couple years we went
12 over with the Planning Board and the
13 departments and the Town Designated
14 Engineer and finally we received
15 approval. Unfortunately we received
16 approval during Covid and as everybody
17 knows, during the Covid period prices
18 and materials skyrocketed.

19 Additionally, there was a
20 substantial increase in interest
21 rates. So, the project has been
22 dormant.

23 We started a little bit of
24 the work with some clearing of some
25 areas, but unfortunately it did not

1 progress any further.

2 Chris Connors, who is here
3 with me tonight - I think he will come
4 up and address the Board, but we are
5 looking to get an extension. I believe
6 the work is starting this summer and
7 the fall.

8 I would ask him to come up
9 and address the Board.

10 MR. CONNORS: Good evening.
11 Chris Connors from British American.
12 I am Jack Faddegons's joint insured
13 partner on this project.

14 Nick has explained why we
15 got it approved. We missed that
16 window. Unfortunately, Covid came
17 along. We have been waiting on the
18 project as construction costs have
19 skyrocketed and the interest rate has
20 changed, which changed all the metrics
21 for a project of this size. We've
22 been working away and meeting almost
23 once a week with Jack. We are still
24 working and trying to make this
25 project, which is viable, and would be

1 something that the community would
2 like. It is unique - very unique and
3 that Jack has sort of dreamed. This is
4 Jack's dream.

5 When we first started this
6 he sent me a coffee table book which
7 is very large and was called How to
8 Landscape the Woods, because we are
9 going to maintain a lot of the woods.
10 He wants to landscape the woods. I
11 bought in and it looks pretty good.

12 His cottage idea - there are
13 42 of them. Those cottages surround
14 the existing ponds. He has designed it
15 so you can't see across the ponds
16 because there is a tree canopy. But
17 when you go down to the pond, you can
18 see the remaining area. His two large
19 buildings - those will have studio
20 apartments - probably for those who
21 work near Airport Park, which I am
22 sure you are all well versed in
23 Airport Park.

24 It is one million and a half
25 square feet and been in the Town since

1 1979. There is close to 30 buildings;
2 a lot of nice places to hike, bike and
3 walk your dog these days.

4 Then you have your standard
5 apartment style apartments. There are
6 five of those; two bedrooms, one
7 bedroom and studio apartments.

8 So, our plan is to get
9 started. Things have sort of changed
10 where we are adjusting some of our
11 internal systems and financing to make
12 this project work. We need an
13 extension for a year to get going. So,
14 if you have any questions for me, Jack
15 was unable to make it tonight. He
16 normally presents. So, you have second
17 string.

18 CHAIRMAN HEIDER: I'm the
19 only one, I think, on the Board that
20 was here during the whole process. I
21 can tell you that it was a wonderful
22 looking project. It's a shame that
23 Covid hit when it did.

24 My only question is: Has the
25 scope stayed the same? Has the design

1 stayed the same? Has a number of unit
2 stayed the same?

3 MR. CONNORS: Yes.

4 CHAIRMAN HEIDER: You
5 haven't cut back.

6 MR. CONNORS: We have not
7 cut back. We're going to just faze it
8 a little differently. It's really
9 kind of three phases. You had the
10 big buildings in the front on British
11 American Boulevard. You have those
12 garden style apartments and then you
13 have the cottages around the pond. We
14 planned that starting the big
15 buildings - I think that we will
16 still do that. We may jump the
17 cottages in front of the standard
18 apartments. It's funny on a piece of
19 paper how the numbers work
20 differently.

21 CHAIRMAN HEIDER: Anybody
22 have any questions?

23 MR. MALONE: I have no
24 questions.

25 MR. LEO: No.

1 MR. BRONNER: No.

2 MS. MALOY: No.

3 MR. BARLETTE: No.

4 CHAIRMAN HEIDER: Can I
5 have a motion for that extension?

6 MR. BRONNER: I'll make
7 that motion.

8 CHAIRMAN HEIDER: Kevin.
9 Second?

10 MR. LEO: I'll second.

11 CHAIRMAN HEIDER: Paul.

12 All in favor?

13 (Ayes were recited.)

14 Any opposed?

15 (There were none opposed.)

16 Have a great day.

17 MR. CONNORS: Thank you,
18 very much.

19 (Whereas the above entitled
20 proceeding was concluded at 6:13 PM)

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CERTIFICATION

I, NANCY L. STRANG,
Shorthand Reporter and Notary Public
in and for the State of New York,
hereby CERTIFIES that the record taken
by me at the time and place noted in
the heading hereof is a true and
accurate transcript of same, to the
best of my ability and belief.

Date:5/7/24

Nancy L. Strang

Nancy L. Strang

Legal Transcription

2420 Troy Schenectady Road

Niskayuna, NY 12309

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE PLANNING BOARD

3 *****

4 244 WOLF ROAD
5 MULTI-TENANT COMMERCIAL BUILDING
6 CONCEPT PLAN UPDATE FOR PROPOSED
7 CONSTRUCTION OF A 6,400 SQUARE FOOT
8 COMMERCIAL BUILDING

9 *****

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11 THE STENOGRAPHIC MINUTES of the above

12 entitled matter by NANCY L. STRANG, a

13 Shorthand Reporter commencing on April 23,

14 2024 at 6:12 p.m. at The Public Operations

15 Building 347 Old Niskayuna Road, Latham,

16 New York.

17

18 BOARD MEMBERS:

19 STEVEN HEIDER, CHAIRMAN

20 RICHARD BARLETTE

21 PAUL LEO

22 KEVIN M. BRONNER, JR.

23 MICHAEL MALONE, JR.

24 JOANNE MALOY

25

NANCY L. STRANG - STENOGRAPHER
518-542-7699

1 ALSO PRESENT:
2 MATTHEW J. MILLEA, ESQ. COUNSEL TO THE
3 BOARD
4 ANDY ACKER, DEPARTMENT OF PLANNING AND
5 ECONOMIC DEVELOPMENT
6 DON FLETCHER, PE, BARTON AND LOGUIDICE
7 SCOTT LANSING, PE, LANSING ENGINEERING

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1 CHAIRMAN HEIDER: 244 Wolf
2 Road. Multi-Tenant Commercial
3 Building. The Applicant is 244 Wolf
4 Road. Represented by Lansing
5 Engineering. Concept plan update for
6 proposed construction of a 6,400
7 square foot commercial building. Site
8 is zoned
9 Commercial/office/residential. The
10 TDE is Barton and Loguidice with Don
11 Fletcher here.

12 At this point, I want our
13 attorney, Matt, to just bring us up to
14 date on what been transpiring and what
15 is before us tonight.

16 MR. MILLEA: Thank you,
17 Chief.

18 To make a few points of
19 clarification to follow-up on what was
20 a somewhat confusing sequence that
21 transpired last time this applicant
22 was before this Board, I wanted to
23 direct the Board's attention to a
24 provision - actually there are several
25 provisions in the Town Code to

1 elucidate kind of why this is back in
2 front of the Board seeking concept
3 accepted.

4 So, to refresh everyone's
5 memory, at the last meeting, the
6 applicant was here for concept
7 acceptance. There was a vote held - a
8 motion made and a second to affirm or
9 deny concept approval, and in fact it
10 failed. It was at that point that the
11 applicant had questions about how to
12 go forward at that point. There was
13 some chatter about modification to the
14 ingress and egress regarding the
15 space. There was a vote to rescind the
16 denied concept; acceptance again
17 carried.

18 Now, the applicant is back
19 in front of the Board seeking a final
20 vote - I will say final, but an
21 enduring vote on that concept
22 acceptance - because the vote failed
23 last time was then rescinded, the
24 applicant is left without any
25 affirmative decision or negative

1 decision to proceed.

2 I did some research in the
3 Town Code and are going to put on the
4 record a couple of points within the
5 Town Code - a couple provisions that's
6 for everyone's benefit.

7 The section that I am in is
8 in 190-56. This is Chapter 190
9 Article 11 of the Town Code. I am in
10 e(4) - which is the first provision
11 that I'm going to read.

12 Conceptual plan review and
13 acceptance. The purpose of the
14 conceptual plan is to provide the
15 project sponsor and the Planning Board
16 with a flexible design could readily
17 change before a detailed final site
18 plan is produced. End of provision.

19 Subsection 5. The project
20 sponsor shall present a proposal to
21 the Planning Board and based on its
22 review and such recommendations as it
23 may receive from the PEDD and other
24 agencies and departments, the Board
25 shall act to accept, reject or request

1 modification of the conceptual plan.
2 Failure to act does not constitute
3 approval.

4 So, where we are at this
5 point, just for the Board's
6 understanding, again, we are back -
7 the applicant is back in front of the
8 Board seeking a vote - a conclusive
9 vote one way or another on concept
10 acceptance. We don't have to rescind
11 anything. We will move forward with
12 whatever that vote yields, but it is
13 consistent with the Town Code that at
14 some point when an applicant comes
15 forward and requests. that the Board
16 does in fact produce that vote. So,
17 that's where we are.

18 CHAIRMAN HEIDER: I just
19 want to make a note of the change in
20 the vote was because the applicant
21 offered the fact that they would
22 accept a right-in/right-out. The
23 applicant also offered that point
24 that tenant would accept a
25 right-in/right-out. So, the plan at

1 that time was to hurry the project
2 along. As a matter of fact, I think
3 I said to Mr. Lansing, get into the
4 department as soon as you can and we
5 will get you right back on the
6 agenda.

7 MR. MILLEA: In
8 anticipation of - or to dovetail on
9 that, as I said before and I think
10 this is important for everyone to
11 remember, is a flexible design at
12 this stage in the concept acceptance
13 stage. It is a flexible design that
14 may be changed before detailed final
15 site plan. So, I think for both
16 parties here this is not something
17 that is monolithic or set in stone.
18 This is a flexible design that could
19 be modified, subject to requirements
20 of the Board.

21 CHAIRMAN HEIDER: And
22 that's what we thought was going to
23 happen.

24 I will let Mr. Lansing now
25 to present what he says now is what he

1 wants to happen.

2 MR. LANSING: Good
3 evening. Scott Lansing with Lansing
4 Engineering representing 244 Wolf
5 Road LLC. I also have with me this
6 evening Alana Moran from VHB, as well
7 as Wendy Holzberger, and also Mary
8 Beth Slevin from Slevin and
9 Associates, the counsel for the
10 applicant.

11 We were last before the
12 Board on February 27. We did provide
13 a full presentation. I was not
14 planning on going through a full
15 presentation this evening. I think the
16 board is very familiar with the
17 project. I would be more than happy to
18 go through the details on the site
19 plan itself.

20 From the last meeting, I
21 didn't seem to get any comments on the
22 site plan relative to internal on the
23 site. It seemed like it was primarily
24 related to the site access which at
25 that time, and what is proposed this

1 evening includes full access in and
2 right egress from the site. I would
3 just like to say as far as Lansing
4 Engineering, every time we present the
5 project to the Town of Colonie, or any
6 other town for any project what we
7 feel is necessary is to provide a good
8 thorough review analysis of every
9 single aspect of the project. We feel
10 for this particular case that it was
11 no different in that we thought that
12 we relied on the experts and the
13 agencies involved having jurisdiction
14 over this to help us with the
15 determination for the configuration of
16 the project.

17 As a result, we did retain
18 VHB to conduct the traffic study. We
19 would like to note that VHB - they are
20 licensed professional engineers. They
21 do specialize in traffic engineering.
22 What VHB did was they went out and
23 they collected data. It was not only
24 trip generations on Wolf Road, it was
25 trip generations from the specific

1 tenants, it was accident analyses, it
2 was different trips from different
3 hours of the day, gap analyses and
4 many other aspects of the specific
5 configuration, so that the project
6 could be analyzed. They took that
7 data. They evaluated that data. They
8 prepared reports and they did provide
9 a full presentation to the Planning
10 Board.

11 Also as a part of the
12 project, Barton and Loguidice was the
13 Town Designated Engineer, as retained
14 by the Town for review of the VHB
15 report. I would also like to mention
16 that they are licensed professional
17 engineers. They did evaluate the
18 reports and findings. They provided
19 feedback and questions. To our
20 knowledge, all of the questions and
21 comments from Barton and Loguidice
22 have been addressed and there are no
23 outstanding questions or comments.

24 Last, but not least, the
25 project did go to the New York State

1 Department of Transportation, which is
2 the reviewing agency having
3 jurisdictional determination on this.
4 As far as DOT, they obviously
5 specialize in traffic engineering and
6 they have licensed professional
7 engineers on staff. The particular
8 person that reviewed this at DOT is a
9 licensed professional engineer, as
10 well. So, they evaluated reports,
11 concurred with the findings and they
12 did provide an email outlining their
13 acceptance. I will read that quickly.

14 This was an email on
15 February 27, the date of the last
16 meeting. This was from Gaetano Tedesco
17 to Wendy Holzberger and Alana Moran
18 and it says: Wendy, as discussed on
19 the phone last week and after
20 reviewing the attached supplemental
21 letter, we are still good for the full
22 access entering the site and right
23 turn egress only movements for the
24 proposed commercial development at 244
25 Wolf Road. We agree with the

1 conclusion of the traffic evaluation
2 and will allow for left turn ingress
3 through the site. Please let me know
4 if you have any questions. It is
5 signed Guy Tedesco.

6 With that, we felt
7 particularly comfortable with the
8 design and the configuration was safe
9 and appropriate configuration for the
10 site, and as a result it has been
11 applied to the plans.

12 As far as where to go from
13 here, we are here at the pleasure of
14 the Board this evening. We do have
15 Alana and Wendy here from VHB
16 Engineering. We would love to continue
17 the discussions and try to answer any
18 questions that the Board may have on
19 the configuration. Hopefully we can
20 answer any questions that you might
21 have, but we are ultimately here to
22 revisit the prior determination and
23 get a formal determination from the
24 Board. Thank you.

25 CHAIRMAN HEIDER: And just

1 to be clear, you do remember saying
2 to us that you would accept the
3 right-in/right-out.

4 MR. LANSING: I don't
5 recall it quite that way. I
6 apologize. I thought that it was
7 something that would be considered by
8 the applicants. We went back and
9 that's something that does not work
10 for the applicant.

11 CHAIRMAN HEIDER: You
12 actually made the comment that Subway
13 was okay with it.

14 MR. LANSING: I apologize.
15 I think it was geared more towards
16 opening up discussions with what the
17 Board was unhappy with so we could
18 try to come to a resolution.

19 CHAIRMAN HEIDER: I think
20 that we were pretty clear with what
21 we were unhappy with.

22 Do you have anything
23 further from Barton and Loguidice
24 before I make a couple comments?

25 MR. FLETCHER: No, we have

1 the January 17th letter that talked
2 about a variety of items; hours of
3 operation and who the tenants may be
4 - looking for the letter or email
5 correspondence from DOT on their
6 acceptance - all that information has
7 been provided.

8 CHAIRMAN HEIDER: I think
9 that there is some discussion at the
10 DCC meeting about them not being able
11 to hook up to a sewer line. Is that
12 still out there?

13 MR. ETHAN: Chief, I can
14 give some comments from Town Staff,
15 if that would be okay.

16 Just that there are a
17 couple of outstanding things like
18 access to the sanitary sewer, as well
19 as semi-truck delivery to the site. As
20 Matt said, at this stage, concept -
21 they still need to figure out those
22 technical details. Town staff thinks
23 that it would be appropriate to grant
24 concept with the condition -- not
25 necessarily the conditions because you

1 can't condition concept - but with the
2 notes on the record that there are
3 still technical details that need to
4 be figured out, prior to the applicant
5 submitting and getting final plan
6 acceptance. The Planning Board, within
7 its purview could hire an outside
8 engineering firm, separate from the
9 Town Designated Engineer to review the
10 traffic study and not conduct their
11 own traffic study, but to review the
12 traffic study and the conclusions that
13 it came to about the number of cars
14 that can access the site safely. So,
15 there are still some technical things
16 that can be filtered out.

17 CHAIRMAN HEIDER: I was
18 going to bring the traffic engineer
19 up. We are hiring a traffic engineer
20 - a pretty specific scope of their
21 work will be to look at your
22 engineer's report - to evaluate that,
23 but also to look at the data from the
24 previous approvals for places right
25 across the street that were

1 restricted to right-in/right-out;
2 Moe's and Starbuck's is a
3 right-in/right-out and also to the
4 Renaissance Hotel, which is a
5 right-in/right-out. That's been the
6 bone of my contention throughout this
7 whole thing that I'm surprised that
8 they have reversed course within the
9 same 100 yards. We're going to ask
10 the traffic engineer to look into
11 that. We are also going to have them
12 look into something that Ethan just
13 said. There has been no discussion
14 about deliveries. That is a very
15 important part because this is a very
16 tight lot in the back. Almost all
17 food deliveries, soda deliveries -
18 that would be Pepsi, Coke, DiCresenze
19 - you name it - is done by tractor
20 trailer now. I think that we are
21 going to need to see how a tractor
22 trailer is going to safely make -
23 pull into there. We don't want them
24 backing in off of Wolf Road. We
25 don't want them backing out on to

1 Wolf Road. We surely don't want them
2 parking on Wolf Road. So, I think
3 that the part of your thing going
4 forward.

5 MR. LANSING: Understood.

6 CHAIRMAN HEIDER: Is
7 anybody from the Board have specific
8 questions?

9 MR. MALONE: I have one
10 question. Your email from Mr.
11 Tedesco from DOT - did he know the
12 expected tenant was Subway, and how
13 much traffic that is going to
14 generate, because the email didn't
15 have any in there about it being
16 Subway?

17 MS. MORAN: Good evening.
18 Alana Moran with VHB. As Scott had
19 noted we are professional engineers
20 completing the traffic evaluation for
21 this project. Yes, Guy Tedesco from
22 DOT did know that the project
23 involved a Subway restaurant. That
24 was part of the documentation that we
25 provided him as a supplemental letter

1 to review to have the opportunity to
2 revisit the original conclusion that
3 they provided, and I believe April or
4 August of 2022 stating that the
5 access was satisfactory and then with
6 the additional information, the
7 access was still the right way to go.

8 MR. BRONNER: With the
9 access issue, why is the
10 right-in/right-out a no? Is it that
11 economically doesn't work? I am just
12 trying to understand. I understand
13 that everybody wants full access. But
14 if it wasn't, what is the impact to
15 the property? What is the impact to
16 the applicant?

17 MR. LANSING: The impact
18 would be convenience for customers to
19 the tenants. They would result in
20 increased business for those tenants.
21 It is a more viable site for tenants
22 with a full access in. If it is an
23 appropriate maneuver, it's something
24 that we absolutely want that.

25 MR. BRONNER: So, they

1 believe there would be a decrease in
2 business from it.

3 MR. LANSING: I do, yes.

4 CHAIRMAN HEIDER: Rich?

5 MR. BARLETTE: I don't
6 have anything.

7 CHAIRMAN HEIDER: JoAnne?

8 MS. MALOY: I have been up
9 and down that road a million times. I
10 disagree. I think that making a left
11 into that is fine. I don't know about
12 the deliveries. Whether they can
13 pull in there or not, that would be a
14 question, but do they have smaller
15 delivery trucks that would be able to
16 pull into there? If it's a smaller
17 delivery truck, that shouldn't be a
18 problem. You have that left there
19 and people are pulling into Sunoco.
20 So, this is however many feet prior
21 to that to make a left into that lot.
22 I don't see an issue.

23 MR. LANSING: We obviously
24 agree and I think that the east side
25 of Wolf Road is different in that

1 there is not a lane and there is a
2 lot of opposing traffic for that left
3 turn maneuver, So that's why it's
4 restricted.

5 We'd love the opportunity
6 to have another engineer take a look
7 at it. We feel that would be
8 supportive of what we are proposing
9 and we look forward to that.

10 CHAIRMAN HEIDER: I guess
11 at this point -- to your point,
12 JoAnne, just one thing about the gas
13 station. It's been there for about 80
14 years.

15 MS. MALOY: Right,
16 absolutely.

17 CHAIRMAN HEIDER: So, long
18 before Planning Boards were
19 questioning traffic. That's the only
20 reason the concern is there.

21 I guess the issue is
22 whether or not if we were to grant you
23 concept, we must do that and I want to
24 be very transparent about this. You've
25 heard me say this before at other

1 meetings. Concept does not mean final
2 approval. It does not mean that you're
3 going to get final approval. It
4 doesn't mean that we are tied to final
5 approval. We disagree on that access.
6 We're going to have an engineer look
7 at that access. We need you to prove
8 that a tractor trailer can get in and
9 out.

10 And please don't try to
11 tell me that they come in smaller
12 trucks, because they don't anymore.
13 I've seen them through every small
14 mall, big mall - they're taking up 20
15 parking spots just to deliver a couple
16 cases of Coke to Newton Plaza. So,
17 you need to show us that it can work.
18 Showing us knowing that we are going
19 to be looking at those things, we will
20 be transparent about it. You can
21 proceed to final at your own risk,
22 based on the fact that it can still be
23 turned down at the end of the day. Do
24 you acknowledge that?

25 MR. LANSING: I

1 acknowledge that.

2 As far as the trucks, I do
3 think that is something that we do
4 need to take a look at and discuss
5 further because I disagree. I don't
6 think that every site is served by
7 tractor trailers. If there is a
8 particular site that has restrictions
9 - this site is not dissimilar to other
10 sites in the capital region that have
11 limited access. Obviously, the
12 suppliers want to provide good and
13 services to those tenants and they
14 will provide a smaller truck. If they
15 can't get in and out, they're not
16 going to send a larger truck.

17 We have a facility in the
18 Town of Malta that we designed. There
19 is a Dominoe's Pizza there. They used
20 to deliver with tractor trailers.
21 They went in the first time and
22 realized that they couldn't do it.
23 Now, they send small box trucks every
24 single time and they want to provide
25 that service. Quite honestly, I don't

1 think that this site would support the
2 turning around of a tractor trailer on
3 site. Most sites won't. We would
4 like to just leave that open for
5 discussion. I think that we can show
6 how a smaller box truck can turn
7 around in there but a tractor trailer
8 -- I think that most sites on Wolf
9 Road cannot support a tractor trailer.

10 CHAIRMAN HEIDER: Okay,
11 but that is something that we will
12 take up further along in the process.

13 Matt, do you have anything
14 else from your end?

15 MR. MILLEA: No. I think
16 that if you feel that you're ready
17 to, you can call for a vote and see
18 if there a motion to be made and
19 proceed.

20 CHAIRMAN HEIDER: I'll ask
21 JoAnne to make the motion.

22 MS. MALOY: I will. I'll
23 make the motion, yes.

24 CHAIRMAN HEIDER: Is there
25 a second? This is for the approval

1 of concept acceptance, based on those
2 conditions that we've already talked
3 about and conditions between the
4 departments that we know of that have
5 to be satisfied before final approval
6 can be given. Even at that point, a
7 lot of the times final is even given
8 with conditions. So, that is the
9 manner in which the motion will be
10 worded, okay?

11 Do we have a second?

12 MR. BARLETTE: I'll second
13 it.

14 CHAIRMAN HEIDER: Rich.

15 All in favor?

16 (Ayes were recited.)

17 All opposed?

18 (There were none opposed.)

19 Thank you.

20 MR. LANSING: Thank you,
21 very much.

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23 (Whereas the above entitled
24 proceeding was concluded at 6:22 PM)

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CERTIFICATION

I, NANCY L. STRANG,
Shorthand Reporter and Notary Public
in and for the State of New York,
hereby CERTIFIES that the record taken
by me at the time and place noted in
the heading hereof is a true and
accurate transcript of same, to the
best of my ability and belief.

Date:5/7/24

Nancy L. Strang

Nancy L. Strang

Legal Transcription

2420 Troy Schenectady Road

Niskayuna, NY 12309

1 STATE OF NEW YORK COUNTY OF ALBANY
2 TOWN OF COLONIE PLANNING BOARD
3 *****
4 17 COMPUTER DRIVE EAST
5 APARTMENT CONVERSION APPLICANT
6 CHANGE IN USE MINOR SITE PLAN REFERRAL
7 *****
8
9 THE STENOGRAPHIC MINUTES of the above
10 entitled matter by NANCY L. STRANG, a
11 Shorthand Reporter commencing on April 23,
12 2024 at 6:23 p.m. at The Public Operations
13 Building 347 Old Niskayuna Road, Latham,
14 New York.
15
16 BOARD MEMBERS:
17 STEVEN HEIDER, CHAIRMAN
18 RICHARD BARLETTE
19 PAUL LEO
20 KEVIN M. BRONNER, JR.
21 MICHAEL MALONE, JR.
22 JOANNE MALOY
23
24
25

NANCY L. STRANG - STENOGRAPHER
518-542-7699

1 ALSO PRESENT:

2 MATTHEW J. MILLEA, ESQ. COUNSEL TO THE
3 BOARD

4 ANDY ACKER, PLANNER, DEPARTMENT OF
5 PLANNING AND ECONOMIC DEVELOPMENT

6 DAVE KIMMER, PE, ABD ENGINEERING AND
7 SURVEYING

8 DON FLETCHER, PE, BARTON AND LOGUIDICE

9 BIPEN PATEL

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1 CHAIRMAN HEIDER: Next is
2 17 Computer Drive East. Apartment
3 conversion. The applicant is Varni
4 235 LLC represented by ABD Engineers
5 and Surveyors. Change in use minor
6 site plan referral. Proposing
7 converting approximately 4,742 square
8 feet of existing building into four
9 apartment units. The site is zoned
10 commercial/office/residential.

11 Does the department have
12 anything on this Andy?

13 MR. ACKER: Yes, sir.
14 essentially, the Planning Board
15 doesn't review change in use or
16 change in tenants or minor site plans
17 - things of that nature. In this case
18 our previous Director, Sean McGuire
19 decided to refer this to the Planning
20 Board via the Town Code Section
21 190-55g of Article 11.

22 It reads: the PEDD, at its
23 discretion may also refer any minor
24 site plan applications to Planning
25 Board for review and approval.

1 So, Sean decided to exercise
2 that option, being that this isn't
3 something that we typically see in a
4 COR zone. So, some things to
5 consider, as far as the Planning Board
6 or as far as the Planning Department
7 is concerned is A. they've got an
8 approval from the ZBA, prior to the
9 application coming to the Planning
10 Department. That was for being over
11 the maximum density allowed. So,
12 there was also a condition within that
13 approval from the Zoning Board that
14 the buffer area be developed that
15 would protect 23 Kenlin Drive. We can
16 touch on that in a little bit.

17 Just some things for the
18 Planning Board to consider is the zone
19 itself - it's the COR zone,
20 commercial/office/residential. The
21 design aspects of that zone are more
22 based around the idea of having
23 commercial/office/residential mix in a
24 more walkable kind of area in a main
25 street kind situation. The main point

1 being apartments on the top,
2 commercial space on the bottom. This
3 particular structure - this building -
4 has been a commercial building from
5 the get-go. It is surrounded by a lot
6 of commercial buildings, as I am sure
7 you are all familiar with Computer
8 Drive East. There are some residential
9 neighborhoods that border that
10 property, but is off of Computer Drive
11 East. There are typically just
12 commercial spaces.

13 So, things to consider -
14 does it fit the overall aesthetic of
15 the neighborhood? We have talked
16 about this a lot during residential
17 application. Amenities - does it have
18 amenities for the people who could
19 potentially be living there? Those
20 are definitely things to consider.

21 At this point in the
22 process, this would typically almost
23 be a sketch plan in the sense that you
24 guys haven't had a chance to see it
25 that. So, just some things to think

1 about while we discuss it. Currently
2 there are no amenities. We want to
3 make sure that it is safe, sidewalks,
4 etcetera, etcetera. That's all we
5 have.

6 CHAIRMAN HEIDER: To the
7 applicant.

8 MR. KIMMER: Thank you,
9 Andy. My name is Dave Kimmer from ABD
10 Engineers. I am here on behalf of
11 Varni 235 LLC. I am actually here
12 with the owners son, [sic] Myier
13 Patel. [sic] Bipen Patel is the owner
14 of the property at 17 Computer Drive.
15 He also owns the Hindu temple across
16 the street.

17 Mr. Patel has owned this
18 property for about 12 years now. The
19 original building was built around
20 1970. There was an addition put on in
21 the rear around 1990. As Andy
22 mentioned, it has been a commercial
23 building since then. Right now, there
24 are a number of professional office
25 tenants in the larger portion of the

1 building. Since Covid, I think a lot
2 of the office space in the rear has
3 been vacant. So, the owner is looking
4 to convert just this rear portion, on
5 the more residential side of the
6 property into four apartments.

7 As Andy mentioned, we did go
8 to the ZBA. You might be familiar with
9 the COR calculation rules where you
10 get 3,000 square foot per apartment.
11 So, for apartments, that put us in
12 about 15% over the density that we
13 were allowed. So, we went to the ZBA.
14 They were okay with it.

15 A couple of the neighbors
16 from Kenlin Drive did show up to the
17 meeting. They suggested that
18 apartments would have more of an
19 impact on them than commercial
20 tenants. We disagree with that.
21 However, they were vocal about their
22 concerns and the Board did put this
23 condition on our plan and provide a
24 buffer to this property. I think the
25 condition is kind of one of the main

1 reasons that we are here before you
2 tonight. I think this is unusual. I
3 have never been before the Planning
4 Board for what was initially just
5 submitted as a change of tenant, but
6 here we are.

7 I'm happy to answer any
8 questions that you have about the
9 project. I have the applicant here
10 with me, too, and we can kind of go
11 through anything that you've got.

12 CHAIRMAN HEIDER: Paul?

13 MR. LEO: I am familiar
14 with this because my office is right
15 there. Are you going to have it
16 behind that building? Are you going
17 to have an area for recreation, or is
18 there going to be something?

19 MR. KIMMER: So, this is
20 the portion of the building that is
21 going to be apartment and there is
22 actually quite a bit of green space
23 and a patio with the picnic table
24 already there. We feel that offers a
25 pretty good space for the residents -

1 more than you would get in some other
2 apartment, we think.

3 MR. LEO: I am concerned
4 with noise. You mentioned that the
5 house with the pool on it, but I
6 think these houses here would be more
7 impacted, would they, if all the
8 sudden there is activity in that
9 area?

10 MR. KIMMER: There are
11 trees. There is a tree buffer between
12 this green space and them. Everybody
13 was obviously notified for the ZBA.
14 None of these people showed up.

15 MR. LEO: I was just
16 curious about the comment of some of
17 the neighbors. There's going to be
18 four units accessible on the side?

19 MR. KIMMER: Four units -
20 basically there's going to be no
21 changes to the site except we will be
22 adding - we will be striping an
23 additional handicap spot to meet ADA
24 Code. There is already a sidewalk in
25 front of the building, doors, front,

1 back - there's a sidewalk that goes
2 around the back to this patio area.
3 They are going to be reconfiguring
4 the doors. It will be a situation
5 where the apartments will all be
6 accessed from a common hallway
7 inside. They will be very minimal
8 changes.

9 MR. LEO: That's all I
10 have.

11 MR. MALONE: What is
12 bubbled in red on the screen right
13 there?

14 MR. KIMMER: That
15 shouldn't be there. That was from a
16 markup. That was a mistake.

17 MR. MALONE: What's going
18 on with the dumpster? Is there going
19 to be an enclosure around it?

20 MR. KIMMER: So, there is
21 a dumpster at the end of the parking
22 lot. I know the COR standards
23 typically require a dumpster
24 enclosure - building a dumpster
25 enclosure. It should be noted that

1 there is a big gas line that runs
2 right underneath that parking lot. I
3 don't think building a dumpster
4 enclosure will be an issue, but there
5 is an easement for National Grid. It
6 is a 50-foot wide easement. You can
7 see that dashed line. This is the
8 extent of the easement basically from
9 the property line around here
10 (Indicating). Building anything new
11 there may be an issue.

12 MR. MALONE: Is that
13 dumpster going to be shared by the
14 residents and by the office?
15 Obviously it's just the office space
16 now.

17 MR. KIMMER: Yes, I
18 believe so.

19 MR. MALONE: Will that
20 increase in size.

21 MR. KIMMER: It may
22 increase in size. It depends on the
23 demand that they see from the
24 apartments.

25 MR. MALONE: That's all.

1 MR. BRONNER: Is the
2 building going to change at all - I
3 guess the outer part of it?

4 MR. KIMMER: No -- well,
5 there is going to be new doors and
6 windows on the apartment side.

7 MR. BRONNER: I find it
8 not odd, but the neighbors would come
9 for residential versus commercial.
10 there's no one here from the
11 neighborhood?

12 MR. KIMMER: I don't think
13 that they would have been notified.
14 At the Zoning Board meeting we did
15 talk to them. Sean was there and we
16 talked to them. He said feel free to
17 come into the Planning Department and
18 we can talk.

19 MR. BRONNER: Is this it?
20 We do tonight and it's over?

21 CHAIRMAN HEIDER: No.

22 MR. BRONNER: They're
23 going to come back and -- I want to
24 see the building and I want to make
25 sure -

1 MR. KIMMER: I think we
2 just submitted a floor plan.

3 MR. BRONNER: I was just
4 curious about the process. That's
5 all.

6 MR. BARLETTE: My question
7 is what will the street address for
8 the building - as you approach it,
9 it's listed as is 17. The apartments
10 are going to be in the rear. So, how
11 would emergency responders know that
12 there are apartments in the rear of
13 the structure?

14 MR. KIMMER: I think they
15 would probably have letters.

16 MR. BARLETTE: They would
17 have a letter?

18 MR. KIMMER: I think each
19 apartment would have a letter.

20 CHAIRMAN HEIDER: They
21 would have to get in through a door.

22 MR. KIMMER: Right. I
23 think the apartments would be 17B.

24 MR. PATEL: The building
25 is currently section into ABCD. So,

1 only the D section currently is going
2 to be converted into apartments. So,
3 it's already A, B, C, D. We would
4 just keep it D and do some sort of
5 naming system so that each unit would
6 have its own address as well.

7 MR. BARLETTE: So, you
8 would differentiate then. That's one
9 thing.

10 The other thing that I had
11 is, I'm looking at a fire safety
12 standpoint. The swing of the doors -
13 I'm not too happy with the swing of
14 the doors. For means of egress, people
15 have to quickly vacate those
16 apartments, the door swings the wrong
17 way.

18 MR. KIMMER: We can
19 absolutely change the swing of the
20 doors.

21 MR. BARLETTE: So, that it
22 is swinging outwards.

23 MR. KIMMER: Yes.

24 MR. BARLETTE: Those are
25 the only two concerns I had.

1 CHAIRMAN HEIDER: JoAnne?

2 MS. MALOY: I have no
3 comment.

4 CHAIRMAN HEIDER: If
5 anybody wants to read something
6 really, really interesting, read
7 190.40 of the Town Code under the
8 definition of COR and under the
9 requirements of COR. I believe the
10 intention of COR was to establish
11 communities and not to do - I am
12 almost referring to spot zoning, in
13 terms of okay, you've got some
14 vacancies so you want to put
15 residents in there because you
16 couldn't find a commercial tenant in
17 the middle of a total commercial
18 zone. There's nothing around here
19 other than a backyard. Two very busy
20 streets with Computer Park East and
21 aviation Drive. I'm not a fan of
22 this type of thing because I know COR
23 was designed for a neighborhood where
24 you have residential on top - you see
25 a lot of that in the South.

1 To what Andy was talking
2 about so eloquently - about all the
3 different things - you're not
4 proposing any changes to the building.
5 So, the building is just going to be
6 another commercial building in the
7 middle of commercial land. You just
8 want to add four apartments to the
9 back. I think you need to go back and
10 read the COR and that 190.40 and the
11 design to development standards and
12 this building does not meet that. So,
13 if you can get that building to meet
14 that, I may change my tune. But as
15 far as right now - I think, Andy, I
16 think that you would agree with me
17 that if you look at 190.40 -- I talked
18 to the Supervisor today about it. It's
19 the type of thing -
20 pre-Covid/post-Covid - I understand
21 the hardships that landlords are
22 having. It is a Code that was written
23 decades ago and now we are trying to
24 apply that today to a commercial
25 development. I'm not sure that it

1 works. He's concerned of it not
2 working on a bigger scale for the
3 whole Town. So, he may enlist the
4 Town Board into doing some research.
5 It may not effect this project, but
6 Town wide to see if something needs to
7 change within that zoning in that
8 description, though it applies more to
9 what today's standards are.

10 I know that as far as I
11 stand today, I think that you're going
12 to have to do some work on the
13 building, around the building.
14 Typically with something like this,
15 you're doing fencing down the front or
16 stone walls, you're doing landscaping.
17 The four apartments basically face a
18 50-car parking lot. That, to me, is
19 not residential. Those are just my
20 comments.

21 Anybody else got anything
22 else?

23 (There was no response.)

24 So, consider this sketch and
25 we hope to see you back for another

1 sketch.

2 MR. KIMMER: Actually, I
3 had a question about a procedure for
4 this project. As I mentioned, I've
5 never seen a minor - even a minor
6 site plan. This was submitted as just
7 a change in use or change in tenant.

8 CHAIRMAN HEIDER: Well,
9 this is not a change in tenant.
10 Let's face it. Let's be honest.
11 This is not a change in tenant.

12 MR. KIMMER: Okay.
13 Obviously, we are here tonight. I'm
14 just kind of wondering what is the
15 process. Is there any precedent, I
16 guess, is my question. We can go
17 back and say we did sketch plan, but
18 what are the next steps? Do we need
19 to do concept, TDE review, final?

20 MR. MILLEA: Just for
21 clarification, you've gone before the
22 ZBA already.

23 MR. KIMMER: Yes.

24 MR. MILLEA: What was
25 applied for and/or granted by the

1 ZBA? A variance?

2 MR. KIMMER: A variance -
3 an area variance for the density -
4 base commercial density.

5 MR. MILLEA: Then, PEDD
6 has then reviewed this minor site
7 plan - we'll call it - a change in
8 use is what you're characterizing it
9 as.

10 MR. KIMMER: I'm okay
11 calling it a minor site plan, as
12 well. I think that it fits that
13 definition too.

14 MR. MILLEA: I would have
15 to look into this a little more for
16 the procedure because this is a
17 little bit nuanced. Andy was asking
18 me about it before the meeting.
19 There are a couple of things that I'm
20 seeing here.

21 Chief, to your point about
22 the Code - yes, the Code - there may
23 be discussions about amending or
24 revising the Code in the future, but
25 until such time that it is amended,

1 obviously, we go by the Code as it is
2 now.

3 CHAIRMAN HEIDER: I said
4 that.

5 MR. MILLEA: As far as
6 approvals, this is a little bit of a
7 strange area. The PEDD is exercising
8 an option to refer this to the
9 Planning Board. And now that it is -
10 now it has been referred to the
11 Planning Board, the Planning Board
12 now has to consider it and then
13 approve or deny it.

14 As far as the use, I'm going
15 to look at that. I'm going to have to
16 research that a little bit more and
17 read that section of the Code. I know
18 what you're getting at, as far as what
19 the intension perhaps is. That being
20 said, under zoning law a lesser use -
21 in other words, a residential use is
22 less than a commercial use as far as
23 arranging uses together. So, a
24 residential property can be within a
25 commercial zone, but a commercial zone

1 can't obviously be within a
2 residential zone. Commercial property
3 cannot be in a residential zone. So,
4 we have here a permissible use
5 essentially, but what we have to look
6 at for the Chief's conversation and
7 discussion is: the design standards
8 that surround that and whether or not
9 it meets the Planning Board's criteria
10 and acceptance in that context, right?
11 I think as far as zoning uses, we have
12 to discuss that. We'll have to look
13 into it a little further and have a
14 discussion about where to go from
15 there. I think that we can potentially
16 point you in a more clear direction,
17 but I think that until such point that
18 we have a chance to review that, we
19 don't want to render an opinion on
20 that.

21 CHAIRMAN HEIDER: I mean,
22 to my point, they got a variance. I
23 understand that. This Board is not
24 tied to that variance, as far as
25 acceptance. We can accept the fact

1 that they got the variance. It
2 doesn't mean that it makes us
3 automatic for our approval.

4 MR. MILLEA: Right.
5 Zoning incentives don't have to be
6 approved by this Board.

7 CHAIRMAN HEIDER: I
8 understand that COR allows the
9 residential. If they are going to
10 allow the residential, then they're
11 going to have to bring this building
12 up to a set of standards.

13 MR. MILLEA: That's
14 correct.

15 CHAIRMAN HEIDER: That's
16 very specific at 190.40.

17 MR. MILLEA: That's right.

18 CHAIRMAN HEIDER: Very
19 specific.

20 MR. MILLEA: That's very
21 right. I wanted to kind of clarify
22 that but that's correct.

23 CHAIRMAN HEIDER: That's
24 totally clarified.

25 So, is that as clear as mud

1 now for you?

2 MR. KIMMER: Yeah.

3 CHAIRMAN HEIDER: I would
4 let Matt do his research and get back
5 to Andy. Andy will get back to you
6 and we'll get you back on the agenda.
7 We're not trying to tie you up, but
8 you have to understand that this is a
9 pretty novel thing. This is actually
10 open of the first we're seeing in the
11 Town. It could set the stage for
12 things that we may not like at all.
13 We want to be careful, okay?

14 MR. KIMMER: Sure. Thank
15 you.

16 CHAIRMAN HEIDER: Thank
17 you.

18 (Whereas the above entitled
19 proceeding was concluded at 6:43 PM)

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CERTIFICATION

I, NANCY L. STRANG,
Shorthand Reporter and Notary Public
in and for the State of New York,
hereby CERTIFIES that the record taken
by me at the time and place noted in
the heading hereof is a true and
accurate transcript of same, to the
best of my ability and belief.

Date:5/7/24

Nancy L. Strang

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Legal Transcription

2420 Troy Schenectady Road

Niskayuna, NY 12309

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE PLANNING BOARD

3 *****

4 114 WOLF ROAD COMMUNITY BANK

5 WAIVER REQUEST FOR PROPOSED

6 REDEVELOPMENT OF THE FORMER

7 DENNY'S BUILDING

8 *****

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10 THE STENOGRAPHIC MINUTES of the above

11 entitled matter by NANCY L. STRANG, a

12 Shorthand Reporter commencing on April 23,

13 2024 at 6:44 p.m. at The Public Operations

14 Building 347 Old Niskayuna Road, Latham,

15 New York.

16

17 BOARD MEMBERS:

18 STEVEN HEIDER, CHAIRMAN

19 RICHARD BARLETTE

20 PAUL LEO

21 KEVIN M. BRONNER, JR.

22 MICHAEL MALONE, JR.

23 JOANNE MALOY

24

25

ALSO PRESENT:

MATTHEW J. MILLEA, ESQ. COUNSEL TO THE
BOARD

26

1 ANDY ACKER, PLANNER, DEPARTMENT OF
2 PLANNING AND ECONOMIC DEVELOPMENT

3 NICK COSTA, ADVANCE ENGINEERING AND
4 SURVEYING

5 ALBERT GIANNINO, COMMUNITY BANK

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1 CHAIRMAN HEIDER: Next up,
2 114 Wolf Road, Community Bank with
3 Drive-Thru Redevelopment. This is
4 the former Denny's project. The
5 Applicant is Community Bank,
6 represented by Nick Costa of Advance
7 Engineering.

8 Waiver request for proposed
9 redevelopment of the former Denny's
10 building into a 3,925 square foot bank
11 with addition of a drive-thru. The
12 site is zone
13 commercial/office/residential.

14 Andy, anything specific on
15 this from the department?

16 MR. ACKER: No, just to
17 reiterate, this is here for waiver
18 request. This is also a
19 redevelopment, which typically only
20 comes to the Board if there are
21 waivers needed. The waivers for this
22 are front and side setbacks. It's a
23 pre-existing use. That's what's
24 triggering this review today.

25 CHAIRMAN HEIDER: Do you

1 have the waivers prepared?

2 MR. ACKER: Not at the
3 present moment, but we can come up
4 with something.

5 CHAIRMAN HEIDER: Okay.

6 MR. ACKER: I will just
7 add a couple more things. This came
8 to a DCC meeting where we discussed
9 with the applicant and with Nick some
10 concerns with landscaping, green
11 space. It's pretty much a large
12 parking lot at the moment. The focus
13 was on the corner of Wolf Road and
14 Computer Drive.

15 Just as a note, the
16 applicant did take into consideration
17 and made the changes, you will see, on
18 that corner where we requested that
19 they remove parking and add more green
20 space to kind of bring that up because
21 the green space was a serious concern
22 - landscaping, also. So, it's an
23 opportunity to touch up that area in
24 general.

25 CHAIRMAN HEIDER: Okay,

1 Nick?

2 MR. COSTA: Good evening.

3 Nick Costa with Advance Engineering.

4 As Andy mentioned, we had
5 the DCC meeting on this project. This
6 is the former Denny's location and
7 before I go much further I would like
8 to ask Albert Giannino from Community
9 Bank to introduce Community Bank
10 because it's not a local bank, but
11 they have recently come into the area.

12 MR. GIANNINO: I will be
13 brief.

14 Community Bank was actually
15 based in Canton, New York and we have
16 our corporate headquarters in
17 Syracuse. Today we have about 120
18 banks in New York State, but we had
19 almost no representation in Albany,
20 Syracuse, Rochester and Buffalo. In
21 total we have about 240 branches in
22 five states. We're a 15 billion
23 dollar bank, but no one really knows
24 about us in the core markets. So,
25 we're going backwards and filling in

1 those holes.

2 We leased property on Wolf
3 Road for 15 years with many options
4 and it's going to be our flagship
5 building in the capital district - our
6 first one.

7 When I start projects like
8 this in communities like Colonie - I'm
9 the Deputy Chairman of the Planning
10 Board in Skineatles, so I know where
11 you sit and I respect that. I try to
12 find some local architect engineer
13 that has a healthy relationship with
14 the municipality and the landlord
15 recommended Nick.

16 I like Nick because he's
17 Italian and we talk about Italy.

18 The whole goal is to make
19 sure that what we design fits into
20 your community and we ask for the
21 least amount of variances or waivers
22 or special exceptions as possible.
23 That's what we try to develop here. I
24 think that Nick has done a great job
25 with it, but it's here for you to

1 decide and comment on. If you have
2 any questions, I'll turn it over to
3 Nick. I just wanted to give you a
4 little background on what community
5 Bank is because frankly, everywhere I
6 go in New York State right now with
7 these projects, no one really knows
8 who we are. Thank you.

9 MR. COSTA: So, as I
10 mentioned, this is a former Denny's
11 restaurant, not too far from the
12 previous project that was discussed
13 at 17 Computer Drive East, which was
14 also a former -- my office was
15 located at 17 Computer Drive East.
16 That's just a little history.
17 Obviously, Denny's restaurant on Wolf
18 road has a long history.

19 Tom Burke and Jerrad George
20 purchased the property and they have a
21 contract with Albert and Community
22 Bank to come in and redevelop the
23 site. As we heard the DCC comments,
24 we made changes to the plan to respond
25 to the comments. Community Bank did

1 not have any issues, although they
2 would like to have as many parking
3 spaces as possible. They want it to
4 look good from Wolf Road and we did
5 take almost two rows of parking right
6 in front that are going to be
7 converted to green space. They're
8 going to be landscaped and it's going
9 to change the look of that corner.

10 The existing building will
11 remain, but it will be all redone, as
12 you can see from these renditions. As
13 I handed out those elevations, the
14 building will look totally different.
15 It will have the theme of Community
16 Bank colors, but it will be
17 substantially different from what is
18 there now.

19 This is, as Andy mentioned,
20 in front of you for two waivers that
21 we are requesting. The two waivers
22 are basically - one is that the
23 building is set back further than what
24 is required. Also, that there is
25 parking in the front setback. This

1 being a corner lot, it has parking in
2 the front setback.

3 Those are the waivers that
4 we are requesting. Once we receive
5 those waivers, hopefully with your
6 approval, we will continue working
7 with Andy and the departments to get
8 minor site plan approval. The
9 construction can then start to convert
10 that existing space into the Community
11 Bank branch in the capital district.

12 So, if there are any
13 questions, I'd be more than happy to
14 try to answer those. As Albert
15 mentioned, he is available too.

16 CHAIRMAN HEIDER: Joanne?

17 MS. MALOY: No, I think
18 that - it's a big improvement from
19 what is there now. I realize that
20 the building is older. So, to try to
21 destroy it and try to build something
22 else is astronomical. I'm fine.

23 I like the corner of the
24 landscaping. It looks - that's a nice
25 rendition. I'm fine with it.

1 MR. COSTA: Thank you.

2 MR. BARLETTE: I like the
3 additional landscaping. I think it
4 adds a lot to the property. I think
5 that it's well suited and it looks
6 pleasant for that area. That's fine.

7 MR. COSTA: Thank you.

8 CHAIRMAN HEIDER: Kevin?

9 MR. BRONNER: It's an
10 improvement. It's really nice.
11 I'm just remembering being
12 at Denny's late at night.

13 MR. COSTA: We all have
14 those memories.

15 MR. BRONNER: It looks
16 good.

17 MR. COSTA: Thanks, Kevin.

18 MR. MALONE: I have
19 nothing.

20 MR. LEO: I just want to
21 say one thing. I work right across
22 the street and the site is stale.
23 The fact that you're putting this
24 landscaping in and really dressing it
25 up, it's going to be a nice

1 improvement. So, good luck with your
2 project.

3 MR. COSTA: Thank you.

4 CHAIRMAN HEIDER: The only
5 comment that I have has to do with
6 being fair and typical, as I talked
7 to Andy before. The only thing that
8 I'm concerned about is whether or not
9 we should be doing some pillars with
10 fencing across the front. You're
11 very familiar with that as it's been
12 done on other projects.

13 MR. COSTA: Yes.

14 CHAIRMAN HEIDER: I didn't
15 know if between those Bradford Pears
16 that you could do some of that there.
17 Nothing on the left side of the
18 driveway and nothing down Computer
19 Park, but whether or not at least to
20 the corner if you'd have some of that
21 fencing.

22 MR. COSTA: Chairman,
23 you're talking about here?
24 (Indicating)

25 CHAIRMAN HEIDER: Correct.

1 MR. COSTA: Albert, that's
2 just some masonry pillars with some
3 metal decorative fencing.

4 MR. GIANNINO: Whatever
5 you want, we will take care of it.

6 CHAIRMAN HEIDER: I'll
7 leave that up to Andy to talk to you
8 about that then?

9 MR. COSTA: Yeah.

10 CHAIRMAN HEIDER: When you
11 make those final plans. I think that
12 it's a great rendition.

13 MR. COSTA: Thank you.

14 CHAIRMAN HEIDER: Do you
15 have a waiver?

16 MR. ACKER: I do, yes.

17 Now therefore be it
18 resolved that the Board hereby issues
19 waivers for the requirements of
20 parking in the front yard setback, not
21 permitted, and building exceeding the
22 20 foot minor road maximum front yard
23 setback.

24 CHAIRMAN HEIDER: Okay,
25 anybody have any questions on that?

1 (There was no response.)

2 Can I have a motion to
3 accept it?

4 MR. LEO: I'll make a
5 motion.

6 CHAIRMAN HEIDER: Paul.
7 Second?

8 MS. MALOY: I'll second.

9 CHAIRMAN HEIDER: JoAnne.
10 All those in favor?

11 (Ayes were recited.)

12 All set. Have a great day
13 and good luck with it.

14 MR. COSTA: Thank you.

15 CHAIRMAN HEIDER: We're
16 looking forward to seeing it.

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18 (Whereas the above entitled
19 proceeding was concluded at 6:54 PM)

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CERTIFICATION

I, NANCY L. STRANG,
Shorthand Reporter and Notary Public
in and for the State of New York,
hereby CERTIFIES that the record taken
by me at the time and place noted in
the heading hereof is a true and
accurate transcript of same, to the
best of my ability and belief.

Date: 5/7/24

Nancy L. Strang

Nancy L. Strang
Legal Transcription
2420 Troy Schenectady Road
Niskayuna, NY 12309

1 STATE OF NEW YORK COUNTY OF ALBANY
2 TOWN OF COLONIE PLANNING BOARD
3 *****
4 74 MORRIS ROAD SKETCH PLAN REVIEW FOR
5 PROPOSED CONSTRUCTION OF A NEW 10,000
6 SQUARE FOOT ONE-STORY WAREHOUSE BUILDING
7 *****
8 THE STENOGRAPHIC MINUTES of the above
9 entitled matter by NANCY L. STRANG, a
10 Shorthand Reporter commencing on April 23,
11 2024 at 6:55 p.m. at The Public Operations
12 Building 347 Old Niskayuna Road, Latham,
13 New York.
14
15 BOARD MEMBERS:
16 STEVEN HEIDER, CHAIRMAN
17 RICHARD BARLETTE
18 PAUL LEO
19 KEVIN M. BRONNER, JR.
20 MICHAEL MALONE, JR.
21 JOANNE MALOY
22
23 ALSO PRESENT:
24 MATTHEW J. MILLEA, ESQ. COUNSEL TO THE
25 BOARD
26 ANDY ACKER, PLANNER, DEPARTMENT OF
27 PLANNING AND ECONOMIC DEVELOPMENT

NANCY L. STRANG
518-542-7699

1 NICK COSTA, PE, ADVANCE ENGINEERING AND
2 SURVEYING

3 JOE GRASSO, PE, CHA

4 JOE CLARK, MARCACO HOLDINGS, LLC

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1 CHAIRMAN HEIDER: The last
2 item on for tonight is 74 Morris
3 Road. Marcaco Holdings Warehouse.
4 The applicant is Joe Clark
5 represented by Advanced Engineering
6 and Surveying. Sketch plan review for
7 proposed construction of a new 10,000
8 square foot one-story warehouse
9 building the site is zoned
10 industrial. The TDE is Joe Grasso
11 from CHA.

12 I just want to put it on
13 the record that I've had a personal
14 and somewhat professional relationship
15 with the applicant for decades. I
16 don't think that it will effect
17 anything as far as my ability to
18 serve. So, I'm not going to recuse
19 myself. I just wanted to put that on
20 the record.

21 Nick, it's up to you.

22 MR. COSTA: Good evening.
23 Nick Costa representing the
24 applicant, Marcaco Holdings, LLC who
25 is proposing to develop this. It's

1 just under an acre. It's a .92 acre
2 parcel into a 10,000 square foot
3 warehouse. This is here for sketch
4 plan review. The aerial photo shows
5 the neighboring properties.

6 This is the site plan
7 that's rendered. It shows the
8 building, the access to the site and
9 parking and also the utilities, which
10 are available along Morris Road.
11 There is sanitary sewer. There is
12 water along Morris Road and then we
13 also show the stormwater management
14 area, so that the project conforms to
15 those requirements for New York State
16 DEC and also the Town.

17 The site is located in an
18 industrial zone. There is a rendering
19 of the proposed building, which is an
20 existing building. This is an
21 existing building that Joe has on his
22 Lincoln Avenue property. That's what
23 he would like to replicate here with
24 the materials that are shown on there.
25 What Joe does with these is he breaks

1 them out into multiple spaces. They're
2 about anywhere from 1,500 to 2,500
3 square feet. Oh, Joe just said two
4 5,000. So, it will be two 5,000
5 square feet spaces for two tenants,
6 obviously.

7 Joe Clark is here,
8 obviously. He is the representative
9 of Marcoco Holdings, LLC.

10 If there are any questions,
11 I'd be more than happy to answer
12 those.

13 Unfortunately, we did not
14 show any landscaping on this plan, but
15 there will be landscaping on the
16 subsequent submittals that we make to
17 the Board.

18 CHAIRMAN HEIDER: Okay,
19 this is being reviewed by our Town
20 Designated Engineering. Mr. Joe
21 Grasso is here to represent that.

22 Joe, I know that it's only
23 sketch, but I'm assuming that you have
24 some comments.

25 MR. GRASSO: Yes. Thank

1 you, Mr. Chairman.

2 So, this project is just up
3 for sketch plan review by the Planning
4 Board tonight. So, there is no formal
5 approval or disapproval. No vote
6 needs to be taken tonight. So, this
7 is the first time that the project has
8 been presented to the Planning Board.
9 It's gone through a DCC review with
10 the Town departments. We did attend
11 that meeting. We have also been out
12 to the site.

13 Just a couple of comments,
14 preliminarily. The site is zoned
15 industrial. For those who have
16 traveled along Morris Road, it's quite
17 the mix of uses. Morris Road was
18 historically residential and then has
19 been slowly transitioning to
20 industrial. This site is uniquely
21 located because it's really right
22 where the line between the industrial
23 zoning and the residential zoning is.
24 So, north is up on the page and if you
25 head down Morris Road to the west you

1 continue down through the industrial
2 zone, which has seen a transition from
3 residential uses to more commercial
4 industrial uses. If you head down
5 Morris Road to the east, you quickly
6 get to the line where it's the
7 residential zone and all of the land
8 uses past this project site, heading
9 east, is all residential.

10 Across the street is a
11 residential apartment building and
12 although the plan shows the parcel
13 immediately to the east and the west
14 as being located in the industrial
15 zone, across the street is actually
16 zoned residential. It doesn't show up
17 on the plan, but that's the way the
18 existing zoning is. It's unique.
19 It's important to this project because
20 obviously this is an industrial
21 warehouse proposed use. It's an
22 allowed use in an industrial zone.
23 The context of the neighborhood is
24 something that the Planning Board
25 wants to be aware of because like I

1 said, there is an apartment building
2 cross the street in close proximity to
3 the road. There is a single family
4 residence to the right side and a
5 single family residence to the left
6 side. So, I think how this site fits
7 into that context of the neighborhood
8 is something that the Board wants to
9 consider.

10 The scale of the building
11 meets the requirements from the
12 industrial zoning district, being
13 10,000 square feet. The site has
14 about 50% green space and only 35%
15 green space is required.

16 Also, importantly this site
17 is in the land conservation overlay
18 zoning district, which is a special
19 zone occupying certain regions of the
20 Town which has some unique
21 characteristics along with it. One is
22 which the applicant can prove that the
23 criteria should not apply, based on
24 the unique characteristics of the
25 site, 40% of the undeveloped land and

1 within a project site should be
2 permanently protected for conservation
3 purposes. Like I said, the site has
4 50% - 53% green space. Very often
5 applicants will think of green space
6 and this protected 40% as being the
7 same. If you go by the zoning, the
8 intension is different. The 40% is
9 really to protect any significant
10 environmental features of the site.
11 What is unique on this site is based
12 on our initial review of it - and some
13 other projects that we've reviewed
14 along Morris Road, we may be of the
15 opinion that 40% protection is not
16 warranted, but that is really
17 ultimately a Planning Board decision
18 because customarily that 40% is
19 required.

20 One of the things that we
21 would look at is how this site fits
22 within the context of other
23 undeveloped areas, such as the
24 property to the south that is
25 currently undeveloped. We will get

1 some feedback from the Albany Pine
2 Bush Preserve Commission. They have
3 some guidelines and recommendations
4 for development along the Morris Road
5 corridor because of its proximity to
6 the Pine Bush and we will need that
7 information to help formulate an
8 opinion as to whether or not 40% of
9 the site should be protected. If it
10 is deemed required, that's something
11 that we want to try to nail down at
12 concept because it's going to factor
13 into this plan. As of right now, this
14 plan has been prepared under the
15 assumption that 40% of that protected
16 land would not be required. That's
17 got to be a finding of the Planning
18 Board. We will walk through that, as
19 the project goes through the process.
20 So, that's enough on the land
21 conservation overlay zoning district.

22 In terms of the scale of
23 the building and the look and the
24 operation, the site plan seems to be
25 logically arranged with the building.

1 They're meeting the setbacks from the
2 adjoining residential properties on
3 both sides. We like the fact that the
4 doors and the parking is to the side
5 of the building and not in front
6 towards Morris Road. I think, though,
7 the aesthetics of the site, because we
8 are looking at a warehouse in an area
9 that is dominated by residential
10 homes, is something that should be
11 considered. We appreciate the fact
12 that the applicant has brought, I
13 think, a building that almost matches
14 what is reflected on the plan so you
15 can get a good visualization of the
16 scale of the building, the height of
17 it. Obviously, what is on the right
18 hand side of that elevation is
19 probably that wall that would be
20 facing Morris Road. Obviously, it
21 doesn't look like the front of the
22 building. There is not a lot of
23 fenestration on that side, but I think
24 that is something that the Board wants
25 to consider whether or not changes to

1 that look of the building is something
2 that should be reflected the next time
3 this project comes to the Board for
4 concept review.

5 Nick has proposed a
6 stormwater management area to the
7 front of the site. That's because the
8 natural grading and the slope of the
9 land is towards Morris Road. So, it's
10 logical to put the stormwater
11 management area there. Unfortunately,
12 when you create those stormwater
13 management areas, you're basically
14 putting it into depressions along the
15 road. So, you lose the ability to do
16 berming that the Board would sometimes
17 want to see. That's not to say that
18 berming couldn't be incorporated into
19 the sidelines or side yards of the
20 building facing those residences.
21 That's something that we think should
22 be considered on the concept plans.

23 A couple of other minor
24 comments - it's a warehouse use. They
25 haven't identified any areas for

1 outdoor storage. We assume that there
2 would be none. If there isn't any,
3 we'd like a note added to the plans.
4 If there are, we would like it clearly
5 shown where it is on the plan so the
6 Board can review it and see if any
7 appropriate mitigation may be
8 required.

9 We are looking at the
10 overhead doors along the side. That's
11 going to be facing an existing
12 residence. There is probably going to
13 be some truck traffic there. Trying
14 to mitigate the impacts to the
15 existing residential dwelling and all
16 that vehicular traffic and truck
17 circulation on the side is something
18 that should be considered and
19 appropriately mitigated. Obviously,
20 this site is not designed for tractor
21 trailers, but whatever your design
22 vehicle is we would like to see the
23 movements to make sure that they can
24 do it within the paved areas of the
25 site.

1 Just another minor comment:
2 We will get into the detailed design
3 of things like lighting later on
4 through the design process, but I know
5 the picture of that existing building
6 that you have shows wall packs along
7 the side of the building. That is
8 something that is not allowed in the
9 Town of Colonie design standards and
10 something that would need to be
11 changed to more of a down-light cut
12 off style light just to reduce the
13 impacts. That's a standard within the
14 Town of Colonie. It's just something
15 that we will have to make sure that we
16 pick up on, Nick, if that building is
17 what you're looking to build.

18 Like I said, we will
19 solicit comments from the Albany Pine
20 Bush Preserve Commission. Hopefully
21 we can get some feedback from them
22 prior to concept review, assuming this
23 comes back in front of the Board.

24 We didn't see any wetlands,
25 state or federal on the property and

1 don't believe that any will exist.

2 It's kind of where we stand
3 so far with our review.

4 CHAIRMAN HEIDER: Okay,
5 JoAnne, do you want to start?

6 MS. MALOY: No, I'm fine.

7 CHAIRMAN HEIDER: Rich?

8 MR. BARLETTE: I think
9 that he explained that there is going
10 to be two offices or two occupants. I
11 saw two offices and I had a question
12 on that.

13 What is the storage
14 distribution plan? What is planned
15 for the two occupancies?

16 MR. CLARK: A medical
17 company - small medical companies. We
18 have private exercises groups. We're
19 talking about UPS trucks, Fed Ex
20 trucks and no tractor trailers.
21 Definitely no outside storage. Mom
22 and Pop organizations - we have a lot
23 of that. I have specialized over the
24 last 40 years of doing anywhere from
25 25 to 105,000 square feet tenants.

1 It's very safe in my business because
2 you don't get the big 80,000 square
3 foot people moving out. We're
4 looking for smaller companies. Fire
5 restoration company. Companies with
6 hospital beds. They have two or
7 three employees and a couple of
8 vehicles.

9 MR. BARLETTE: But nothing
10 has been finalized yet.

11 MR. CLARK: No. There's
12 people out here that have already
13 asked me to buy the building. One of
14 our tenants -- it used to be Clark
15 Industrial Park and now it's Tech
16 Valley Industrial Park - he was
17 wanting to buy his own building
18 instead of paying rent.

19 We've got another company,
20 Performance Industrial. They have
21 three trucks and their main buildings
22 are up in Glens Falls and this wasn't
23 going to be done quick enough. From
24 what I understand, they bought a
25 building. It's really just small

1 companies.

2 MR. BARLETTE: The only
3 other concern that I have - it seems
4 like the planned building is going to
5 be shoehorned in between two
6 occupancies. It looks as though the
7 one on the east, the [sic] Saccochio
8 residence is going to take the brunt
9 of that traffic and vehicles and
10 trucks and everything that's going to
11 be going in to service those two
12 occupancies. There would be concern
13 on my part, an appropriate buffer
14 there - a whole bunch of tree lines
15 or something to separate that to give
16 them some sort of space and privacy.

17 MR. COSTA: I think that
18 as we develop the design plans and
19 grading plans, we have enough space
20 there to do - not a large berm but as
21 Joe mentioned, a berm to put some
22 vegetation to buffer the traffic that
23 you described.

24 As Joe mentioned, there is
25 also not a high volume of traffic.

1 It's a small amount of traffic.

2 MS. MALOY: It would just
3 be during business hours.

4 MR. COSTA: That's
5 correct.

6 MR. BRONNER: You are
7 coming between two residential homes.
8 The size of the building will be
9 quite a difference. Does it need to
10 be that big?

11 MR. CLARK: With the cost
12 of the property -- you have to get a
13 certain amount of money per square
14 foot and so many square feet per the
15 acre of land. I've been doing this,
16 like I said, for 40 or 45 years and
17 the best economical sense is one acre
18 for every 10,000 square feet.
19 Unfortunately, because of the square
20 footage of the property, we also need
21 the height because a lot of these
22 people store things on 15 to 20 foot
23 racking and the storage - a lot of it
24 is storage that they use out on other
25 people's project. A lot of the work

1 is not done in the offices. That's
2 just their storage area office and
3 place of business and where they do
4 their billing. Most of the work and
5 most of these people are going to be
6 off-site.

7 MR. BRONNER: I understand
8 that neighborhoods change and areas
9 change.

10 MR. CLARK: We are
11 actually the first one -- right now,
12 I think that at the old Keller
13 building is the first commercial
14 building before you hit the tracks.
15 We are just around that bend. I know
16 that there are two brand new houses
17 being built across the street from
18 this exact property. They are very
19 small houses but they're houses.

20 MR. BRONNER: It's not a
21 uniform neighborhood area for sure.
22 I don't know if you've contacted the
23 neighbors - you should probably just
24 reach out to them about this.
25 They're going to have quite a change

1 next door and we don't want to hear
2 from them at the very end.

3 And appropriate buffering
4 for sure.

5 MR. CLARK: I think we
6 talked about the berm on the left
7 side and the right side is not going
8 to see much there.

9 MR. BRONNER: Those are my
10 comments. Thank you.

11 MR. MALONE: Were you
12 going to have signage on the building
13 or -

14 MR. CLARK: I've been in
15 this business for 50 years. I can't
16 hear too well.

17 MR. MALONE: When I drive
18 through Clark Industrial Park, it
19 could be as simple as someone has
20 their name on the door and that's it,
21 or there is a sign out on the road.
22 What are you expecting for signage by
23 your tenants? Is it going to be
24 hanging on the building.

25 MR. COSTA: Are you going

1 to put building signs?

2 MR. CLARK: We usually do
3 a monument or pylon sign more closer
4 to the road. There will probably be
5 a name on the door. If you go
6 through most of my park, we don't
7 have signs out. I've never allowed
8 them for many, many years, on the
9 building. We do allow an awning and
10 then they put their name on the
11 awning. Signs on the building are
12 very, very rare. On this building, I
13 probably wouldn't allow it at all.

14 MR. LEO: I would just say
15 that obviously the Albany Pine Bush
16 Preserve is going to be all over
17 this, as we know. It sounds like
18 you've addressed the outdoor storage;
19 there won't be any outdoor storage.
20 There's the lighting and I just think
21 that if you make an attempt and
22 really get with the neighbors and
23 sort of bring it to them, they're
24 going to come here and comment also -
25 just so we can have a plan in place

1 and make it a little nicer for them,
2 I think that's good. That's all I
3 have.

4 CHAIRMAN HEIDER: Nick, I
5 know that you have represented other
6 clients before us with warehouses and
7 I think that you know what I'm going
8 to say next. I think you can look at
9 the Safelite down the road, the
10 windshield place. You can look at the
11 coffee place across the street -
12 there is a way that you dress up the
13 front, because you can't have the
14 front of that building facing Morris
15 with Road. There's got to be a way to
16 dress that up - canopies.

17 I know, Joe, you're doing a
18 lot of work in the village, but we've
19 done a lot of work over the last 5-7
20 years in dressing up the warehouse.
21 It's not the warehouse of the 60's and
22 the 70's.

23 MR. CLARK: We don't have
24 a problem with doing that.

25 CHAIRMAN HEIDER: He knows

1 exactly what I'm talking about.

2 MR. CLARK: I did see
3 Safelite on the way over here. I
4 hadn't noticed the building before.

5 CHAIRMAN HEIDER: They
6 didn't want to do that, initially. I
7 think that they are proud of the
8 building and the way that it came
9 out, considering it's right on the
10 main road. I think that it looks
11 good.

12 Other than that, does
13 anybody have anything else?

14 (There was no response.)

15 Okay, thank you.

16 MR. COSTA: One thing that
17 I do want to ask - we will probably
18 ask for, as Joe mentioned, the waiver
19 of the 40% conservation. That's kind
20 of important for us to move towards
21 the concept plan. I'd like to have
22 some direction on that.

23 MR. GRASSO: Did you want
24 me to response to that, Chief?

25 CHAIRMAN HEIDER: Yes.

1 MR. GRASSO: I think that
2 it's premature for the Planning Board
3 to make a determination tonight.

4 MR. COSTA: No, I'm not
5 asking for a determination.

6 MR. GRASSO: I think, as
7 is customary in these situations,
8 Nick, I think that it's up to you to
9 provide us a basis or rationale to
10 support that Planning Board's
11 determination. I think that we will
12 work with the Planning Staff to make
13 sure that we get some feedback from
14 the Albany Pine Bush Preserve
15 Commission. And as part of our
16 concept review, we will dig into and
17 help lay the groundwork to help
18 provide more clarity, but I think
19 that it's just premature to go any
20 further than that tonight.

21 MR. COSTA: Okay, thank
22 you.

23 CHAIRMAN HEIDER: Thank
24 you.

25

1 (Whereas the above entitled
2 proceeding was concluded at 7:15 PM)
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CERTIFICATION

I, NANCY L. STRANG,
Shorthand Reporter and Notary Public
in and for the State of New York,
hereby CERTIFIES that the record taken
by me at the time and place noted in
the heading hereof is a true and
accurate transcript of same, to the
best of my ability and belief.

Date: 5/7/24

Nancy L. Strang

Nancy L. Strang

Legal Transcription

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Niskayuna, NY 12309

