



Planning Board

Regular Meeting

~ Minutes ~

347 Old Niskayuna Road
Latham, NY 12110

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

Steven Heider

Tuesday, May 21, 2024

6:00 PM

Public Operations Center

1. Call to Order

The meeting was called to order at 6:00p.m. by Chair Steve Heider. The roll was called. Paul Leo and Henry Rosenzweig were absent.

Also present: Senior Planner Andris Blumbergs (PEDD), Planner Andy Acker (PEDD), Planner Ethan Townsend (PEDD), Assistant Planner Lauren Dryburgh (PEDD), TDE Joe Grasso (CHA), and TDE Brad Grant (Barton & Loguidice).

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	Absent	
Michael J Malone	Board Member	Present	
Joanne Maloy	Board Member	Present	
Henry J. Rosenzweig	Board Member	Absent	
Matthew Millea	Counsel	Present	

2. Public Hearing

a. 421 Albany Shaker Road, VZW Green Meadows Facility.

Applicant: Alliance Infrastructure and Cellco Partnership d/b/a Verizon Wireless, represented by Young Sommer, LLC. Final review for proposed construction of 130 ft. monopine telecommunications facility. TDE: Barton & Loguidice.

David Brennan of Young Sommer, LLC presented on behalf of the applicant. The aim of the project is to fill a gap in cell coverage, particularly Verizon cell coverage. This is a joint venture with Alliance Towers who wants more than one carrier on their towers. This monopine would be for Verizon and AT&T and potentially additional carriers going forward.

Brad Grant of Barton & Loguidice (TDE) provided his review. He noted that the Town asked that the "branches" of the monopine be tapered to help make the appearance of monopine look more natural.

The Board discussed the project. Joanne Maloy recused herself. The Chair shared details from four letters from Town members in support of this project. These letters were from Charles Seifert, the president of Siena college, Albany County Legislator Paul Bergdorf, President of Prime Properties Ken Raymond, and John Dinuzzo, a resident of Paul Holly Dr.

Larry Abele of 21 Dorwood Dr. in Loudonville spoke in support of the monopine and improved cell coverage from a safety perspective. He asked for more details on where the increased coverage would extend in the area.

Louise Francis of 33 Green Meadows Ln. had some questions about surrounding power lines, if surrounding trees would be preserved, if this would provide 5G coverage or better, and if the equipment used would be used or refurbished. Mr. Brennan replied that they would be passing underneath the existing power lines, that the trees would not be disturbed, that this project would provide 5G coverage. He was fairly sure that this project will use all new equipment.

Ivan Bredfis of 39 Green Meadows Ln. had questions about if additional carriers on the project would require additional towers and a bigger generator. He also inquired if surrounding sites could be improved to increase coverage from them. Mr. Brennan replied that additional carriers would not require additional towers but rather could be staggered on the same monopine. He also noted that additional carriers would likely need their own generators and would need to go before the Zoning Board for a permit for each new generator. He noted that all of the surrounding sites are already at optimal output.

Al DeMarco of the Parish Council at St. Pius spoke on behalf of the church in support of the tower.

Patricia Kerry 20 Frantone Ln. spoke in support of the project and asked is there a timeline for when this tower would be operational once approved. Mr. Brennan noted that if all approvals go smoothly they would hope to break ground in the fall of 2024.

Susan Tario of 415 Albany Shaker Rd. expressed concerned about the proximity of the project to her property and asked if zoning would have to change for this project. Mr. Brennan noted that the site is currently zone Single Family Residential and that telecommunication towers are allowed in almost every zone, though they only chose to locate this tower in the SFR zone after ruling out possibilities in less residential zones. Regarding RF safety, Mr. Brennan noted that this project is licensed by FCC to transmit, and that 100% of the FCC allowed limit is considered safe.

Matt Rucinsky, the principal at St. Pius at 75 Upper Loudon Rd. in Loudonville spoke in favor of the cell tower as the school is currently in a cell dead zone and this creates a safety issue.

A motion was made.

i. Motion To: Close the public hearing.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Kevin M. Bronner, Board Member
SECONDER:	Ricahrd Barlette, Board Member
AYES:	Steven Heider, Ricahrd Barlette, Kevin M. Bronner, Michael J Malone
RECUSED:	Joanne Maloy

ii. Motion To: Approve a negative declaration under SEQRA.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Kevin M. Bronner, Board Member
SECONDER:	Ricahrd Barlette, Board Member
AYES:	Steven Heider, Ricahrd Barlette, Kevin M. Bronner, Michael J Malone
RECUSED:	Joanne Maloy

iii. Motion To: Approve land use law waiver findings.

COMMENTS - Current Meeting:

WHEREAS, the applicant proposes to install a cellular antenna/communications facility and related equipment on a proposed monopine and installation of associated at-grade equipment within a fenced compound with underground power and fiber utilities to serve the facility. The facility will have a driveway and stormwater management facilities. The site is zoned SFR (Single Family Residential). The project will cause a change in the density of the land use and no significant impact is expected.

The project will create a demand for emergency services. There will be a minimal impact to the school system.

WHEREAS, the applicant is not requesting any waivers from the Town of Colonie Land Use Law-Chapter 190-40,

WHEREAS, the use of the site is suitable for the proposed infrastructure,

NOW, THEREFORE BE IT

RESOLVED, that the Board hereby finds that the extent of project and impacts are not considered substantial and provides for improvement of essential communication service; and be it further

RESOLVED, that these Findings and any outstanding town department or TDE comments being properly addressed be a condition of 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 [4 TO 0]
MOVER:	Kevin M. Bronner, Board Member
SECONDER:	Michael J Malone, Board Member
AYES:	Steven Heider, Ricahrd Barlette, Kevin M. Bronner, Michael J Malone
RECUSED:	Joanne Maloy

iv. Motion To: Approve the final plan.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Ricahrd Barlette, Board Member
SECONDER:	Kevin M. Bronner, Board Member
AYES:	Steven Heider, Ricahrd Barlette, Kevin M. Bronner, Michael J Malone
RECUSED:	Joanne Maloy

3. Report of the Planning and Economic Development Department

Senior Planner Andris Blumbergs joined the Planning and Economic Development Department on May 13th.

4. Regular Business

a. **358 Watervliet Shaker Road, Watervliet Shaker Subdivision.**

Applicant: Jeff Ferraro. Presented by EP Land Services LLC. Concept review for proposed merger of 358 Watervliet Shaker Road and 1 East Hills Blvd. Proposed 6 lot single family home subdivision. The site is zoned SFR, Single Family Residential. TDE: Barton & Loguidice. (PL-23-00006).

Jamie Easton of EP Land Services LLC presented the project on behalf of the applicant. He noted that an ODA is required from the Town Board to create the private road proposed for this project.

The Board discussed the project.

Brad Grant of Barton & Loguidice (TDE) provided his review. He discussed concerns about the current stormwater drainage plan on the site. He also asked about the wetland areas on the site, which are deemed isolated and not contiguous to wetlands nearby.

Planner Andy Acker presented comments provided by the Albany County Planning Board. These included two advisory points. These were that 1) the Town should review and consider preserving the historic significance of the property and 2) the Town should consider excluding proposed Lot 1 from development due to wetlands. Additionally, Acker noted that a Town resident called in to the PEDD office regarding the historic significance of the property. The resident specifically asked about a letter included with the applicant's submission that was addressed to Jennifer Geraghty of Hartgen Archeological Associates instead of the applicant. The applicant indicated that he was working with Jennifer Geraghty and the letter is in relation to this project.

A motion was made.

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

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

b. 979 Troy Schenectady Road, Lexus of Latham.

Applicant: Country Realty Co., represented by EDP, LLP. Final Site Plan review for proposed construction of a two-story 33,707 sq. ft. car dealership building. The site is zoned Commercial Office Residential COR. TDE: Barton & Loguidice. (PL-23-00038).

Dan Tompkins of EDP, LLP and Victor Caponera presented the project on behalf of the applicant.

Brad Grant of Barton & Loguidice (TDE) provided his review.

The Board discussed the project.

A motion was made.

i. Motion To: Approve a negative declaration under SEQRA.

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

ii. Motion To: Approve land use law waiver findings.

COMMENTS - Current Meeting:

WHEREAS, the applicant proposes to re-develop a former motel and restaurant site for a new Lexus car dealership with 29,996 SF gross floor area facility with two access driveways, parking areas, landscaping, utility connections and stormwater management facilities. The existing buildings have been demolished. The site is zoned COR (Commercial Office Residential). The project will cause a change in the density of the land use and no significant impact is expected.

The project will create a demand for emergency services. There will be a minimal impact to the school system.

WHEREAS, the applicant is requesting the following waivers from the Town of Colonie Land Use Law-Chapter 190-40,

The following waivers are requested:

- a. More than 25 ft. front yard setback.
- b. Parking within the front yard. (Product Visibility)
- c. Less than 80% low wall or decorative fencing

WHEREAS, the use of the site is suitable for the proposed infrastructure,

NOW, THEREFORE BE IT

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

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

RESOLVED, that the Board hereby issues a waiver from the maximum front yard setback; and be it further

RESOLVED, that the Board hereby issues a waiver from the prohibition of new parking within the front yard; and be it further

RESOLVED, that the Board hereby issues a waiver from Less than minimum of 80% of frontage having a low wall or decorative fencing (supplemented with landscaping); and be it further

RESOLVED, that these Waiver Findings be a condition of site plan approval of the application and be kept in the project file in the Office of the Planning and Economic Development Department.

RESOLVED, that these Findings and any outstanding town department or TDE comments being properly addressed be a condition of 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:	Kevin M. Bronner, Board Member
SECONDER:	Joanne Maloy, Board Member
AYES:	Heider, Barlette, Bronner, Malone, Maloy

iii. Motion To: Approve the final plan.

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

c. 1130 Central Avenue, Asian Food Market.

Applicant: Ren Garden Group, Inc., represented by MRB Group. Sketch Plan review for proposed construction of one 40,000 sq. ft. supermarket, one 6,600 sq. ft. retail building, one 14,500 sq. ft. warehouse building and one 2,300 sq. ft. fast food restaurant building. Site is zoned Industrial (IND). TDE: CHA. (PL-24-00077).

Tin Tin Ren of Asia Food Market Corp. and Tom Fromberger of MRB Group presented the project. Fromberger noted that the applicant has changed their name to Asian Center Mall LLC.

Joe Grasso of CHA (TDE) provided his review. He indicated that the Town would like to see a traffic study for this site as part of the applicant's concept submission.

The Board discussed the project. The Chair spoke in support of the proposed connection between Railroad Ave. and Osborne Rd. He noted that this project is located at a major entrance to the Town and aesthetics are important.

Planner Andy Acker spoke on behalf of PEDD reiterating that this is an entryway to the Town and the aesthetics are important.

i. Sketch plan review, no action taken.

d. 644 Watervliet Shaker, Feiden Farms Subdivision.

Applicant: Jerry Krug, represented by Advanced Engineering & Surveying. Sketch Plan review for proposed subdivision creating 45 total lots; 43 single family residential, a park and one stormwater management parcel. Site is zoned Single Family Residential (SFR). TDE: CHA. (PL-24-00112).

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

Joe Grasso of CHA (TDE) provided his review.

The Board discussed the project.

A member of the public asked about SEAMAB due to the watercourse on the property. Chairman Heider indicated this will be addressed as the project progresses.

i. Sketch plan review, no action taken.

e. 38 Karner Rd. A+ MediTrans Service Facility.

Applicant: REHJA Group, represented by ABD Engineers & Surveyors. Concept review for proposed redevelopment with demolition of existing structure and building a new 24,000 sq. ft. structure, including 390 parking spaces and associated improvements. The site is zoned Industrial (IND). TDE: CHA. (PL-24-00010).

Luigi Palleschi of ABD Engineers & Surveyors presented the project on behalf of the applicant.

Joe Grasso of CHA (TDE) provided his review.

The Board discussed the project.

A motion was made.

i. Motion To: Accept the concept plan.

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

5. Adjournment

With no further business before the Board the meeting stood adjourned at 8:27p.m.

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE PLANNING BOARD

3 *****

4 421 ALBANY SHAKER ROAD
5 VZW GREEN MEADOWS FACILITY
6 FINAL REVIEW FOR PROPOSED
7 CONSTRUCTION OF 130 FOOT MONOPINE
8 TELECOMMUNICATIONS FACILITY
9 *****

10 THE STENOGRAPHIC MINUTES of the above
11 entitled matter by NANCY L. STRANG, a
12 Shorthand Reporter commencing on May 21,
13 2024 at 6:02 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 KEVIN M. BRONNER, JR.

21 MICHAEL MALONE, JR.

22 JOANNE MALOY, RECUSED

23

24 ALSO PRESENT:

25 MATTHEW J. MILLEA, ESQ. COUNSEL TO THE
BOARD

26

27 ANDY AKER, DEPARTMENT OF PLANNING AND
ECONOMIC DEVELOPMENT

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1 DAVID BRENNAN, ESQ., YOUNG SOMMER, LLP
2 RICK ANDRES, PE, VERIZON WIRELESS
3 BRAD GRANT, PE, BARTON AND LOGUIDICE
4 LARRY ABELE
5 LOUISE FRANCIS
6 IVAN BERETVAS
7 AL DEMARCO
8 PATRICIA CARY
9 SUSAN TARIO
10 MATT RUCINSKI

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1 CHAIRMAN HEIDER: I want to
2 welcome you to the Town of Colonie
3 Planning Board meeting, Tuesday, May
4 21st, here at the Public Operations
5 Center.

6 First up is the Department.

7 Is there any comment?

8 MR. ACKER: Yes, the Town
9 recently hired a new Senior Planner,
10 Andres here. He joined us a week ago.
11 I'm glad to have him on board.

12 Other than that, that's it.
13 We're ready.

14 CHAIRMAN HEIDER: Okay, we
15 have to do roll call.

16 (The roll was called.)

17 The first order of business
18 tonight is the public hearing on 421
19 Albany Shaker Road.

20 Andy, do you have the
21 Resolution?

22 MR. ACKER: Town Planning
23 Board, Town of Colonie, Albany
24 County, New York. Notice is hereby
25 given persaunt to Section 276 of Town

1 Law, the Town Planning Board in the
2 Town of Colonie, Albany County, New
3 York will meet and conduct a public
4 hearing at the Public Operations
5 Center, main conference room, 347 Old
6 Niskayuna Road, Latham, in said Town
7 of Colonie, County of Albany, New
8 York on the 21st day of May, 2024 at
9 6:00 PM for the purpose of hearing
10 all persons upon the approval,
11 modification, or disapproval of a
12 certain minor site plan application
13 in the Town of Colonie, County of
14 Albany, known as Verizon Wireless,
15 Green Meadows, 421 Albany Shaker
16 Road, proposed construction of 130
17 foot monopine telecommunications
18 facility and the associated
19 improvements, dated May 15, 2024,
20 Albany, New York, Town of Colonie
21 Planning Board, Steven Heider, Chair.

22 CHAIRMAN HEIDER: Thank
23 you.

24 We will open that meeting
25 now. We'll turn it over to the

1 applicant.

2 MR. BRENNAN: Good evening,
3 ladies and gentlemen. I'm Dave
4 Brennan with the law firm of Young
5 Sommer. With me tonight, I have Brian
6 Zarkey with Airosmith Development who
7 is our real estate specialist. To his
8 left is Rick Andress, a Verizon
9 Wireless RF Engineer. Directly behind
10 me is Steve Matthews from Tectonic
11 Engineering, our civil engineer.
12 Thank you for having us this evening.

13 What I'd like to do - we
14 have some slides that I'm going to go
15 through and I'd like to first start by
16 identifying, as the planner just has,
17 the site location.

18 The proposed site is located
19 at both 421 and 415A Albany Shaker
20 Road. To folks who live in the Town,
21 if you're familiar with that area,
22 it's also known as the Maloy
23 Construction Company property. It is
24 on the east side of Albany Shaker
25 Road, just down from Stewart's a

1 little bit. There is a very stately
2 white house that sits up on a little
3 knoll behind some very well-manicured
4 evergreen bushes. What you can't see
5 from Albany Shaker Road is there is a
6 very large extensive, heavy,
7 contracting and construction company
8 back there -- until you drive up the
9 driveway.

10 I'd like to start off these
11 discussions with why is it that we are
12 here proposing something, rather than
13 diving right into what we are
14 proposing.

15 The why of what we are
16 proposing is - we are proposing to
17 fill an existing gap in coverage and
18 insufficient Verizon Wireless coverage
19 in this area of the Town of Colonie,
20 in the area of Loudonville. This
21 drawing here on the map on the screen
22 - the purplish blue areas (indicating)
23 are the areas that we have what we
24 identify through RF plots as
25 satisfactory coverage. Phones should

1 work and communications should hold
2 and you should not drop a call. The
3 tanish non-shaded areas are the areas
4 that we have identified that lack
5 sufficient coverage. Basically, it is
6 centered along Albany Shaker Road.
7 This is Crumitie. This is 9. The site
8 is right here - this green floret. St.
9 Pius Church is in this area and then
10 that area of lack of coverage drops
11 down as we approach. At the bottom of
12 the screen you can see the City of
13 Albany has a reservoir of the bottom
14 and it approaches the city line. So,
15 we are trying to improve that area
16 where we have gotten an awful lot of
17 attention over the last couple of
18 years of lack of solid coverage.

19 Next slide, Andy, please.

20 With the site turned on at
21 the proposed elevation, the antennas -
22 the green mass is what is intended and
23 will be the improved coverage to this
24 area of the community. So, in service,
25 both east and west of Albany Shaker,

1 approaching down, but not quite
2 hitting Route 9, and then down south
3 of Crumitie, down to the area of Lacy
4 Lane. It goes as far as north as
5 Osborne Road; west as far as almost to
6 Sand Creek.

7 What I would also like to
8 point out is when we talk about why we
9 are doing this - these blue florets
10 are the exists Verizon sites that are
11 in the area. So, the existing coverage
12 is coming from this one that we call
13 Loudonville - that's on the
14 Loudonville Presbyterian Church. I'll
15 call it north of Loudonville
16 Elementary School. The church that
17 sits back in the pines. There is a
18 stealth bell tower in front of it that
19 unfortunately is not taller than the
20 pines, but does provide some coverage.

21 Rick will remind us back in
22 2010 or so, when that was approved, it
23 was proposed to be above the trees.
24 That didn't happen. That contributes
25 coverage to that area of Old Niskayuna

1 Road.

2 To the top of the screen
3 going counterclockwise, we call this
4 Roessleville. so, this is on the Town
5 water tank that is up behind Kimberly
6 plaza. There are two Town water tanks
7 out there. We are one of those and
8 that provides some coverage.

9 Down here there is a small
10 cell antenna on the top of the
11 Stewart's Shop at the end of Osborne
12 Road, at Sand Creek. Down below
13 Everett Road, this floret is at 5
14 Palisade Drive, which is off of
15 Everett Road, behind the Red Cross
16 building - is the best way to orient
17 ourselves to that one.

18 We are working on a sight to
19 the east - much further east that will
20 pick up the eastern portion of
21 Loudonville, that is not as far along
22 as this one. That one is much further
23 down at 378.

24 Also, there are a couple of
25 dots here on Bacon Lane. Crumitie,

1 North Loudon and Lacy Lane. As we
2 flip to the next slide, those are a
3 series of small cell antennas. If you
4 are paying close attention, you would
5 be driving up Route 9 and hopefully
6 experiencing better Verizon coverage.
7 Those are a series of small antennas
8 that were turned on in the last year
9 to pick up the major thoroughfare
10 travel route. There is also one area
11 on Lacy Lane and one off of Turner
12 Lane that doesn't show. Those have
13 improved coverage along Route 9,
14 hopefully, with your driving
15 experience. Unfortunately, those have
16 a limited range of about 1,000 - 1,250
17 feet and do not penetrate into the
18 neighborhood, in the residential
19 areas. So, they are a bit of a filler.

20 The site we are proposing is
21 called a macro site. They have the
22 typical panel antennas that are
23 vertical and provide a much larger
24 coverage footprint, as we can see, as
25 compared to the small cell antennas.

1 If we could slip to the next
2 slide, please.

3 I have cut out of the zoning
4 drawings - several of the major
5 drawings - this is an aerial view of
6 the Maloy Holdings, which is this
7 large parcel, here (Indicating). What
8 you can't see from Albany Shaker Road
9 is what this looks like up in the back
10 here, which is the construction yard.
11 The towers propose on 415A -- we will
12 enter off the main existing driveway.
13 We are not proposing a new driveway.
14 You get up to the top of that drive
15 way, take a right and go into the
16 trees.

17 Next slide, please.

18 These are the setbacks,
19 which the Town requires a back of 110%
20 of the tower height from all property
21 lines, which we will leave.

22 Next slide.

23 This is a closer drawing -
24 come up the driveway and hang a right
25 and there are some existing sheds and

1 storage containers here. Then, this
2 area is approximately a 70 foot x 90
3 foot area that we would clear in the
4 trees. We would then build a 50 foot
5 by 50 foot chain link fence for the
6 tower compound, with a foot of barbed
7 wire on top of it. The stealth
8 monopine tower would go where the
9 circle is. The Verizon equipment is
10 on the ground there. We are and have
11 added and proposed a back-up generator
12 for this facility.

13 For a while we were getting
14 away from putting in a generator at
15 every site. We are back now putting
16 generators on all sites.

17 These generators exercise
18 once every two weeks. There is one at
19 the 5 Palisades site that we talked
20 about - where my office is located on
21 the third floor. There is a generator
22 from here to the front door, from the
23 corner of our office building. I have
24 heard it once in 10 years when I
25 walked in. They are ultra-quiet and

1 expected a 46 dB at the property line
2 which is much quieter. It's like
3 regular conversation quiet. It will
4 exercise for a half hour every two
5 weeks to make sure it's functioning.
6 Other than that, they don't come on
7 and stay on unless there is an
8 extended power outage in the
9 neighborhood and that keeps the cell
10 phones working for communication
11 purposes.

12 There is no light proposed
13 at the top of the tower. We would come
14 in with a stealth monopine and also a
15 light at the top, but there is no
16 light required. Although the airport
17 is close enough, it's not close enough
18 that we need any sort of obstruction
19 lighting. There is a small 15 watt LED
20 work light at the base, in case
21 someone comes in the middle of the
22 night. I have never heard of that
23 happening, but it is on a spring wound
24 tire so that if a work person comes in
25 and turns the light on because of

1 something that they have to do - which
2 I suspect would be a very unique
3 situation, it will unwind. It's not on
4 a motion sensor. It will unwind and
5 turn itself off if they forget to turn
6 it off after 15 minutes.

7 Can you go to the next slide
8 for me, please?

9 This is just a close up view
10 of the tower. This Verizon equipment
11 is on a concrete pad. If you go to
12 older sites, sometimes you see these
13 trailer looking structures that are
14 about 8 foot wide by 20 feet long.
15 Verizon and I think that most of the
16 carriers have moved away from those,
17 which also have air conditioning units
18 in them. It's actually a benefit not
19 to have those air conditioning units
20 in.

21 I think the next slide will
22 be the profile shot.

23 This is the profile shot of
24 this at 130 feet. We had to add a
25 couple of feet extra to it to make it

1 look like a tree. Otherwise, it looks
2 like a toilet bowl brush, papered at
3 the top. The antennas are here -- it
4 is being proposed and designed for
5 three additional carriers. So, the
6 trees are basically 80 to 90 feet from
7 a drone fly, so there is room for
8 additional carriers.

9 The Town Designated Engineer
10 requested during the review process to
11 lower the branches to make sure that
12 they were down in the trees.

13 AT&T has submitted -- I
14 should back up way to the beginning.
15 This is a joint collaboration of
16 Verizon Wireless and Alliance Tower.
17 So, Alliance Tower is the tower owner
18 of Verizon and is the anchor tenant.
19 Alliance Towers - when they built out,
20 they want to have other carriers on
21 them. That's why they build them.
22 AT&T, is proposing to go on this. They
23 have submitted a letter of interest.
24 So, it will be both Verizon and AT&T
25 which is not all of the consumers.

1 There is one other carrier that we
2 need not mention, because they haven't
3 expressed interest yet, but the
4 majority of the population is using
5 AT&T and Verizon. Obviously, the other
6 one - if you watch TV, again -- this
7 is T-Mobile and we would expect that
8 Alliance will be reaching out to them.
9 There is room for their antennas, as
10 well. It's not just a Verizon
11 solution. It's going to hit all of the
12 carriers.

13 At that point, I'd like to
14 take a breath and see if the Board
15 wants to hear anything.

16 We did do, as part of this,
17 a balloon fly and did visual
18 renderings of this and simulations. I
19 have those with me, but we will keep
20 this going for a much longer time. So,
21 I know that they're part of the
22 package. It's online with the office
23 and we can go through those, if you
24 prefer, or we can turn it over to
25 Board questions or public comment,

1 depending on how you prefer, sir.

2 CHAIRMAN HEIDER: Does the
3 Board have any questions?

4 (There was no response.)

5 MR. BRENNAN: I think I'd
6 like to take a moment then, if there
7 are no questions from the Board, and
8 sit down and listen to the folks that
9 have come out tonight to express
10 their opinions on things, take notes
11 and then we will go from there.

12 CHAIRMAN HEIDER: There may
13 be questions from the Board.

14 We have our Town Designated
15 Engineer, Brad Grant, from Barton and
16 Loguidice and his comments.

17 MR. GRANT: Thank you,
18 David. Good summary.

19 We did a review consisting
20 of looking at the site planning,
21 drainage and access. There was an
22 emergency generator - a small one
23 proposed. I think David summed it up
24 very well. The generator on-site, if
25 you were standing next to it, is about

1 65 dB which is about the volume that
2 I'm talking now, at the property line;
3 45 is a later conversation, if you
4 will. It's not going to come on and
5 off. Like David said, every two weeks
6 will be just to exercise it to make
7 sure that the systems are operable.

8 The facility will be
9 unmanned. The monopine is the nice
10 choice, versus some of the steel
11 monopoles or the latticework type of
12 frame of the older style poles. This
13 is generally meant to fit in more with
14 the trees. It is taller than the
15 trees, but we did ask for a taper of
16 the branches so looks more like a
17 natural tree. It will stay green for
18 many, many years.

19 We analyzed visual analysis
20 and most people in the service area
21 will not see it either because of
22 existing vegetation or topography. It
23 is below the hills that surround the
24 site. Some will see it, but I think
25 with the monopole design, it will fit

1 in much better. An important asset to
2 have for communications. If anybody is
3 trying to get a hold of an ambulance
4 or something and has calls dropped out
5 -- I live out in Guilderland Center
6 and you know how important it is.

7 That was a good summary.

8 CHAIRMAN HEIDER: To the
9 Board; JoAnne?

10 MS. MALOY: I should really
11 recuse myself.

12 CHAIRMAN HEIDER: Rich?

13 MR. BARLETTE: No. I think
14 that it's a good proposal. It's going
15 to serve the residents in that area,
16 especially the emergency services
17 when you need them. So, I think that
18 it's a good proposal.

19 CHAIRMAN HEIDER: Kevin?

20 MR. BRONNER: I agree. This
21 is a major public safety issue in
22 that area. Everyone that lives over
23 there has experienced issues with
24 cell phone service impacting their
25 lives. It's a good project.

1 CHAIRMAN HEIDER: Michael?

2 MR. MALONE: Nothing.

3 CHAIRMAN HEIDER: I always
4 blamed it on Father Farano. The phone
5 would drop about 100 yards from his
6 church and you'd pick up service 100
7 yards after you pass the church on
8 Sunday morning.

9 I have four letters here
10 that I will just introduce that will
11 go into the minutes. One is from the
12 President of Siena who speaks highly
13 of the proposal and wishes it to be
14 done.

15 Another one is from the
16 Albany County Legislator, Paul
17 Bergdorf, who has been very vocal
18 about this and not just this
19 application, but another application
20 farther up Old Niskayuna Road. He
21 lives in the area and he lives it
22 every day. So, he again, is in support
23 of it.

24 Ken Raymond, President of
25 Prime Properties also is in support of

1 it, as well as John DeNuzzo, who is
2 right in the thick of things where
3 they have no service and they are in
4 support of it.

5 Please make that note and
6 Andy will have these letters in the
7 file, if anybody wishes to see it.

8 At this point, unless you
9 have any more right now, I'm going to
10 allow public comment.

11 MR. BRENNAN: Of course;
12 thank you, very much.

13 CHAIRMAN HEIDER: All I ask
14 is when you come up, folks, keep it
15 realistic. You need to give us your
16 name and address and feel free to
17 have a conversation.

18 MR. ABELE: Larry Abele, 21
19 Doorwood Drive, Loudonville, over by
20 the Loudonville Fire Department,
21 Niskayuna Road.

22 I can show you three things
23 and you'll thank me for only showing
24 you two. One is a scar from here to
25 here (Indicating) from a heart attack;

1 here is a pacemaker that I just had
2 installed the other day. These are
3 business cards; 20 from my doctors.
4 It's important that I get a call if I
5 have another heart attack.

6 I have a question for the
7 engineer. If they raise the
8 Loudonville Church - if they raise
9 that tower, will that help me?

10 MR. ANDRES: I'm not sure
11 exactly where you live, but possibly.

12 MR. ABELE: By the
13 firehouse on Old Niskayuna Road - if
14 you can picture that.

15 MR. BRENNAN: I can respond
16 to that.

17 Mr. Chairman, do you want me
18 to summarize at the end?

19 CHAIRMAN HEIDER: No. Let
20 me put it to you this way: The other
21 project that is before this Board
22 addresses directly what you're
23 talking about. That's going to be a
24 tower right at the Shaker Road
25 Firehouse. That's designed to do Old

1 Niskayuna Road where this will stop
2 further to the north - east or west
3 on Maxwell Road.

4 MR. ABELE: That's under
5 consideration now.

6 CHAIRMAN HEIDER: That is
7 under consideration now.

8 MR. ABELE: Fabulous. That
9 would be the bee's knees for me. It's
10 ironic that I live 400 yards from the
11 station, but on a good day I have one
12 bar. It sounds good to me, sir.

13 CHAIRMAN HEIDER: Thank
14 you.

15 Anybody else?

16 MS. FRANCIS: Hi, I'm
17 Louise Francis from 33 Green Meadows
18 Lane. I have some questions that I'd
19 like answered, if that's okay.

20 First of all, there is a
21 series of overhead power lines that go
22 across the street and onto the Maloy
23 property. How is that going to be
24 dealt with in terms of this
25 construction?

1 CHAIRMAN HEIDER: Why don't
2 you get all your questions out and
3 then I'll answer all of them.

4 MS. FRANCIS: Sure.

5 There are some surrounding
6 trees that go from the property to the
7 back of the properties of the
8 homeowners. Will those hardwood trees
9 be preserved?

10 Is this unit going to be 5G
11 or better? I think that you said 4G -
12 5G. I don't know what that means, but
13 we want 5G or better in order to get
14 good coverage.

15 For the equipment that
16 arrives and will be put up in the tree
17 - is that new equipment, or is it
18 refurbished equipment?

19 Those are basically my
20 questions.

21 CHAIRMAN HEIDER: Thank
22 you.

23 I will ask one of the
24 representatives from Verizon to answer
25 those questions.

1 MR. BRENNAN: Thank you,
2 ma'am, for coming out with those
3 questions.

4 So, the power lines that
5 cross the Maloy property, as I
6 understand it, from visiting the site
7 and reviewing the maps - we're
8 actually going to tie in. There is a
9 telephone pole. Behind the garage
10 there is a telephone pole and lines
11 that go this way (Indicating). I think
12 that the service to the office goes
13 this way. So, we are tapping into this
14 power line here to bring our service
15 in. So, we will be passing underneath
16 those lines, but they will not
17 otherwise be affected in their
18 sufficient capacity to serve us. The
19 trees behind the property, down the
20 hill and behind the residences on
21 Green Meadow Drive, will not be
22 touched. Our limits of clearing are
23 right here. It's just off the property
24 which is 70 by 90. The entire stand of
25 trees that are basically down the hill

1 to Green Meadows Drive will remain and
2 are not being proposed to be impacted.
3 Actually, a lot of the site is fairly
4 well cleared right now where we are.
5 So, there will be some trees going
6 down, but not extensively. This will,
7 much like most of the area around
8 Albany, be turned on as a 5G site.

9 Now, 5G admittedly means
10 different things to different people.
11 Every commercial you have has a
12 different - what is 5G to the
13 different carriers, but it will be
14 using the most current operating
15 system for the best reliable and
16 fastest service.

17 I've never heard the
18 question about new or refurbished
19 equipment, but I'm going to suspect
20 and ask Rick that we would be using
21 normally, because everything is new --
22 new equipment on this. We're not
23 taking sites down, so I don't expect
24 there is any old equipment to be used.

25 CHAIRMAN HEIDER: Did that

1 answer your questions, ma'am?

2 MS. FRANCIS: Yes, thank
3 you.

4 CHAIRMAN HEIDER: Yes, sir.

5 MR. BERETVAS: Good
6 evening. My name is Ivan Beretvas. I
7 live at 39 Green Meadows Lane. I just
8 have a couple of questions with a few
9 parts to them.

10 The first question is: When
11 and if you have additional carriers,
12 does that mean an additional post or
13 just an additional additions to the
14 actual post? If the additional
15 carriers are added, would they need to
16 be increased in size and power?

17 My other question: You show
18 the tower surrounding the area. If one
19 extrapolates the square or rectangle
20 that surrounds the proposed tower and
21 try to use the current towers to
22 increase their output, could that
23 cover the area as we have it now, or
24 is it a matter of height that is it
25 issue? Thank you.

1 CHAIRMAN HEIDER: Thank
2 you.

3 MR. BRENNAN: Thank you for
4 your questions.

5 The additional carriers will
6 not result in an additional tower or
7 pole. Typically, a monopine tree like,
8 10 foot on center building down the
9 tree is above the existing tree line.
10 The tension that sometimes exists --
11 and when we are saying it's up to four
12 carriers, is the existing trees at
13 around 80 to 90 feet - would be an
14 unlikely spot that anyone would want
15 to go this low, but there is room for
16 four above the trees. Below that, we
17 would expect that a carrier would not
18 invest the money to shoot the
19 transmissions into the leaves and
20 would not have good coverage.

21 As to the generator, that
22 process - I just don't know. I
23 apologize.

24 I hate answering questions
25 with my back to you.

1 I don't know what AT&T
2 requires. Not all the carriers require
3 generators. Some of them have racks of
4 batteries that will keep them on air
5 for 8 or more hours, anticipating in
6 Colonie, knock on wood, the power
7 doesn't go out for an extended period
8 of time. So, that would be subject to
9 a process -- this is the site plan for
10 this tower. The Town has a Code that
11 if someone were to come along, the
12 next carrier - AT&T has to go through
13 a process in front of the Zoning Board
14 to get their own permits. That
15 wouldn't be measured. Typically each
16 carrier would have their own
17 generator. It's been proved unworkable
18 in the past to try to share generators
19 and share expenses.

20 As far as increasing out,
21 but for the surrounding sites, all of
22 those sites are as up to date as they
23 can be. They have been optimized,
24 which is the typical process that the
25 RF department goes through when we are

1 having problems with coverages; first
2 to optimize and make sure that we are
3 fully deployed with all of our
4 frequencies and channels in the
5 surrounding sites. That's the quick,
6 dirty, and chief of solution before we
7 come through.

8 This process has been going
9 on since about June of last year in
10 different forms, through this process.
11 It is a bit of a last resort when we
12 come into Loudonville and propose a
13 tower and it's because it's absolutely
14 necessary to provide the amount of
15 coverage that we need.

16 CHAIRMAN HEIDER: Thank
17 you.

18 MR. DEMARCO: My name is Al
19 DeMarco and I'm a part of the Parish
20 Council at St. Pius. Father Walsh
21 couldn't be here tonight, but he
22 asked me to attend just to express
23 his feelings and to carry on from
24 Father Ferano that from an
25 operational administrative point of

1 view of the church, getting
2 additional service is going to really
3 allow them to do the things that they
4 need to do. They have really been
5 looking forward to it for however
6 many years this has been under
7 consideration. We really support it,
8 very much. Thank you.

9 CHAIRMAN HEIDER: Thank
10 you, Al.

11 MS. CARY: My name is
12 Patricia Cary and I live at 20
13 Frantone Lane. I'm just here to say
14 thank you. We need this. Anybody who
15 has put any effort into this, thank
16 you.

17 One quick question, though.
18 If everything is copasetic and
19 everything gets approved, is there a
20 time line in place for when this might
21 be operational?

22 MR. BRENNAN: I'd like to
23 also acknowledged that I won't come
24 up and respond to every comment in
25 support, but we do appreciate those,

1 as well.

2 Timing wise, after the
3 Planning Board process - hopefully it
4 ends with an approval - just the way
5 that the process is, we have to go to
6 the Zoning Board for a special use
7 permit. That application has been
8 submitted and we are hopeful that we
9 will be on an agenda probably, I
10 think, June. There is only one
11 meeting, so probably a July meeting.
12 There is a little bit of work that
13 goes on after this to get a building
14 permit. So, the anticipated
15 construction date is to break ground
16 in the fall.

17 Also, in upstate New York,
18 we have two different species of bats
19 which can roost in trees during the
20 summer, which cause a constraint to
21 may construction projects. The tree
22 cutting seasons, when the bats are in
23 their vermiculum is November 1st. So,
24 we would expect that this would be
25 constructed in that sort of fall to

1 try to get it online. This is a high
2 priority site for Verizon and I expect
3 for AT&T, as well. It's also important
4 for Alliance Towers. They have
5 invested a lot in this process and so
6 they are going to want to put it into
7 construction.

8 CHAIRMAN HEIDER: Anyone
9 else?

10 MS. TARIO: My name is
11 Susan Tario and I live at 415 Albany
12 Shaker Road.

13 I was just concerned about
14 the proximity to my property. It is
15 zoned residential now? Will the zoning
16 have to change?

17 CHAIRMAN HEIDER: Andy?

18 MR. ACKER: If you finish
19 all your comments, I can come back
20 and answer them.

21 MS. TARIO: I guess I was
22 just concerned about the proximity to
23 where I am - the closeness. I mean, I
24 do understand that it's very
25 beneficial for everyone. For so many

1 years I have lived there and it's
2 always been residential.

3 CHAIRMAN HEIDER: That's
4 why they need to go to the Zoning
5 Board.

6 MR. ACKER: That's where
7 the Zoning Board variance will come
8 into play.

9 MR. BRENNAN: I can answer
10 your question.

11 All of this area in
12 Loudonville up and down Albany Shaker
13 Road is SFR, single
14 family/residential. Colonie has a
15 separate Chapter, apart from the
16 Zoning Law for telecommunications that
17 telecommunications provisions don't
18 drive off of zoning in the normal
19 sense, which this is allowed in X
20 zone, but not allowed in Y. Towers are
21 allowed in every zone except, I think,
22 the recreational district. Basically,
23 it's on a sliding scale.

24 The idea is that first you
25 have to go through and we identify

1 where we need the tower, and there
2 seems to be very little doubt that we
3 need a tower in this area of
4 Loudonville. Then, you have to look
5 for the higher ranked priorities. The
6 first priority is on Town property.

7 Excuse me, I will back up.

8 The first priority is
9 co-locating on an existing tower. That
10 doesn't work. There is a light duty
11 tower, if you have ever slowed down
12 and looked up. There is an old tower
13 which is not as capable of being
14 reinforced and is in the middle and is
15 more visible.

16 The next would be to go to
17 Town property, so that the Town -- or
18 it could be Fire Department property -
19 that is there to drive the rent to
20 municipal entities, which is the goal
21 sometimes. There is no Town owned
22 property.

23 Then, you go through the
24 traditional zoning of looking for -
25 I'll call it - an industrial zone

1 property -- commercial zoned property.
2 We have all the different NCOR type of
3 mixed-use properties and then single
4 family. As long as you can rule out
5 all of those other properties, it's an
6 allowed use in the single family zone.
7 It is subject to a Zoning Board
8 process for a special permit. The
9 Zoning Board process focuses more on
10 the RF need, where the Planning Board
11 typically focuses on aesthetics and
12 more civil engineering type things.
13 The Zoning Board will look at - has a
14 consultant looking at - do you really
15 need it? I can tell you that we need
16 it. We're not going to celebrate that
17 we got this because we didn't need it
18 but it's because we do. We're going
19 through that process.

20 The comment was about RF
21 safety and I didn't talk about that,
22 but RF safety is a good thing to talk
23 about, while the topic is in front of
24 us.

25 We are licensed by the FCC

1 to transmit. We have submitted a
2 report from Maloy's engineer that
3 studies the RF safety.

4 The FCC has upper limits of
5 what you can transmit at. They
6 consider 100% of their limit to be
7 safe. We transmit about 1.25% of that
8 limit. When I say that we transmit at
9 1.25% of the limit, that's if all the
10 frequencies, all of the antennae are
11 on and are transmitting at full
12 strength. Cell towers are not PYX106
13 on the Helderburg escarpment at 50,000
14 watts trying to reach Lake George for
15 Memorial Day weekend. We transmit just
16 to cover the area that we're trying to
17 cover. The strength actually ebbs and
18 flows. If you're coming toward the
19 tower, the tower and your phone will
20 correspond and reduce the amount of
21 signal strength to maintain that
22 connection. As you pass the Tower and
23 go away, the strength increases until
24 you get to a point where it seamlessly
25 hands off to the next tower and you

1 don't drop a call. If we were having
2 Woodstock at the Maloy property and
3 the entire tower was being used, which
4 will never happen, but if it was, we'd
5 still only be at 1.25% of the power.

6 CHAIRMAN HEIDER: Anyone
7 else?

8 MR. RUCINSKI: Good
9 evening. My name is Matt Rucinski and
10 I'm the Principal at St. Pius School,
11 75 Upper Loudon Road in Loudonville.
12 We are a pre-k through 8th grade
13 school serving nearly 550 students.

14 For as long as I can
15 remember we have been located in the
16 deadzone for cell phone reception.
17 Some parts of the area see improvement
18 but not the case for our campus on
19 Loudon Road. As you can imagine this
20 presents a very real safety threat for
21 nearly 700 people who might be at our
22 school at any given day.

23 My most important
24 responsibilities are keeping my
25 students and faculty safe. Doing so,

1 without reliable cellphone service is
2 very difficult.

3 You may have heard the very
4 unfortunate news that the weekend that
5 a bomb threat was called into our
6 school. That actually went on the
7 evening news tonight. Unfortunately,
8 it's a sad world that we live in. We
9 have a need for reliable cellphone
10 service.

11 I urge you tonight to
12 consider approving the cellphone tower
13 to be located at 421 Albany Shaker
14 Road. It will bring my school
15 cellphone coverage that we so
16 desperately need.

17 On behalf of the students,
18 faculty and staff of our school, we
19 thank you for keeping our safety in
20 mind and thank you to Dave, and your
21 team.

22 CHAIRMAN HEIDER: Thank
23 you. Anyone else?

24 At this point, does the
25 Board have any other questions?

1 (There was no response.)

2 I would look for a motion to
3 close the public hearing.

4 MR. BARLETTE: I motion to
5 approve the final site plan.

6 CHAIRMAN HEIDER: That's
7 not what I asked for. We have to have
8 a motion to close the public hearing.

9 MR. BRONNER: I'll make a
10 motion.

11 MR. BARLETTE: Second.

12 CHAIRMAN HEIDER: All those
13 in favor?

14 (Ayes were recited.)

15 To that, Rich, we need to
16 have Brad walk us through the SEQR and
17 then there is a waiver required.

18 Brad, would you be so kind?

19 MR. GRANT: Yes, the SEQR
20 recommendation - they requested
21 approvals and unlisted SEQR action.
22 We recommend based on the attached
23 EAF that the Board determine that the
24 action will not have any significant
25 effect on the environment.

1 Part II, the impact
2 assessment - there are one through
3 eleven different questions, all of
4 which are no or small impact may
5 occur.

6 Part III is the
7 determination and significance. I
8 think that we've heard virtually
9 everything about the project. The
10 only thing that I didn't hear - this
11 will be a one-phase project and
12 anticipated to take approximately two
13 to three months to complete, while
14 construction and demolition debris
15 will be disposed from all site and
16 proper facilities.

17 What I have is no waivers
18 from the Town's land use are proposed.

19 CHAIRMAN HEIDER: I'm
20 looking at one right here. I'm sorry,
21 you said they're not requesting.
22 There is a motion that we will need
23 to approve that.

24 MR. GRANT: Okay. And the
25 box is checked that it is recommended

1 if you have determined, based on the
2 information and analysis above and
3 any supporting documentation that the
4 proposed action will not result in
5 any significant adverse environmental
6 impacts.

7 CHAIRMAN HEIDER: To that
8 point then, I would ask for a motion
9 for acceptance of the negative
10 declaration as far as SEQR.

11 MR. BRONNER: I'll make a
12 motion.

13 CHAIRMAN HEIDER: Kevin.
14 Second?

15 MR. BARLETTE: I'll second.

16 CHAIRMAN HEIDER: Rich.
17 All in favor?

18 (Ayes were recited.)

19 To the land use waiver
20 findings - Andy do we actually need a
21 motion on that?

22 MR. ACKER: No, not at this
23 moment.

24 MR. BRENNAN: I think that
25 the waiver that might have been

1 discussed previously is the 110% fall
2 zone. What we are doing is we are
3 building in a 50% break point and
4 that is on the site plan drawing,
5 showing that the fall is already at
6 65 feet which is an added layer of
7 safety. That's the only one that I
8 could think of that pertains to the
9 Planning Board that we were asking
10 for. We are going to reduce the fall
11 zone.

12 Basically, what happens is
13 you overdesign the foundation and the
14 first half of the tower, in the
15 unlikely event that we get a
16 horrific -- basically, it would be a
17 wind storm pushing on the tower. It's
18 designed to fail and not tip over from
19 its base and fall perpendicular to the
20 ground. So, we are requesting that
21 relief. It's basically an improved
22 level of safety, although we are
23 meeting the 110% fall zone, anyway.

24 CHAIRMAN HEIDER: So, it's
25 the land use that I'm looking at - as

1 part of the packet.

2 Let me read into the record,
3 anyway.

4 Whereas the applicant is not
5 requesting any waivers from the Town
6 of Colonie Land Use Chapter 190.40.
7 Whereas the use of the site is
8 suitable for the proposed
9 infrastructure.

10 Now therefore be it resolved
11 that -

12 MR. ACKER: I'm sorry to
13 interrupt, but there is an updated
14 resolution.

15 CHAIRMAN HEIDER: Resolved
16 that the project provides for
17 improvement of a central
18 telecommunications service in the
19 surrounding area.

20 Be it further resolved that
21 these findings of any outstanding
22 comments of any applicable Town
23 department or Town Designated Engineer
24 being properly addressed by the
25 applicant shall be considered a

1 condition of site plan approval of the
2 application and kept in the project
3 file in the office of Planning and
4 Economic Development Department.

5 Can I have a motion of
6 acceptance of that?

7 MR. BRONNER: Make a
8 motion.

9 CHAIRMAN HEIDER: Kevin.
10 Second?

11 MR. MALONE: I'll second.

12 CHAIRMAN HEIDER: Michael.
13 All those in favor?

14 (Ayes were recited.)

15 Any opposed?

16 (There were none opposed.)

17 No.

18 SEQR is done, so now, Rich
19 would you like to make a motion?

20 MR. BARLETTE: Yes, I make
21 the motion to accept the final site
22 plan.

23 CHAIRMAN HEIDER: Okay,
24 Second?

25 MR. BRONNER: Second.

1 CHAIRMAN HEIDER: All those
2 in favor?

3 (Ayes were recited.)

4 Any opposed?

5 (There were none opposed.)

6 No.

7 There you go.

8 MR. BRENNAN: We'd like to
9 thank the Board and the community for
10 coming out tonight and we look
11 forward to building this and we will
12 be back with the other project in due
13 course.

14 CHAIRMAN HEIDER: To all
15 the residents who did come out
16 tonight, thank you.

17
18 (Whereas the above entitled
19 proceeding was concluded at 7:42 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: 6/4/24

Nancy L. Strang

Nancy L. Strang

2420 Troy Schenectady Road

Niskayuna, NY 12309

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE PLANNING BOARD

3 *****

4 358 WATERVLIET SHAKER ROAD
5 SKETCH PLAN REVIEW FOR PROPOSED
6 SUBDIVISION CONCEPT REVIEW
7 FOR PROPOSED MERGER OF
8 358 WATERVLIET SHAKER ROAD
9 AND 1 EAST HILLS BLVD.
10 PROPOSED 6 LOT SINGLE FAMILY HOME
11 SUBDIVISION

12 *****

13 THE STENOGRAPHIC MINUTES of the above
14 entitled matter by NANCY L. STRANG, a
15 Shorthand Reporter commencing on May 21,
16 2024 at 7:45 p.m. at The Public Operations
17 Building 347 Old Niskayuna Road, Latham,
18 New York.

19

20 BOARD MEMBERS:

21 STEVEN HEIDER, CHAIRMAN

22 RICHARD BARLETTE

23 KEVIN M. BRONNER, JR.

24 MICHAEL MALONE, JR.

25 JOANNE MALOY

26

27 ALSO PRESENT:

28 MATTHEW J. MILLEA, ESQ. COUNSEL TO THE
29 BOARD

30

31 ANDY AKER, DEPARTMENT OF PLANNING AND
32 ECONOMIC DEVELOPMENT

NANCY L. STRANG - STENOGRAPHER
518-542-7699

1 JAMIE EASTON, PE, EP LAND SERVICES

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1 CHAIRMAN HEIDER: We are
2 doing this a little out of order to
3 keep the TDEs to where they are here
4 and then they can leave.

5 The second item is 358
6 Watervliet Shaker Road. The Watervliet
7 Shaker subdivision. The applicant is
8 Jeff Ferraro. Presented by EP Land
9 Services LLC. Concept review for
10 proposed merger of 35 Watervliet
11 Shaker Road and 1 East Hills
12 Boulevard. Proposed 6 lot single
13 family home subdivision. The site is
14 zoned SFR, Single Family Residential.
15 Our TDE is Brad Grant from Barton and
16 Loguidice.

17 I'll turn it over to the
18 applicant.

19 MR. EASTON: Thank you,
20 Board. Good evening. My name is Jamie
21 Easton and I'm with EP Land Services
22 and I'm here tonight representing
23 Jeff Ferraro, who is the landowner of
24 the parcel of land which is
25 approximately six acres.

1 It's a very simple
2 straightforward project in the sense
3 that there are two pieces of land; one
4 that fronts Watervliet Shaker Road and
5 one that fronts East Hills Boulevard.
6 Those two parcels of land would be
7 merged together and then we will
8 create a six-lot subdivision over
9 these six acres, composed of two
10 existing lots.

11 The two lots that front onto
12 Watervliet Shaker Road - all those
13 would be standard driveways and
14 standard houses. There will be four
15 houses that will exit out onto East
16 Hills. Those four lots, even though
17 the property abuts the Town's
18 right-of-way, due to the existing
19 boulevard in the way and 911
20 numbering, we decided to come up with
21 a private road and it will be 24 feet
22 wide. That way, the HOA will maintain
23 the roadway and the grass area in this
24 area and will mow it. So, that's what
25 is being proposed. Those were the

1 comments that we had.

2 Previously, as the Board and
3 the public mentioned before, this
4 existing home and structure on the
5 property -- certainly, New York State
6 Office of Parks and Recreation has
7 issued a letter after all the studies
8 have been done on the parcel by Harken
9 Archeological and that doesn't meet
10 any historical requirements, any
11 historical monumentation or anything
12 else that is required from a SHPPO
13 standpoint of view. Kevin Franklin,
14 the Town Historian looked at the
15 building also with Harken and agreed
16 with that concurrence that there is
17 nothing special about this building or
18 anything else.

19 After this process, as we go
20 through it, I will need to go to the
21 Town Board for - which is commonly
22 referred to as an ODA for this project
23 road. After that point, I will meet
24 with the public, as per the request of
25 this Board after the last sketch board

1 meeting, about any historical
2 significance that we deem appropriate
3 for this parcel site - even though New
4 York State Office of Parks did not
5 recommend anything. I will still do
6 that. At this point, it's premature to
7 do that until an ODA is determined by
8 the Town Board.

9 At this point, I will turn
10 it over to the Board and if you have
11 any questions for me, we can go from
12 there.

13 CHAIRMAN HEIDER: JoAnne?

14 MS. MALOY: I do not.

15 CHAIRMAN HEIDER: Rich?

16 MR. BARLETTE: I do.

17 On the south part of the
18 private road, have we determined what
19 the slope is?

20 MR. EASTON: The slope of
21 this road is less than 8%.

22 MR. BARLETTE: So, it's
23 less than 10% - the entranceway
24 that's going to go into the private
25 road.

1 MR. EASTON: That is
2 correct, yes. The private road is
3 less than 8% sloped.

4 MR. BARLETTE: Okay.

5 Back in March I spoke about
6 the historical perspective. Mr.
7 Franklin's comments and I recommended
8 at that time that you reach out to the
9 Town of Colonie Historical Society
10 about a placard monument. Has that
11 been done?

12 MR. EASTON: No. I just
13 explained that it's premature to do
14 that until the ODA process goes
15 through. I certainly will do that
16 step before I come back here for
17 final subdivision approval and see
18 what the determination is with that
19 Board. If the Town Board turns down
20 the ODA, then this project doesn't
21 move forward and I may be looking at
22 something completely different, at
23 that point. It's just premature to
24 have that conversation. I have no
25 problem having that conversation.

1 It's just premature at this time.

2 MR. BARLETTE: I did see
3 where the road was increased from 20
4 to 24. Taking that into consideration
5 was appreciated.

6 MR. EASTON: No problem. I
7 understood the concern that the Board
8 had last time.

9 CHAIRMAN HEIDER: Kevin?

10 MR. BRONNER: Is the HOA
11 issue resolved?

12 MR. EASTON: Yes.

13 MR. BRONNER: It was
14 resolved?

15 MR. ACKER: Yes.

16 MR. BRONNER: Not that I
17 don't trust you.

18 MR. ACKER: Guy Roemer, the
19 Town Attorney and Matt discussed all
20 the goings on behind that. Long story
21 short, everything seems to be in
22 order.

23 MR. BRONNER: Okay. That's
24 it; thank you.

25 MR. EASTON: No problem.

1 MR. MALONE: No questions.

2 CHAIRMAN HEIDER: The only
3 thing that I had - lot 5 - it doesn't
4 appear that you have provided for a
5 drainage basin.

6 MR. EASTON: As discussed
7 the last time, right now I'm showing
8 a very large footprint of a home,
9 which is approximately a 2,000 square
10 foot homesite, with a side-load
11 three-car garage. I'm showing a very
12 large home there. because of the
13 existing grading, I couldn't get a
14 stormwater management area in this
15 location for this lot. Its drainage
16 will come across, not enter onto Town
17 property, and it will drain and enter
18 into this gentleman's drainage area.

19 The drainage areas are
20 schematically shown. All four of those
21 - for the six lots - they have not
22 been sized. So, they can get bigger or
23 smaller, until I start doing those
24 design calculations. I'm not worried
25 that a lot doesn't have a drainage --

1 a stormwater basin, we'll say, holding
2 for that one particular lot.
3 Originally, I understood the Town's
4 stormwater concern that everybody
5 drains down to this point, but that
6 seemed a little overkill. We will
7 manage each individual lot. Certainly,
8 I can make the house smaller.

9 CHAIRMAN HEIDER: Make
10 believe that I don't know a thing of
11 what I'm talking about. How are you
12 going to get water from that house
13 down to that basin? Is it going to go
14 across that guy's driveway?

15 MR. EASTON: So, the way
16 that the grading is right now, it
17 actually sheet flows -- anything in
18 the front of this house will sheet
19 flow across the roadway, enter into
20 this swale and there is a culvert
21 pipe that picks this up and enters
22 into the stormwater basin. Anything
23 on the rear of this property of this
24 house - actually in theory will sheet
25 flow for a ways and then enter across

1 the back part of this property and
2 then eventually end up in the stream
3 on the backside.

4 CHAIRMAN HEIDER: Are there
5 going to be drainage easements
6 attached to these properties?

7 MR. EASTON: Certainly,
8 there will be easements in the sense
9 of access, but drainage easements - I
10 can certainly look into whether that
11 is warranted, or not. Again, I think
12 that I just need to do the stormwater
13 design. Once I get to that portion of
14 it, I can tell you how big it will
15 be.

16 CHAIRMAN HEIDER: I'll have
17 Brad comment on that.

18 You're next.

19 MR. GRANT: I kind of had
20 the same question on lot 5 - if the
21 swale has a high point about half way
22 back. It drains back towards the hill
23 in the back. It goes towards the
24 front - sheet draining across the
25 driveways in an 8% area sounds like

1 black ice to me. If there was a slow
2 culvert that went out to your larger
3 swale out near what would be the east
4 side of your private road, then that
5 will be in a drainage course that is
6 proposed anyway and culverted. I'd
7 rather see that than have it sheet
8 flowing across the driveway. Ice is
9 the major consideration and with the
10 price of a culvert - 60 foot - I
11 would just do it that way.

12 MR. EASTON: Even if I
13 dropped a small catch basin over here
14 to this corner and then I'll just
15 pipe it basically down here and pipe
16 it across and connect it down to the
17 culvert there. There are engineering
18 ways to solve it.

19 MR. GRANT: Yes.

20 MR. EASTON: I absolutely
21 would agree.

22 MR. GRANT: Lot 3 and Lot 1
23 have a stormwater management - same
24 type of question. Are those going to
25 be culverted down to the roadside

1 swale, or what happens when they fill
2 up? Or am I missing something?

3 MR. EASTON: No, certainly
4 your question is valid. Over in this
5 area - this culvert eventually builds
6 up with sheet flow and eventually
7 heads down this way - again, until I
8 know the size of this thing -- due to
9 the clay soils, my guess is that
10 you're going to get no infiltration.
11 So, the detail for this is probably
12 going to be something in the sense of
13 - I'll call it a golf course drain -
14 something like a four-inch perforated
15 pipe stand-up with an underdrain
16 connected and then carry it down.

17 That goes back to the
18 Chairman's question - is there a
19 drainage easement that is probably
20 going to be required? Probably, yes.
21 We are certainly getting into the very
22 end detail engineering questions,
23 which are fine, but we will certainly
24 get to that.

25 CHAIRMAN HEIDER: I think

1 that the point has to be made though
2 that this is one of these definite
3 areas that in final, could be a
4 killer, if you're not able to provide
5 the answers to these questions.

6 MR. EASTON: That is
7 correct.

8 CHAIRMAN HEIDER: I know
9 that it's premature to go into pipe
10 sizes and all that.

11 MR. EASTON: I probably
12 know the Board's concerns because
13 obviously I can address those in the
14 final design drawings.

15 MR. GRANT: Piping it to
16 that roadside swale - it's all
17 downhill from there, literally.

18 Last question that I had:
19 Was the wetland, patched in red - have
20 you gotten anything -- how old is that
21 delineation?

22 MR. EASTON: The
23 delineation is, I would say,
24 approximately at this point probably
25 about two year's old. The application

1 is still pending with the Army Corp
2 of Engineers. Certainly, you have
3 been aware of the process of which
4 letters - it now goes from local,
5 down to New York, down to D.C., as a
6 process -

7 MR. GRANT: What's a
8 process?

9 MR. EASTON: It's a process
10 now to slow us down even a little bit
11 more in the sense of - whether you
12 want an isolated wetland
13 jurisdictional analysis -

14 MR. GRANT: You just
15 answered my other question. I believe
16 in the correspondence we saw before,
17 that is deemed isolated and not
18 contiguous to other wetlands nearby.

19 MR. EASTON: That is
20 correct. Obviously, I need to provide
21 the Town that proof and that document
22 as part of that.

23 MR. GRANT: Having an
24 underdrain in that swale system,
25 alongside the property line, when we

1 fill small isolated wetlands, they
2 don't always act as if we dried them
3 up until we add some control with
4 underdrains and we add positively to
5 the drainage there.

6 CHAIRMAN HEIDER: So,
7 anybody else have a question from the
8 Board?

9 MR. ACKER: I would just
10 throw in that Albany County Planning
11 Board gave us a recommendation and I
12 just wanted to add that to the
13 record. They have two advisory
14 points; the Town should review and
15 consider preserving the historic
16 significance of the property; and
17 two, the Town should consider
18 excluding proposed lot 1 from
19 development due to wetlands. I'm just
20 required to point that out.

21 Actually, I had a gentleman
22 call and I know that we don't always
23 take comments during concept, but if
24 you're okay with me discussing it
25 briefly -- it's in relation to the

1 historic significance of the property.

2 He would like to point out
3 that he saw the letter that you are
4 referring to from New York State Parks
5 and Rec and Historic Preservation. He
6 was asking - it seems like it was made
7 out to DEC and not you and it was in
8 regard to drainage issues. It's not
9 been brought forward by you, the
10 applicant. Are we missing something?

11 MR. EASTON: Certainly I
12 could have stapled the wrong thing,
13 but obviously the SHPO letter that's
14 on the back of my -

15 MR. ACKER: That's what I
16 am referring to.

17 MR. EASTON: It certainly
18 is made out to Jennifer over at
19 Harken Archeological. She was the
20 lead on this. So, all those reports
21 regarding that - she took care of all
22 that stuff.

23 MR. ACKER: So, you're
24 saying for the record, this is in
25 relation to your project and not

1 anything with DEC?

2 MR. EASTON: That's correct
3 - not, it's not.

4 MR. ACKER: That's it.

5 CHAIRMAN HEIDER: So, the
6 issue before us is whether or not to
7 grant concept. Concept doesn't ensure
8 final. Concept is only allowing him
9 to go to the Town Board to even get
10 Town Board approval for the project,
11 before he can come back here for
12 final. Just so that everyone is aware
13 of that.

14 Do we have a motion on
15 concept?

16 MS. MALOY: I'll make a
17 motion.

18 CHAIRMAN HEIDER: JoAnne.
19 Second?

20 MR. BARLETTE: I'll second
21 it.

22 CHAIRMAN HEIDER: Rich.

23 All those in favor?

24 (Ayes were recited.)

25 MR. ACKER: Thank you,

1 Board.

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3 (Whereas the above entitled
4 proceeding was concluded at 8:05 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:6/4/24

Nancy L. Strang

Nancy L. Strang

2420 Troy Schenectady Road

Niskayuna, NY 12309

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE PLANNING BOARD

3 *****

4 979 TROY SCHENECTADY ROAD,
LEXUS OF LATHAM
5 FINAL SITE PLAN REVIEW FOR PROPOSED
CONSTRUCTION OF A TWO-STORY 33,707
6 SQUARE FOOT CAR DEALERSHIP BUILDING

7 THE STENOGRAPHIC MINUTES of the above
8 entitled matter by NANCY L. STRANG, a
9 Shorthand Reporter commencing on May 21,
10 2024 at 8:07 p.m. at The Public Operations
11 Building 347 Old Niskayuna Road, Latham,
12 New York.

13

14 BOARD MEMBERS:

15 STEVEN HEIDER, CHAIRMAN

16 RICHARD BARLETTE

17 KEVIN M. BRONNER, JR.

18 MICHAEL MALONE, JR.

19 JOANNE MALOY

20

21 ALSO PRESENT:

22 MATTHEW J. MILLEA, ESQ. COUNSEL TO THE
23 BOARD

24 ANDY AKER, DEPARTMENT OF PLANNING AND
25 ECONOMIC DEVELOPMENT

1 VICTOR CAPONERA, ESQ.

2 DAN TOMPKINS, PE, EDP, LLP

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1 CHAIRMAN HEIDER: Next is
2 979 Troy Schenectady Road, Lexus of
3 Latham. The applicant is Country
4 Realty Co. represented by EDP, LLP.
5 Final Site Plan review for proposed
6 construction of a two-story 33,707
7 square foot car dealership building.
8 The site is zoned
9 commercial/office/residential

10 Once again, Brad Grant, the
11 Town Designated Engineer is here with
12 with Barton and Loguidice.

13 Mr. Caponera, are you ready?

14 MR. CAPONERA: Yes, Your
15 Honor.

16 I don't want to say this,
17 but it's been awhile since I've been
18 here. At about 5:55 I get a call from
19 Mr. Tompkins and he says, hey Victor,
20 do you know where they are meeting
21 tonight? I said, sure, it's over at
22 Town Hall. He said no, it's at Public
23 Ops. So, here we are.

24 It's always good to see you
25 and the energetic members on the

1 Board. The last time I was here, there
2 were certain members on the Board.

3 Anyway, my presentation
4 shouldn't last more than 45 minutes.
5 I'm kidding.

6 As this Board and certainly
7 Mr. Chairman is aware, we've been
8 working on this project for quite some
9 time. We had concept approval several
10 months ago and originally we were
11 going to put two dealerships here and
12 now we are just going to put one,
13 which is a Lexus. We came in and got
14 concept approval several months ago
15 and I'm going to make this as quick as
16 I can.

17 This is a standalone Lexus
18 dealership on this property that was
19 formerly used by Cocoa's Hotels. They
20 had a 39-room motel there - about a
21 33,000 square foot restaurant that has
22 been removed. It was about 20,000
23 square feet. This proposal is about
24 33,000 and two stories. We all looked
25 at this elevation last time we were

1 here and we got concept.

2 In our opinion, it's a very
3 attractive elevation on all sides.
4 It's in a COR zone. It's an allowable
5 use. We're exceeding the minimum green
6 space, which is 35%. We are almost
7 double. We are nearly 66% green space
8 on this property.

9 The hours of operation are
10 8:30 AM to 8:00 PM Monday through
11 Thursday; Friday 8:30 to 6:00;
12 Saturday 8:30 to 5:00 and closed on
13 Sundays for not only sales, but
14 service.

15 We will need three waivers.
16 We've been through this before. This
17 is your prototypical new and used car
18 dealership - building setback. We know
19 and I know what the Code says relevant
20 to setback; 25 foot. We are basically
21 93 feet setback. Why do we want this?
22 for obvious reasons. It's a car
23 dealership. We want to have a display
24 of cars in the front. This Board has
25 routinely granted this waiver.

1 The next one is parking
2 within the front yard. Our current,
3 most interesting Code adopted in 2007
4 says you can't do that. This Board has
5 always allowed this with new and used
6 car dealerships.

7 Lastly, the low wall or
8 fencing - the Town typically requires
9 80% of the commercial site's frontage
10 feature low wall with fencing. We're
11 seeking a slight modification from
12 that.

13 Other than that, nothing has
14 changed. I don't know if Dan has
15 anything to add. I think that this is
16 pretty simple and pretty straight
17 forward.

18 CHAIRMAN HEIDER: Dan, do
19 you have anything?

20 MR. TOMPKINS: Just a
21 couple of things. In removing the
22 Porsche building and the proposed
23 parking garage, that gave us more
24 flexibility for treating the
25 stormwater management area more

1 gently. Slopes aren't as aggressive
2 as they were before. They are, on
3 average, maybe five on one. The use
4 of RipWrap is no longer necessary -
5 to the extent that was something that
6 we had to do to protect the ground -
7 having a lot to do with the stability
8 of the parking garage. Once that was
9 gone, we were able to naturalize the
10 area much more aggressively. We still
11 have a layout that allows car
12 carriers to enter the site, exit the
13 site. so, concerns about off-loading
14 on the street - they aren't there. It
15 won't happen. Generally, to do it
16 would be like this. This will be the
17 drop-off zone and exit out the
18 center. The layout is set up in such
19 a way that should they go behind the
20 Lexus building, they can still exit
21 the site. The radii worked that way.

22 Believe it or not, those are
23 the high points. By removing the other
24 two buildings, it just freed us up for
25 the more general treatment of the rear

1 area. A little less land is impacted.
2 We are not as close to the line that
3 defines the buffer zone of the
4 protected watercourse, for example.
5 So, those are all the vantages.

6 CHAIRMAN HEIDER: Is that
7 it, Vic?

8 MR. CAPONERA: That's it.

9 CHAIRMAN HEIDER: Brad, I
10 know you have done many reviews of
11 this. Do you have anything else to
12 add, at this point?

13 MR. GRANT: No, I think
14 that they summed it up well and I
15 think that having this as a
16 standalone - it was a bit of a
17 crowded site, particularly with the
18 parking garage and the inventory in
19 there. I think that this will operate
20 much better. Dan is right about the
21 grading. It did chill out, as we like
22 to say, with lower slopes and a
23 little smaller of a base. I think
24 that it's a great project and I'm
25 looking forward to looking at some

1 cars there.

2 CHAIRMAN HEIDER: Michael?

3 MR. MALONE: Looking south,
4 it looks like the gas station has
5 stormwater management that is
6 somewhat on your property. Are you
7 maintaining that now?

8 MR. TOMPKINS: That's
9 theirs. What we've done is through
10 piping, any time there is an outfall
11 out of that little basin that they
12 have, it's rounded around the side
13 and out and it can continue to flow
14 down to that grass that will have a
15 swale to the center of it, just to
16 catch the flow. It's piping. That's
17 what would happen. It's accounted for
18 and that's our point. We are not
19 integrating it into our own
20 stormwater management system, but
21 it's accounted for.

22 CHAIRMAN HEIDER: Kevin?

23 MR. BRONNER: I don't have
24 anything.

25 CHAIRMAN HEIDER: Rich?

1 MR. BARLETTE: No comment.

2 MS. MALOY: I just want to
3 complement you on your landscape. The
4 landscaping and your plant material
5 is lovely; but no other comment.

6 CHAIRMAN HEIDER: The only
7 thing I have -- two minor things.

8 I think that you are showing
9 what I call a cut-through to the gas
10 station. You are going to connect the
11 two lots, correct?

12 MR. TOMPKINS: That's
13 correct. That's going to be
14 maintained.

15 CHAIRMAN HEIDER: The other
16 thing is we need a location on this -
17 about where the people will drive the
18 test drives. We've talked about many
19 other car dealerships. We don't want
20 them on Buhrmaster Road. They can
21 very easily go right out of here and
22 take a left on Albany Shaker Road. We
23 typically - I think that the note
24 would be right on the plan.

25 MR. TOMPKINS: I didn't

1 realize that it had to be notated on
2 the plan, but I did submit that
3 information in an earlier generation
4 of this. If you recall what we did
5 with Porsche, this direction is
6 essentially the same route, only it
7 goes in the other direction. They
8 will head out. They will take a
9 right. They'll head towards Albany
10 Shaker and then go south on that,
11 connect up to the Northway and come
12 back up. That allows them to make a
13 right turn into the site again.

14 CHAIRMAN HEIDER: I think
15 that in the past we had it
16 memorialized on the plan, Andy,
17 haven't we?

18 MR. ACKER: I know that it
19 has been a condition to the site plan
20 approval. I know that we have
21 memorialized the no parking of the
22 trucks delivering. I would have to
23 look into that.

24 CHAIRMAN HEIDER: I just
25 want to make sure that it's well

1 documented.

2 MR. ACKER: It's in the
3 record; yes.

4 MR. CAPONERA: It certainly
5 can be part of your approval.
6 Sometimes it is put on the approved
7 and stamped site plans. I have seen
8 that with other dealership. It's not
9 a big deal.

10 CHAIRMAN HEIDER: No, it's
11 not a big deal.

12 MR. TOMPKINS: I just don't
13 want you to think that we overlooked
14 it.

15 CHAIRMAN HEIDER: No, I
16 didn't, but it sure would look nice
17 on your site plan.

18 MR. ACKER: It would be
19 preferable, yes.

20 MR. CAPONERA: That's not a
21 problem. We can take care of that.

22 CHAIRMAN HEIDER: Seeing as
23 this is a final site plan approval,
24 is anybody from the audience want to
25 comment on this project?

1 (There was no response.)

2 Good, so to that point, I
3 will ask for a motion to grant final
4 approval for the 979 Troy Schenectady
5 Road, Lexus of Latham.

6 MR. CAPONERA: Do you need
7 to do a SEQOR?

8 CHAIRMAN HEIDER: Okay,
9 Brad; a SEQOR?

10 MR. GRANT: Okay. The
11 requested approvals and unlisted SEQOR
12 action, we recommend, based on the
13 attached EAF, the Board determine
14 that the action will not have a
15 significant effect on the
16 environment.

17 Part II has one through
18 eleven questions, all of which are no
19 or small impact may occur.

20 Part III has been discussed
21 and as indicated, the building
22 setback, parking within the front yard
23 and low wall, reduce fencing are the
24 three waivers. Check this box if you
25 determine, based on the information

1 and analysis above, and any supporting
2 documentation that the proposed action
3 will not result in a significant
4 adverse impact.

5 I meant to say it before,
6 but it really was a good landscaping
7 plan. What I have seen in some
8 applications is go to a good
9 nurseryman. We have several in town.
10 Use the two and a half inch caliper
11 trees and not a one and a half caliper
12 tree. Sometimes a contractor might go
13 to Home Depot and they aren't what we
14 call nurseryman.

15 CHAIRMAN HEIDER: So, as to
16 SEQOR, though, it's a neg dec;
17 correct?

18 MR. GRANT: Yes.

19 CHAIRMAN HEIDER: To that
20 point, can I have a recommendation of
21 a motion from the Board to accept
22 that SEQOR.

23 MR. BARLETTE: I motion
24 that we accept the SEQOR.

25 CHAIRMAN HEIDER: Second?

1 MS. MALOY: I'll second it.

2 CHAIRMAN HEIDER: JoAnne.

3 All if favor?

4 (Ayes were recited.)

5 And to the waivers, Brad?

6 MR. GRANT: Yes, in the

7 Resolution they were more than

8 25-foot front yard setback, parking

9 within the front yard, product

10 visibility. Then, less than 80% low

11 wall or decorative fencing. There are

12 shrubbery and other things that do

13 screen it, but as far as the

14 Resolution:

15 Now therefore be it resolved

16 that the Board hereby finds the extent

17 of the requested individual waivers is

18 not considered substantial. The Board

19 finds that the applicant has

20 established there are no practical

21 alternatives to the proposed waivers.

22 Resolved that the Board

23 hereby issues a waiver from the front

24 yard setback, as well as the new

25 parking within the front yard and also

1 the less than 80% minimum frontage
2 having a low wall or decorative
3 fencing, supplemented with
4 landscaping.

5 Resolved that these waiver
6 findings be a condition of the site
7 plan approval and the application and
8 be kept in the project file in the
9 office of Planning and Economic
10 Development Department.

11 Finally, resolved that the
12 findings and any outstanding Town
13 department or PEDD comments be
14 properly addressed be a condition of
15 the site plan approval and the
16 application be kept in the project
17 file in the office of the PEDD.

18 CHAIRMAN HEIDER: So, to
19 the extent of the requests for the
20 waivers, can I have a motion to
21 accept that?

22 MR. BRONNER: Motion to
23 accept.

24 CHAIRMAN HEIDER: Kevin.
25 Second?

1 MS. MALOY: I'll second.

2 CHAIRMAN HEIDER: JoAnne.

3 All in favor?

4 (Ayes were recited.)

5 Now the final question of

6 final approval for 979 Troy

7 Schenectady Road, Lexus of Latham. I

8 would be looking for a motion for

9 final site plan.

10 MR. BRONNER: I'll make a

11 motion.

12 CHAIRMAN HEIDER: Kevin.

13 Second?

14 MS. MALOY: I'll second.

15 CHAIRMAN HEIDER: JoAnne.

16 All in favor?

17 (Ayes were recited.)

18 Thank you.

19 MR. CAPONERA: Thank you,

20 very much.

21

22 (Whereas the above entitled

23 proceeding was concluded at 8:25 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:6/4/24

Nancy L. Strang

Nancy L. Strang

2420 Troy Schenectady Road

Niskayuna, NY 12309

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE PLANNING BOARD

3 *****

4 1130 CENTRAL AVENUE, ASIAN FOOD
5 MARKET SKETCH PLAN REVIEW FOR PROPOSED
6 CONSTRUCTION OF ONE 40,000 SQUARE FOOT
7 SUPERMARKET, ONE 6,600 SQUARE FOOT RETAIL
8 BUILDING, ONE 14,500 SQUARE FOOT WAREHOUSE
9 BUILDING AND ONE 2,300 SQUARE FOOT FAST
10 FOOD RESTAURANT BUILDING

11 *****

12 THE STENOGRAPHIC MINUTES of the above

13 entitled matter by NANCY L. STRANG, a

14 Shorthand Reporter commencing on May 21,

15 2024 at 8:25 p.m. at The Public Operations

16 Building 347 Old Niskayuna Road, Latham,

17 New York.

18

19 BOARD MEMBERS:

20 STEVEN HEIDER, CHAIRMAN

21 RICHARD BARLETTE

22 KEVIN M. BRONNER, JR.

23 MICHAEL MALONE, JR.

24 JOANNE MALOY

25

ALSO PRESENT:

26 MATTHEW J. MILLEA, ESQ. COUNSEL TO THE
27 BOARD

28

29 ANDY AKER, DEPARTMENT OF PLANNING AND
30 ECONOMIC DEVELOPMENT

NANCY L. STRANG - STENOGRAPHER
518-542-7699

1 TINTIN REN, ASIAN FOOD MARKET

2 THOMAS FITZGERALD, PE, MRB GROUP

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1 CHAIRMAN HEIDER: We're
2 going to start out with 1130 Central
3 Avenue, the Asian Food Market. The
4 applicant is Ren Garden Group, Inc.
5 represented by MRB Group. Sketch Plan
6 review for proposed Construction of a
7 40,000 square foot supermarket, one
8 6,600 square foot retail building,
9 one 14,500 square foot warehouse
10 building and one 2,300 square foot
11 fast food restaurant building. The
12 site is zoned industrial. The TDE is
13 Joe Grasso from CHA.

14 I'll turn it over to the
15 applicant.

16 MS. REN: Good evening. My
17 name is Tintin Ren. I am the New York
18 State Director for Asian Food Market
19 Corporation. Thank you for the
20 opportunity to have us tonight.

21 What we are proposing is a
22 40,000 square foot supermarket.

23 Before I dive into that and
24 hand it over to our engineering group,
25 Tom, from MRB, I wanted to give a

1 little bit of background of who we
2 are.

3 We started in Rochester, New
4 York with very humble beginnings. We
5 have since then expanded to three
6 other counties; in Buffalo in Erie
7 County; Syracuse, Onondaga and then
8 Tomkins County, Ithaca, New York. We
9 really have, since then, done a
10 traditional grocery store model.

11 For example, the grocery
12 stores like Whole Foods, Hannafords,
13 Price Rite - we've since then
14 incorporated a seafood department, a
15 bakery, a butcher shop along with
16 prepared meals. So, this is going to
17 be a project as to the ongoing size
18 and we hope to work with the Town and
19 various departments to kind of bring
20 this to fruition and with the MRB
21 Group, kind of driving the force and
22 their knowledge in planning, we really
23 hope to work with the Town and move
24 the project forward.

25 I want to turn it over to

1 Tom.

2 MR. FITZGERALD: Thanks,
3 Tin and good evening.

4 As you know, it's quite a
5 unique parcel. It was formerly owned
6 by National Lead. It's currently
7 vacant. It's been vacant for a number
8 of years. It was recently purchased
9 by - the name has actually changed. In
10 our application it's Ren Garden Group.
11 It should actually be Asian Central
12 Mall, LLC. I just want to let you know
13 that.

14 In regard to the parcel, it
15 contains two lots. The total acreage
16 is approximately 11.29 acres. There is
17 a substation to the top of the page
18 and we have gone through some of your
19 comprehensive planning. We've looked
20 through some of your other traffic
21 studies and we recognize that you had
22 a desire to connect Railroad Street,
23 which is on the bottom left corner, up
24 to Osborne. So, we have incorporated
25 that into our concept plan.

1 As Tin has indicated, we are
2 looking at a total square footage of
3 approximately 63,400 square feet; a
4 40,000 square foot supermarket store,
5 which is highlighted in the brighter
6 orange. To the left is a warehouse
7 building, which is approximately
8 42,500 square feet -- the retail
9 space, which would be attached to the
10 supermarket and that would front on
11 Osborne, is to the top of the page.
12 Then, a residential, or I should say a
13 restaurant portion which is to the
14 bottom right. It's a typical
15 restaurant drive-through - those type
16 of uses.

17 Overall, we are looking at
18 typical features, stormwater
19 management, extension of utilities to
20 service the site. We're looking to
21 gather more comments from you guys.
22 We're in the conceptual phase. So, as
23 we develop it and go into our next
24 phases for full design, we want to
25 incorporate your comments into it. We

1 did meet with the DCC Board on May 1st
2 and got a lot of good comments from
3 them. We will be adding that to our
4 plan.

5 CHAIRMAN HEIDER: Andy,
6 could you throw up the renderings, if
7 you have them?

8 MR. FITZGERALD: That is a
9 front rendering of the building and
10 access into Asian Food Market. In
11 regard to the site plan, that is the
12 bottom left corner.

13 The next line that we have
14 is this view here, which would be for
15 Central Avenue.

16 Interior is still under
17 concept. We are working through that,
18 as well. It's a kind of traditional
19 grocery store.

20 Architectural - we tried to
21 play off some of the character in the
22 area, as well as the desire for kind
23 of a central business area.

24 CHAIRMAN HEIDER: That is
25 what would face Central Avenue?

1 MR. FITZGERALD: Yes.

2 MR. ACKER: The view would
3 face Railroad Street Extension.

4 CHAIRMAN HEIDER: Okay, are
5 you through?

6 MR. FITZGERALD: Yes.

7 MR. ACKER: Our Town
8 Designated Engineer is Joe Grasso.

9 And this is only sketch,
10 Joe, but I'm sure you've had some time
11 to take a look at it.

12 MR. GRASSO: Sure, Mr.
13 Chairman.

14 Again, this is up for sketch
15 plan review. This is the first time
16 that the Board has seen the
17 application. There is no formal action
18 that is required from the Board
19 tonight. It's a chance for the Board
20 to provide some preliminary feedback
21 for the applicant, as they put
22 together their application for concept
23 review which would be the next step.

24 We did attend DCC. We heard
25 some feedback from the Town. We've

1 also been out to the project site.
2 We've had a couple of preliminary
3 comments for the Board's
4 consideration.

5 This is a brownfield site.
6 We commend the applicant for bringing
7 a redevelopment project to the Town
8 for this site, rather than trying to
9 put this type of project on a
10 greenfield site. So, we commend the
11 applicant for those efforts.
12 Obviously, redeveloping these types of
13 properties come with their own unique
14 challenges and they are often times
15 more difficult than greenfield sites.

16 We think that the layout,
17 overall, is very good. Some of the
18 notable features to it - the primary
19 one is the incorporation of what we
20 would consider a future Town road that
21 could extend from Central Avenue
22 through the site towards Railroad
23 Avenue. All of the area is not
24 obtained by the Town for that. So,
25 this basically would just accommodate

1 that road through the project site. We
2 are comfortable with the layout. It
3 has been reviewed by the Town. They
4 are comfortable with the layout.
5 Obviously at the terminus of what
6 would be developed as a private road,
7 we would need to address that. The
8 intent was the Town would likely only
9 take over this road if the
10 right-of-way was extended through to
11 Railroad Avenue. So, obviously it
12 will involve some additional
13 properties beyond the scope of the
14 application that we are looking at
15 tonight.

16 Not to get into too much
17 detail about the road, but it is our
18 expectation that the road would be
19 designed and built to Town standards,
20 such that it could be offered to the
21 Town and the Town would have the
22 option to take over when it thought
23 that it was providing a suitable
24 public purpose, beyond what it's
25 providing for this project site.

1 Other things on the layout,
2 it's a good layout from the
3 orientation of the parking areas. They
4 are set back from Central Avenue. They
5 are to the side of the grocery store
6 and to the rear, which is something
7 that we would support along the
8 Central Avenue corridor.

9 One thing - because we are
10 adding a new fourth leg to the
11 intersection of Central and Osborne,
12 we would want to see a traffic study
13 to help us evaluate the impacts of
14 that new forth leg and understand the
15 impacts on traffic operations, both on
16 Osborne and Central Avenue. That can
17 really only be done through a detailed
18 traffic study.

19 Obviously, that is something
20 that would come about later on in the
21 process. We would encourage the
22 applicant to make that part of their
23 concept submission so that we can get
24 into the review. Obviously, Central
25 Avenue is within the jurisdiction of

1 DOT and we want to bring them into the
2 process as well.

3 One thing from an access
4 standpoint, it's a rather large
5 development on a single point of
6 access. Understanding that this
7 future Town road and may not connect
8 for a period of time, the need for an
9 additional access point is something
10 that should be considered. We would
11 consider a right-in or right-out go to
12 Central Avenue to the west side of the
13 project site. So, that's something we
14 would like to see explored and if it
15 seems feasible, we would like to see
16 it discussed when the project came
17 back for concept review.

18 In terms of the facade and
19 the architectural treatment, we
20 commend the applicant for including
21 that, even though it's only on for
22 scheduling and review. I think it's
23 something that the Board should focus
24 on.

25 That one elevation they have

1 done the photo sim of is going to be a
2 dominant view along the Central Avenue
3 corridor, so I think the Board should
4 really consider the aesthetics and the
5 architecture of the building and that
6 there are thoughts or recommended
7 changes made to get those out early on
8 in the process.

9 In terms of the landscaping,
10 we appreciate the width of the
11 landscape buffer along Central Avenue.
12 We think that it's appropriate and
13 hopefully it can be appropriately
14 landscaped set off the project site
15 nicely.

16 Also, even though we are
17 only at sketch, we would like to see
18 pedestrian accommodations shown on the
19 concept plan, so that we can evaluate
20 those. It's going to be important for
21 the Board to understand pedestrian
22 activity to the Central Avenue
23 corridor and along the possible future
24 Town road, as well.

25 We're satisfied with the

1 parking, based on the size and scale
2 of the buildings. We are satisfied
3 with the locations that they picked
4 for the stormwater management.

5 I think that's all we've go
6 so far with our review. I'll turn it
7 back over to the Board.

8 CHAIRMAN HEIDER: Michael.

9 MR. MALONE: The
10 orientation of the building works
11 well, if that becomes a Town road. It
12 almost feels like it should be spun
13 90 degrees with the signage facing
14 Central Avenue, just for advertising
15 reasons. I am concerned about the
16 success of the restaurant being
17 tucked behind Margarita City. You
18 can't see that at all from Central
19 Avenue. Did you explore the option of
20 putting that up front, somehow and
21 splitting up that big parking lot?

22 MR. FITZGERALD: By putting
23 the road in through there, it kind of
24 cuts up the property and kind of
25 creates that little void off to the

1 side, for the restaurant portion of
2 it.

3 Spinning the building really
4 kind of blocks it from Central Avenue.
5 We did look at that as a couple of
6 concepts, but we feel that the Town
7 working with an adjacent parcel - the
8 connectivity could still be in that --
9 obviously, this is a large parcel and
10 it's a large project. So, we want to
11 phase this over a period of time where
12 we get our first building started, get
13 the entry into it and then the
14 extension of Railroad Avenue and then
15 we can look at extending the road
16 further in future phases.

17 In regard to visibility, I
18 think we'd probably be looking for
19 some sort of signage with a monument
20 sign or pylon sign, kind of helping to
21 direct people to that destination. I
22 think that there is some good
23 visibility lines from Central Avenue.
24 It is higher up as you're looking down
25 towards that area. Based on the size

1 and configuration of what we want to
2 do with the market, it kind of
3 dictated on how we put together that
4 parcel.

5 The retail areas would be
6 kind of focused at the north end of
7 the building, which would be directed
8 adjacent to Central Avenue.

9 MR. MALONE: Are the
10 aesthetics going to continue through
11 to the storage or the warehouse?

12 MR. FITZGERALD: Yes, they
13 would.

14 MR. MALONE: Variations and
15 parapet heights and everything like
16 that.

17 MR. FITZGERALD: A little
18 variety. We have not thought it
19 through all those details. I do have
20 our architect here as well, Jim Tripp
21 who can kind of explain - if you have
22 more details. I think this does help
23 us as we develop this into the next
24 phase to hear your comments on the
25 architecture side, as well.

1 In regard to the traffic
2 study, I know you mentioned that. We
3 will be working with New York State
4 DOT on that. I don't know how much we
5 need to go into that level of detail
6 on a traffic study only with the fact
7 that the state is familiar with that
8 area. They do have updated traffic
9 counts and obviously you guys have
10 studied it before in the past and
11 recognize it as a need. We would want
12 to build off of that.

13 CHAIRMAN HEIDER: Kevin?

14 MR. BRONNER: First, this
15 site has been there for decades. It
16 is a brownfield and I read that it
17 has been completed. Is there still
18 brownfield clean up that needs to be
19 done?

20 MR. FITZGERALD: So,
21 remediation of the site was conducted
22 under the Department of Energy,
23 formally utilizing the site's
24 remedial action plan. It was a state
25 Superfund site. The site has been

1 cleaned up. There are actually three
2 locations that are still under
3 conservation easement. One being near
4 the power station, to the right of
5 it, along Central Avenue. Another
6 one being also adjacent to the power
7 station up to the end where that
8 parking lot ends - the pavement area.
9 At the bottom of the page you can see
10 another square and those areas are
11 kind of -- they are located around
12 utility poles, which makes sense why
13 they didn't want to continue the
14 development, or the cleaning of that
15 area. They are still under
16 conservation easement. There is
17 ongoing monitoring, as well.
18 Everything has been recorded.

19 MR. BRONNER: You have the
20 certificates of completion?

21 MR. FITZGERALD: Yes.

22 MR. BRONNER: The fast food
23 -- do you have a tenant?

24 MR. FITZGERALD: We don't
25 at this time.

1 CHAIRMAN HEIDER: Some of
2 them are creating more traffic than
3 others. It's just something to think
4 about. If it's going to be a
5 Chick-fil-A, there is going to be a
6 lot of traffic there. That's stuff to
7 think about.

8 The rendering - this is
9 generally how the markets look in the
10 other jurisdictions?

11 MR. FITZGERALD: No. They
12 vary. One is a former Walmart store.
13 There are different flavors and this
14 is one that we felt was very
15 appealing to the area and we wanted
16 to present it to you guys tonight.

17 MR. BRONNER: It looks
18 good. It's going to be a good project
19 for that area.

20 MR. FITZGERALD: Thank you.

21 CHAIRMAN HEIDER: Rich?

22 MR. BARLETTE: I do have
23 some suggestions and comments.

24 Having grown up in close
25 proximity to National Lead, which was

1 there for many years, they
2 contaminated the ground and caused a
3 lot of health issues with many of the
4 people in that neighborhood and
5 community. I'm pleased to see that
6 something like this is going to come
7 from that brownfield and now a
8 greenfield and developed. So, with
9 that, I'm pleased to see that occur.
10 Certainly a lot of people that lived
11 in that area and suffered as a result
12 of the ills of National Lead, this is
13 welcome.

14 A couple of comments which I
15 had for consideration are that the
16 buildings are obviously are going to
17 be sprinklered and there is going to
18 be fire hydrants that are required to
19 be put on site. My recommendation
20 would be that we have those fire
21 hydrants in proximity to where the
22 siamese is going to be coming into the
23 building. Ideally, within 50 feet if
24 you can. This area is serviced by
25 volunteer firefighters. There has

1 been a diminishment of a lot of
2 firefighters throughout the nation and
3 certainly in New York and when we can
4 minimize their work, what they have to
5 do if there is a fire incident there,
6 makes it easy. So, if we could put the
7 siamese locations within 50 feet of
8 those fire hydrants, that would be
9 good.

10 The other thing which I had
11 is, we're going to have two or three
12 sub occupants to this?

13 MR. FITZGERALD: Yes,
14 potentially, that's correct.

15 MR. BARLETTE: So, in
16 addition to that, the annunciator
17 panel we see in a lot of these
18 buildings that are constructed where
19 they put one annunciator panel and a
20 fire alarm comes in and it's very
21 difficult for either police or fire
22 to ascertain where the alarm is
23 coming from. When you wait for a
24 responder, they could be coming from
25 30 or 40 or however away and it ties

1 up those public safety vehicles and
2 personnel. So, my comment would be
3 and the suggestion that you have
4 individual annunciator panels for all
5 of the occupancies. So, it makes it
6 very easy to ascertain that the alarm
7 is coming from the market, or it's
8 coming from the Subway shop, or it's
9 coming from the warehouse - that each
10 one is clearly identified for
11 emergency responders. That also would
12 account for knox boxes, which are
13 required as well, too.

14 Other than that, I think
15 that the rendering is quite nice.

16 CHAIRMAN HEIDER: JoAnne?

17 MS. MALOY: No comment.

18 CHAIRMAN HEIDER: I have
19 two things. I'm glad to see the
20 project move forward. It's been an
21 eyesore for nearly 40 years, if you
22 look back.

23 One, you'll never get a
24 national chain to put a drive-through
25 in front of another building without

1 exposure to Central Avenue. Anything
2 that I know about national marketing -
3 they're just not going to go behind a
4 building. It's just a point.

5 The other point is - I guess
6 I'd love to see you do something where
7 you don't have other retail in front.
8 What that means is that we'd have
9 three different signs, three different
10 doorways going in. I think that it's
11 going to take away from the appearance
12 of your project by having those three
13 retail outlets in front and your store
14 in the back. I'd rather see your store
15 in the front and put the retail in the
16 back. I just think that it would give
17 much more of an architectural feeling.
18 This is a major entrance to the Town.
19 We've lived with a sore spot for all
20 these years. This is our chance with
21 you to clean it up and make it look
22 good. By your renderings, that's what
23 you want to do. I'd hate to see three
24 new little retail areas go in on
25 Central Avenue. I'd like to see that

1 somehow flocked.

2 Other than that, to Joe's
3 point, about the Town road, we'd love
4 to see it connect with Railroad
5 Avenue. We'd love the parking off to
6 the side and behind. I just hope that
7 from a landscaped area, it doesn't
8 become a drainage pit.

9 MR. FITZGERALD: We can
10 look at the tenant spaces up in
11 front. I think that the feeling is to
12 try to create kind of a community as
13 well as the connectivity of a
14 shopping plaza.

15 CHAIRMAN HEIDER: I see
16 that.

17 MR. FITZGERALD: I think
18 that some of these little smaller
19 stores can help create that and kind
20 of feed off of the main market, as
21 well.

22 We did provide some access
23 around this site, as well. We can look
24 at it again. It's kind of difficult to
25 get all of the patrons through the

1 store. You kind of want that central
2 focus by putting it up towards Central
3 Avenue.

4 CHAIRMAN HEIDER: Let me
5 ask you - where is the entrance to
6 the supermarket?

7 MR. FITZGERALD: It's right
8 at the bottom corner.

9 CHAIRMAN HEIDER: That's
10 not even close to the other stores.
11 That to me, is not a neighborhood.

12 MR. FITZGERALD: We're
13 talking about the connectivity of
14 these businesses and trying to create
15 that traditional shopping plaza
16 feeling with that connectivity. We
17 can use some different treatments up
18 here.

19 CHAIRMAN HEIDER: My
20 concern is a lot of little lots and a
21 lot of little businesses along
22 Central Avenue. I don't want to
23 create a look of your building that
24 creates three more little businesses
25 on Central Avenue. It's just my

1 opinion. I'm one of seven here.

2 MR. MILLEA: So, a bit of
3 housekeeping.

4 You mentioned that the owner
5 of record is different than what is
6 reflected on the site plan application
7 paperwork.

8 MR. FITZGERALD: It was
9 transferred over.

10 MR. MILLEA: When was the
11 date of that transfer?

12 MR. FITZGERALD: Recently.

13 MR. MILLEA: Because I see
14 the letter of intent dated May 9th.
15 We still have the Ren Garden Group.

16 MR. FITZGERALD: We will
17 get you the updated application.

18 MR. MILLEA: Okay, just
19 communicate that to the PEDD.

20 CHAIRMAN HEIDER: Anybody
21 else?

22 MR. ACKER: I just want to
23 back up your comments. As far as the
24 PEDD, we would much prefer to see --
25 we just want to reiterate that it's

1 an entrance way to the Town and we
2 want to make sure that we have the
3 opportunity to make it look pretty
4 and have it be aesthetically
5 pleasing.

6 MR. FITZGERALD: We will
7 take another look at it and
8 definitely we would want the
9 connectivity with the public and
10 walking. There is a bus stop there
11 and we have looked and kind of
12 considered the other secondary
13 entrance in there. We feel that might
14 be a little tight, but we will work
15 with DOT and see what their thoughts
16 are.

17 CHAIRMAN HEIDER: I would
18 think that the Fire Department would
19 really want that second entrance for
20 fear that the main intersection was
21 ever blocked and something was going
22 on in there. They can always drive
23 over a curb at a right-in or
24 right-out only, and still gain
25 entrance. I think that it's going to

1 be a pretty important factor.

2 MR. FITZGERALD: We will
3 look into that a little further.

4 To kind of highlight some of
5 the issues that we're looking at: If
6 this were a right in or a right, we
7 have that one conservation
8 environmental area there that we're
9 trying to avoid and that kind of puts
10 us too close to that intersection.
11 Then, we have a bus route through here
12 (Indicating). We will look at it.

13 CHAIRMAN HEIDER: We asked
14 you to consider it.

15 Anybody else have anything?

16 (There was no response.)

17 There you go. Thank you.

18 MR. FITZGERALD: Thank you.

19

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22 (Whereas the above entitled
23 proceeding was concluded at 8:45 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:6/4/24

Nancy L. Strang

Nancy L. Strang

2420 Troy Schenectady Road

Niskayuna, NY 12309

1 STATE OF NEW YORK COUNTY OF ALBANY
2 TOWN OF COLONIE PLANNING BOARD
3 *****
4 644 WATERVLIET SHAKER ROAD
5 FEIDEN FARMS SKETCH PLAN REVIEW
6 FOR PROPOSED SUBDIVISION
7 *****
8 THE STENOGRAPHIC MINUTES of the above
9 entitled matter by NANCY L. STRANG, a
10 Shorthand Reporter commencing on May 21,
11 2024 at 8:46 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 KEVIN M. BRONNER, JR.
19 MICHAEL MALONE, JR.
20 JOANNE MALOY
21
22 ALSO PRESENT:
23 MATTHEW J. MILLEA, ESQ. COUNSEL TO THE
24 BOARD
25 ANDY AKER, DEPARTMENT OF PLANNING AND
 ECONOMIC DEVELOPMENT
 JOSEPH GRASSO, PE, CHA

NANCY L. STRANG - STENOGRAPHER
518-542-7699

1 NICHOLAS COSTA, PE, ADVANCE ENGINEERING
2 AND SURVEYING

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NANCY L. STRANG - STENOGRAPHER
518-542-7699

1 CHAIRMAN HEIDER: Next is
2 644 Watervliet Shaker Road, Feiden
3 Farms Subdivision, Applicant is Jerry
4 Krug, represented by Advanced
5 Engineering & Surveying. Sketch Plan
6 review for proposed subdivision
7 creating 45 total lots; 43 single
8 family residential, a park and one
9 stormwater management parcel. Site is
10 zoned single family residential.

11 Once again, Joe Grasso from
12 CHA is the TDE.

13 Nick, I'll turn it over to
14 you.

15 MR. COSTA: Thank you, Mr.
16 Chairman and good evening. My name is
17 Nick Costa and I'm with Advance
18 Engineering and Surveying. With me
19 tonight is also Ted DeLucia, who is a
20 consultant to the applicant.

21 This is a parcel that is
22 almost 31 acres in size. It's the
23 former Feiden Farms site, Jerry Krug
24 and his partners have purchased the
25 parcel and are looking to develop it.

1 It is zoned single family residential.

2 What we've shown is the
3 development of the parcel with single
4 family homes that are compliant with
5 the requirements of 18,000 square feet
6 and 80 feet of frontage, minimum.

7 There is a new proposed road that
8 loops that's called Daisy Drive. There
9 is a street that connects between the
10 loop and that's Marigold Manor. There
11 is a small cul-de-sac with two lots
12 and one lot is going to be dedicated
13 to a small park. Just a neighborhood
14 park. Then, out of the front, we have
15 the stormwater management area here.
16 The park is over in this area.

17 Andy, do you have the color
18 renderings?

19 So, this is the lot that is
20 dedicated for the park. Then, this is
21 the stormwater. Watervliet Shaker Road
22 is along the frontage of the parcel.
23 It has all the necessary
24 infrastructure. There is sanitary
25 sewer. There are water mains that

1 would be extended along the new roads
2 to provide the new homes with
3 municipal services for domestic water
4 and sanitary sewer. We will also have
5 a closed drainage system that will
6 pick up the runoff from the lots and
7 also from the roadways and bring it
8 over to the stormwater management
9 facility here.

10 The site does have a large
11 Town trunk sewer that traverses it.
12 There is an easement - a 30-foot
13 easement that is associated with that
14 trunk sewer that runs through the
15 site.

16 Can you bring up the aerial
17 - just so that everyone can get the
18 sense of the general layout?

19 So, as you can see, this is
20 the 30.97 acre parcel. Here are the
21 senior facilities that are here and
22 then there are single family homes
23 that surround the parcel and then this
24 is, I think, the entrance to what I
25 think is called Colonie East

1 residential development.

2 This is a little strip
3 center that was the former Handy Andy
4 - I think that it was. This is a
5 single family home that exists already
6 there.

7 So, if there are any
8 questions, Ted and I would be more
9 than happy to answer them.

10 CHAIRMAN HEIDER: Joe?

11 MR. GRASSO: Sure, Mr.
12 Chairman.

13 This one is just up for
14 sketch plan review. It's the first
15 time that the Board has seen it. I
16 haven't done a formal review, but we
17 did get out to the project site and
18 attend the DCC meeting. We've gotten a
19 chance to review the plan. So, it's a
20 very zoning compliant project where
21 it's a straight forward subdivision in
22 accordance with the Town's Code. From
23 a density perspective, it appears to
24 fall well under the threshold of the
25 maximum number of lots. Nick knows

1 calculations are something that we
2 would want to see on the concept
3 application.

4 Basically the property is 31
5 acres. You're allowed to build two
6 homes per acre, if it's all
7 unconstrained land, which would yield
8 62 lots, and they are proposing 41.
9 So, they are well under the maximum.
10 We would want to see a determination
11 and calculations to verify that there
12 is no constrained lands. That would
13 reduce that maximum allowable density.

14 From a subdivision design
15 standpoint, it's a very standard
16 straightforward subdivision design.
17 From an aesthetic standpoint and
18 visibility from Watervliet Shaker
19 Road, we feel like there could be
20 improvements made to the layout by
21 making it a little bit more curvy --
22 that may give a bad connotation, but
23 avoid the straight runs into the site
24 so you don't have a straight shot of
25 homes up against the setback line. It

1 would maybe be more aesthetically
2 appealing to have some slight curves
3 to the road, especially at the
4 entrances that cut off your lines of
5 sight. By the time that you add some
6 street trees per the Town's
7 requirements, it starts to create a
8 totally different feel as opposed to
9 the straight road alignments that both
10 end-points into the project.

11 So, regarding those access
12 points, we're not totally sold on
13 where those access points are located.
14 The one to the west is slightly offset
15 from Brookwood Drive, on the other
16 side. So, we would like to understand
17 exactly what that setback measures and
18 if it is compliant with standard
19 minimum setback offsets.

20 Because of conflicting
21 movements, if you have a car coming
22 out of Brookwood Drive and a car
23 coming out of the new residential
24 street, you could have conflicting
25 turn movements. It may be more

1 desirable to create a four-way
2 intersection there. It's something,
3 again, that we would want to take a
4 look at and hopefully we can get a
5 firm opinion on by the time you come
6 back from concept because it could
7 definitely change the layout on that
8 side.

9 The other thing there on
10 that road that comes in from the west
11 is the impact on that existing single
12 family home. You're basically taking a
13 lot that fronts on 155 and now that
14 lot is going to basically have
15 frontage on a new Town road. So,
16 you're creating a new front yard,
17 whereas right now it's just a side
18 yard of that house. So, I think that
19 it's important for the Board to
20 understand the impacts of that. It may
21 be appropriate to shift that Town road
22 away to provide some greater
23 separation to that existing single
24 family home. Obviously, if those
25 residents come to the meeting, we

1 would want to hear their feedback
2 early on in the process.

3 Likewise on the other side -
4 on the east side, you've got a similar
5 situation with the [sic] Caltaugh
6 property. That property would
7 basically be right up against the new
8 Town road and they've got a driveway
9 and they may have a pool along that
10 side and that would basically be in
11 the new front yard. Again, it looks
12 like that road could get shifted over
13 substantially towards the west to
14 provide better separation and
15 sensitivity towards that existing
16 single family home.

17 The way that the road ties
18 into Watervliet Shaker Road, we've got
19 to work on the radii there.

20 There is some protective
21 watercourse and DEC wetland in an
22 adjacent area to the rear of the site.
23 How that area gets protected - whether
24 or not it's in the lots without any
25 form of restriction or whether or not

1 to incorporate deed restrictions - I
2 think that is something that we want
3 to understand and have the Board feel
4 comfortable about. Most of the time,
5 we look for some form of deed
6 restrictions on sensitive areas of the
7 site that should be protected from any
8 future grading or filling or
9 vegetation removal.

10 Likewise, if there are areas
11 that the Board feels should be
12 undisturbed buffers around the
13 perimeter, that is something that we
14 would want to understand whether or
15 not those should be protected in some
16 form of a deed restriction area, as
17 well.

18 There is a public water main
19 to the southeast. We will try to
20 gather feedback from Latham Water
21 District as to whether or not a
22 connection to that water main should
23 be appropriated into the project site
24 to provide a looped system.

25 MR. COSTA: They did

1 mention it.

2 MR. GRASSO: They did
3 mention that? Okay, so that's
4 something that we would want to see,
5 articulated on the concept plan.

6 There is a new park
7 proposed. That is something that the
8 Town has typically frowned on, when
9 it's a small park serving just an
10 isolated neighborhood area, assuming
11 that the Town would have to take over
12 ownership and maintenance
13 responsibilities of that park. I don't
14 know if you've given any thought to a
15 HOA where the HOA take over the
16 responsibility of the park. That is
17 something that the Board should
18 consider and provide some feedback on.

19 I don't know if you've done
20 a wetland delineation yet.

21 MR. COSTA: No, not yet.

22 MR. GRASSO: That is
23 something that is important to
24 understand. It's hard to find a
25 30-acre site that isn't constrained,

1 especially when it's not developed as
2 much as this one is.

3 MR. COSTA: Joe, this site
4 was quite heavily developed. There
5 were quite a few greenhouses on the
6 site. I think that at one time, Mr.
7 Feiden provided or supplied most of
8 the flowers in the capital district.

9 MR. GRASSO: So, it's
10 partially developed.

11 MR. COSTA: Yes.

12 MR. GRASSO: Even with the
13 greenhouses -- I think that with that
14 level of environmental review - we
15 want to understand if there is any
16 wetlands that could drastically
17 affect the layout.

18 They haven't proposed any
19 sidewalks and the reason why I bring
20 it up is I don't think that the Town
21 would be interested in developing
22 sidewalks across the frontage on 155,
23 nor want to have to maintain sidewalks
24 that were central to the development.
25 The way that the developments is laid

1 out, it's something that could be
2 considered if it suits this type of
3 neighborhood and something that the
4 Board desired -- would be a sidewalk
5 loop just around that circle, assuming
6 that feature stays as part of the
7 subdivision design. Obviously, I think
8 that the intent would be to have that
9 -- we wouldn't want those to be the
10 responsibility of the Town, but if
11 there were a HOA formed, maybe the HOA
12 could take responsibility over a
13 sidewalk loop if that is something
14 that was desired by the Board.

15 I think that I've covered
16 all the things that we wanted to bring
17 up for sketch.

18 I'll send it back to the
19 Board.

20 CHAIRMAN HEIDER: JoAnne?

21 MS. MALOY: I guess my
22 question is: What was the reasoning
23 behind giving up a lot and putting a
24 park there?

25 MR. COSTA: Just to give

1 you a little bit of a background. I
2 apologize that Mr. Krug couldn't be
3 here tonight. He has worked at this
4 particular location for the majority
5 of his life. He started working there
6 when he was a teenager and worked for
7 Harry Feiden and he wants to dedicate
8 a portion of the lands to Mr. Feiden.
9 It's really the reason for it.

10 MS. MALOY: Okay.

11 MR. BARLETTE: Adjacent to
12 that area that JoAnne was eluding to,
13 the park - that Petunia Lane - the
14 size of that is not really compliant.
15 That would have to be meeting the
16 Town standard.

17 MR. COSTA: Most likely
18 that's really going to be a driveway
19 for the park. It's not going to be a
20 cul-de-sac, as shown. That's going to
21 go away. It's going to be a driveway
22 with some parking spaces for the
23 park.

24 MR. BARLETTE: Does that
25 also have - I don't have it in front

1 of me, but I think there are two lots
2 that Petunia also serves?

3 MR. COSTA: We can shift
4 some of those lots so that they would
5 be -- at least two of the lots would
6 be off of Daisy Drive.

7 MR. BARLETTE: So, they
8 would be changed and have frontage on
9 Daisy.

10 MR. COSTA: Yes, that's
11 correct.

12 MR. BARLETTE: That's all I
13 have.

14 CHAIRMAN HEIDER: Kevin?

15 MR. BRONNER: The lot
16 number 45 - that would be facing
17 Daisy?

18 MR. COSTA: Yes.

19 MR. BRONNER: I just think
20 of that neighborhood on Albany Shaker
21 Road where I pull out and the back of
22 the house is right on the road and
23 the rest of the road is driveway
24 going out to Albany Shaker.

25 MR. COSTA: You're talking

1 about those lots in the front.

2 MR. BRONNER: Yeah.

3 How big are the houses?

4 MR. COSTA: These would
5 just be standard single family homes;
6 2,100 to 2,500 square foot.

7 MR. BRONNER: I'm happy to
8 see that they are single family
9 homes.

10 MR. COSTA: We looked at it
11 for a couple different other housing
12 developments, or a mixed development.
13 We thought that single family
14 resident would be the best use for
15 it.

16 MR. BRONNER: Number 45 and
17 44 - I don't know if those fit.

18 MR. COSTA: Joe mentioned
19 that we have to take a look at
20 realigning maybe that driveway. I
21 think that will change.

22 MR. BRONNER: Okay.

23 MR. MALONE: It's
24 refreshing to see a developer come in
25 with a sketch plan not overly dense.

1 MR. COSTA: Thanks, Mike.

2 MR. MALONE: I do like Mr.
3 Grasso's idea of possibly screening
4 the western road even further west.
5 Maybe split that stormwater and
6 create a four-way -- you might have
7 to lose lot 2, but the aesthetics of
8 Watervliet Shaker would be better.

9 MR. COSTA: Yeah, it's more
10 towards the lower part of that crest.
11 That's why we kept that up there. We
12 can take a sight distance dimension
13 or measurements and make sure that it
14 could work there.

15 CHAIRMAN HEIDER: Two
16 things. Lots number 9, 10, 11 and
17 12 -- when you look at your grading
18 and clearing plan - it's really
19 restricting a house being built on a
20 lot where they are.

21 MR. COSTA: Those are --
22 again we haven't done a grading. We
23 have shown a clearing there and where
24 the existing clearing is. It could be
25 extended.

1 CHAIRMAN HEIDER: Don't
2 take offense. Joe said this is a
3 zoning complaint plan. It reminds me
4 of Levitt Town in Long Island. There
5 is nothing special about it. I would
6 like to see some curves in the road,
7 or something to make it look
8 aesthetically pleasing, so you don't
9 see 20 houses going down this way and
10 20 houses going this way. It is
11 compliant, but I would love to see
12 something a little more aesthetically
13 pleasing.

14 MR. COSTA: Yes, we
15 understand that and we heard Joe's
16 comments at the DCC level. We have
17 started looking at some realignment
18 of some of those roads.

19 CHAIRMAN HEIDER: Other
20 than that, like Mike said, thanks for
21 bringing a project that isn't 100
22 houses and we have to fight for
23 months to bring it down to 45.

24 Anybody got anything else?

25 (There was no response.)

1 You're on your way.

2 MR. COSTA: Thanks.

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5 (Whereas the above entitled

6 proceeding was concluded at 9:05 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:6/4/24

Nancy L. Strang

Nancy L. Strang

2420 Troy Schenectady Road
Niskayuna, NY 12309

1 STATE OF NEW YORK COUNTY OF ALBANY
2 TOWN OF COLONIE PLANNING BOARD
3 *****
4 38 KARNER RD. A+ MEDITRANS SERVICE
5 FACILITY APPLICANT: REHJA GROUP
6 REPRESENTED BY ABD ENGINEERS & SURVEYORS
7 CONCEPT REVIEW FOR PROPOSED REDEVELOPMENT
8 *****
9 THE STENOGRAPHIC MINUTES of the above
10 entitled matter by NANCY L. STRANG, a
11 Shorthand Reporter commencing on May 21,
12 2024 at 9:07 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 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 AKER, DEPARTMENT OF PLANNING AND
27 ECONOMIC DEVELOPMENT
28 JOSEPH GRASSO, PE, CHA

1 LUIGI PALLESHI, PE, ABD ENGINEERS AND
2 SURVEYORS

3 EUGENE REYES

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1 CHAIRMAN HEIDER: Next is
2 38 Karner Road. A+ MediTrans Service
3 Facility. The applicant is the REHJA
4 Group, represented By ABD Engineers &
5 Surveyors. Concept review for
6 proposed redevelopment with
7 demolition of existing structure and
8 building a new 24,000 square foot
9 structure, including 390 parking
10 spaces and associated improvements.
11 The site is zoned Industrial.

12 Once again, Joe Grasso is
13 our TDE.

14 MR. PALLESHI: Good
15 evening. Luigi Palleshi from ABD
16 Engineers and Surveyors. Also with me
17 is owner and applicant Eugene Reyes,
18 owner of the REHJA Group Company, as
19 well as A+ Medi Trans. We are here
20 tonight to further discuss 38 Karner
21 Road.

22 Over on the northeasterly
23 side is the post office, as you all
24 know. There are several commercial
25 buildings on the westerly side. Then,

1 on the south side of the site, where
2 my stormwater area is - right along
3 that back property line is actually
4 the Town of Colonie and the Village of
5 Colonie line.

6 This site is six and half
7 acres. It's zoned industrial, in
8 character with the entire neighborhood
9 here. We're close to the intersection
10 of Albany Street. We've had
11 conversations with DPW, highway, in
12 regards to our entrances to the site.
13 We are proposing two entrances and
14 exits. The one to the westerly side of
15 the site is restricted. We did get
16 approval from DPW on our proposal.
17 So, we are restricting it. Everybody
18 can come in, but forcing right-out
19 only on that westerly curb cut.

20 The easterly curb cut is a
21 full in and out access.

22 This layout is similar to
23 what you saw at sketch plan. We had
24 conversations with staff and Joe
25 Grasso, better understanding the

1 circulation and the needs for the
2 applicant. Of course, with the
3 restrictions of the access on Karner
4 Road, we provided the detail and
5 having that understanding of how the
6 maneuverability that the applicant
7 needs for the employees from the day
8 to day operations. So, this was the
9 best layout. The building, as you see,
10 is a 24,000 square foot footprint. It
11 still has the office/garage component,
12 as well as the car wash and a covered
13 canopy at the rear of the site. There
14 are 390 parking spaces.

15 We got into details, I
16 think, during sketch plan, as far as
17 the employees would park on the front
18 side and the back would be reserved
19 for the fleet vehicles. This facility
20 would be a major improvement to the
21 existing facility that they have right
22 now on Railroad Avenue, which they are
23 looking to keep so this will provide
24 the main headquarters, but the other
25 site would provide as an overflow.

1 In talking with staff and
2 Joe Grasso, we have increased the
3 landscaping. We know that this Board
4 is always looking for more
5 landscaping. So, what we did was we
6 enhanced the landscaping along the
7 front, keeping in mind that there is a
8 Town utility line right along Karner
9 Road. We are doing our best to keep 10
10 feet away from the actual main. We
11 will have some landscaping within the
12 easement, but we know from the past,
13 unless things have changed, you can do
14 a hold harmless agreement, so we are
15 okay with that.

16 We do have some street trees
17 along the front as well.

18 Then, one of the questions
19 at sketch, if I recall, the Board was
20 looking for landscaped islands. Being
21 that it is in an industrial zone,
22 landscaped islands are not required,
23 but again, understanding this Board
24 and having further conversations with
25 Planning staff, instead of putting the

1 islands within the parking lot, we
2 actually lined them on the westerly
3 side. So, if you look at - instead of
4 however many number of trees you would
5 put in an island, we kind of put them
6 along the road frontage on the
7 easterly side between this property
8 being the post office. Again, not
9 required, but something that the
10 applicant and I had discussed and
11 considered.

12 So, then moving to the rear
13 of the site, if you know the
14 topography, half of the site pretty
15 much drains to the back. It's a
16 natural low point that sits back
17 there. That's where we are going to
18 put our stormwater, meeting New York
19 State DEC requirements and it will be
20 a bio-retention and dry retention or
21 some type of overflow controlling the
22 rates to predevelopment. We will have
23 an overflow onto the existing piping
24 that's there now on Karner Road. It's
25 kind of hard to see on this rendering.

1 As I discussed before, this
2 is the Village and Town of
3 Colonie/Village line. this is a
4 Village park here (Indicating). This
5 lot that we surveyed is actually an
6 asphalt parking lot that would be
7 abutting near the back of this
8 property. Again, this is the rear
9 line, Village of Colonie park right
10 here. This is the asphalt. This is a
11 dead end roadway here. A lot of cars
12 are parking there now. Then, there is
13 gate right here to allow more parking
14 here. Some parts in this area here are
15 actually where the playground area is.
16 Right next door is overflow parking,
17 asphalt, for the post office. Then,
18 there is some fencing here and there
19 is also chain link fence here. So,
20 when we took the consideration from
21 the Board and Planning staff, Eugene
22 and I actually walked the site,
23 multiple times, at this point. We
24 looked at the trees that are naturally
25 in here. We did a tree survey and we

1 did a 100 feet from the rear line and
2 most of those trees are maples and
3 poplars. There are a few oaks, but no
4 pine or evergreen trees within this
5 area here. It's kind of scattered.
6 You can see through the trees. It's
7 not like a heavy, heavy buffer. We
8 actually went out there in February
9 when there was no tree growth and then
10 we were out there again in May with
11 some tree growth. So, you're going to
12 get some underlying growth. What we
13 found is what is providing the 30-foot
14 buffer - just keep whatever natural
15 trees are there. There are some
16 30-inch poplars and 16-inch maples. We
17 will provide some matureness in
18 height-wise, let's say. Then, we came
19 up with a design where we would
20 propose Norway Spruces. We spaced them
21 out and we thought that having an
22 evergreen right there would probably
23 do better providing that buffer to the
24 park, if that's what the Board was
25 really looking for. They did that

1 similarly right next door here on
2 Salina Drive. They had proposed some
3 pine trees there and that's when we
4 thought okay, let's do that.

5 This elevation does sit
6 lower than where our parking lot is.
7 Because we want to enclose this entire
8 parking lot with a fence for security
9 reasons, we then decided to have this
10 parklike setting for Eugene's staff,
11 adding a few more pine trees right up
12 top. So, giving kind of two levels of
13 buffer from the main concern point of
14 the Village park. So, that's what we
15 had proposed.

16 Like I said, this is a
17 natural low point in itself.
18 Bio-retention will be required here
19 because this is a hot spot for DEC.
20 Bio-retention will also have
21 landscaping within the design itself.
22 So, that obviously will be more
23 landscaping in the rear.

24 So, we feel that taking a
25 second look at it and understanding

1 the Board and staff and providing what
2 we have provided, we hope that this
3 Board agrees for conceptual approval
4 tonight.

5 I think that I touched on
6 the more major concerns, I think. We
7 did receive CHA's comment letter. We
8 had a chance to review that. They were
9 pretty straight forward. I think that
10 they had recommended maybe different
11 height trees in the back. We're not
12 sure if it's really necessary to put
13 that added cost after hearing my
14 explanation here. We can certainly
15 discuss that and the number of trees.
16 But we are maintaining the green space
17 that is required. We are at 35.1%
18 here.

19 The key here, obviously,
20 with the business is the number of
21 vehicles, the parking for the fleet
22 and having any obstructions in the
23 middle just makes it difficult for
24 maintenance. This past winter we have
25 talked several times and when it

1 shows, they need to move these cars,
2 clean them off and moving them and
3 they have to clean in between the cars
4 and it just makes it difficult when
5 you have this many vehicles to clean
6 and having other obstructions. It just
7 makes it difficult. So, that's when we
8 thought of - what if we utilize the
9 trees that are around the side.

10 We couldn't really do
11 anything along this side because there
12 are overhead power lines. So, putting
13 trees along this side wouldn't really
14 do any good because of the overhead
15 power lines.

16 Again, we have to understand
17 not only is this an industrial zone,
18 but this parking lot is going to be
19 nestled in the middle of existing
20 buildings. This is not a public road.
21 This is a private road -- just a
22 service access for the post office.
23 So, I think that we're going above and
24 beyond with this site and the location
25 that it's in, and understating again

1 that we want to protect the view from
2 the park.

3 That's all I have for now.
4 If there are any questions, I'd be
5 happy to answer them.

6 CHAIRMAN HEIDER: That is
7 the building that you want to build,
8 correct?

9 MR. REYES: That's correct.

10 CHAIRMAN HEIDER: Sometimes
11 we see a rendering and later on we
12 see something different.

13 MR. REYES: No, sir. I can
14 actually speak to that a little bit.
15 Because we wanted to keep a clean
16 look with HVAC, we decided to keep
17 the facade and there is a slant and I
18 don't know if you can see that.
19 Inside there, we plan on tucking all
20 of the HVAC so that we can maintain
21 clean sidewalks and no obstruction.

22 This is our first property
23 that we are purchasing so it's very
24 important that it's aesthetically
25 pleasing for us. The little things

1 like that - we are making sure that
2 what you see there is what we get. The
3 comments that I made to the folks that
4 are planning on working with is just
5 like you walk into a St. Peter's or an
6 Albany Med - the people that we
7 service - that's kind of the look and
8 feel that we want for our employees
9 walking in every day.

10 Details of the automatic air
11 curtains and all of those things --
12 those are the details that we are
13 really looking for. They keep telling
14 me, look, relax, we'll get to that
15 point, but right now we just wanted to
16 detail and show it. At the end of the
17 day, not having the chain link fence
18 across the front and having all the
19 landscaping is just a great idea. It's
20 really going to make that section of
21 Karner Road.

22 CHAIRMAN HEIDER: Joe?

23 MR. GRASSO: Sure, Mr.
24 Chairman.

25 So, this has actually gone

1 through multiple rounds of review by
2 our office. I thought that this was
3 revised concept, but is it the first
4 time that the Board has seen this?

5 MR. PALLESHI: I think it
6 is.

7 MR. GRASSO: So, it was
8 always sketch plan.

9 We did issue a letter on it
10 because it is up for formal concept
11 acceptance tonight. I apologize
12 calling it a revised concept plan when
13 really it's just an evolution of a
14 sketch plan that we previously
15 reviewed.

16 So, there is a letter that I
17 just passed out tonight. I'm not going
18 to go through all of the detail. Luigi
19 did an outstanding job touching on the
20 changes to the plan in response to the
21 Board and departmental comments that
22 they heard. I think that you can tell
23 from the presentation, Luigi and the
24 applicant have obviously done their
25 homework and they put a lot of

1 attention to detail. It's a very well
2 thought out plan. It's operationally
3 oriented, based on exactly how they
4 plant to operate the site. We
5 appreciate the additional field work
6 that they did, looking into the
7 buffer. Even just putting the site
8 plan on the air photo, which wasn't
9 something that we had the opportunity
10 to see before, helps understand how
11 the site fits into the surrounding
12 properties. It gets you looking at the
13 plan slightly different.

14 The site is zone industrial,
15 but we don't really consider this area
16 of the Town an industrial area. So, I
17 think that's why the Board looked at
18 this site a little bit differently -
19 than it's not just an industrial use
20 hidden away in an industrial park.
21 It's a pretty prominent site. Yes,
22 it's got a mixture of commercial uses,
23 but I think that the comments that the
24 Board previously made regarding the
25 aesthetics of the site, the aesthetics

1 of the building, the need for
2 landscaping are appropriate and
3 something that I think they worked
4 hard to address.

5 We've still got some
6 comments regarding some specifics
7 about the need for appropriate
8 landscaping, especially when we're
9 trying to add some evergreens. The
10 species - the sights of those at the
11 initial point of planting is really
12 important to set it off. We recommend,
13 as Luigi had mentioned, the
14 landscaping along the - I call it the
15 south side of the site. Understanding
16 that there is a power line there,
17 maybe that's restrictive to putting
18 trees there, but it's a long row of
19 parking - probably 60 or 70 parking
20 spaces and maybe you could just
21 eliminate - cut in a couple islands
22 along the length of that to break up
23 that row and provide some street trees
24 along that side, rather than just
25 having a 300 space field parking lot.

1 I did want to touch on the
2 restricted turn movements at the
3 southerly curb cut. That was a comment
4 that came out of the Highway
5 Department of the Town. They have had
6 a chance to review that revised
7 alignment and that is acceptable to
8 them.

9 There is also some questions
10 regarding the carwash and the water
11 recycling system. They have provided
12 some system data to what they are
13 planning on implementing and we have
14 no concerns with the type of water
15 recycling system that is proposed.

16 We appreciate the rendering
17 and the attention to that. We feel
18 that it's attractive and that is
19 something that the Board should weigh
20 in on tonight.

21 I don't know if Luigi had
22 touched on this. They added a lot of
23 landscaping, both in front of the
24 building, along the foundation as well
25 as between the parking lot and Karner

1 Road and we think that's appropriately
2 detailed on the plan and should really
3 set off the building and the front
4 parking area.

5 From a procedural
6 standpoint, again, it's up for concept
7 review again tonight. From a SEQRA
8 standpoint, it's an unlisted action.
9 They have provided a short EAF. We
10 have reviewed it and appropriately
11 describes the setting of the site and
12 the action. We would recommend that
13 the Board withhold making a SEQR
14 determination until we get further
15 into the review process, most likely
16 when it comes back for final site plan
17 review. The Planning Board will be
18 lead agent and there is no other
19 involved agencies identified thus far.

20 With that, I'll turn it over
21 to the Board.

22 CHAIRMAN HEIDER: Michael?

23 MR. MALONE: I see the six
24 gas pumps. Do you have any electric
25 vehicles in this fleet?

1 MR. REYES: That's a great
2 question. We do plan on having
3 electric charges in the future.

4 MR. MALONE: So, do you
5 plan on at least putting in the
6 underground infrastructure in so you
7 don't have to go back and tear it
8 apart?

9 MR. REYES: Correct, up
10 front. We will contact the outfit
11 that we have been working with and
12 they have reached out to National
13 Grid because National Grid has
14 programs that allow for the
15 infrastructure to be a separate
16 service. So, I wouldn't have to
17 overbuild my current facilities, have
18 a separate service, understanding
19 that there is going to be a need
20 there. It's mostly for this exact
21 situation that we are in. It not only
22 would it save us money with the
23 service that the buildings are going
24 to require with all of the carwash
25 needs, it's also going to be set up

1 there so that in the future if we
2 want to go here, here and behind here
3 with electric - us, being in the
4 school bus business and in the future
5 that there being a requirement where
6 you're not going to be able to buy
7 regular school buses in New York
8 State -- that is our goal.

9 We do have one hybrid
10 vehicle in the fleet that we purchased
11 specifically for testing the day to
12 day of a type one charging versus the
13 type two, which is our Chrysler
14 Pacifica plug-in hybrid and that's
15 currently in operation.

16 CHAIRMAN HEIDER: Kevin.

17 MR. BRONNER: I have no
18 comment.

19 CHAIRMAN HEIDER: Rich.

20 MR. BARLETTE: Yes, I had a
21 couple of things.

22 The parking that is required
23 showed 540 spaces. I think what is
24 proposed is 394. It's about 150 short.
25 My question is: What is the number of

1 company owned vehicles that are going
2 to be parked there as well? I know you
3 have vans. I know you have cars. I
4 know you have school buses. What is
5 the number of that which will require
6 parking spaces?

7 MR. REYES: The fleet
8 vehicles owned that we plan for this
9 site is about 180 vehicles that will
10 be stationed here. We do plan on
11 keeping our Railroad Avenue site open
12 as well. The makeup - what we are
13 anticipating for the future use is
14 long buses at the Railroad Avenue
15 site and our smaller equipment at
16 this site.

17 MR. BARLETTE: So, you feel
18 that would be adequate then.

19 MR. REYES: I'm sorry, you
20 mentioned 540. I think that we have
21 390.

22 Am I correct, Luigi?

23 MR. PALLESHI: Yes.

24 MR. BARLETTE: Correct,
25 394.

1 MR. PALLESHI: When we look
2 at the Code - and I think that we
3 talked about this at DCC, we feel
4 that we don't fall in the service
5 business, but there is nothing else
6 in the table that says how many
7 parking spaces you really need. We
8 would like more, actually. We can't
9 get more because of green space. If
10 we could get up to over 400, we
11 probably would have shown that. After
12 looking at this and understanding
13 that he's going to keep the 28
14 Railroad Avenue site for overflow,
15 Mr. Reyes felt that this was adequate
16 enough for this facility.

17 MR. BARLETTE: I know that
18 this is probably going to come up
19 with the Building Department as well
20 too, but just looking at the
21 schematic drawing, with 180
22 employees, it looks as though there
23 are limited facilities for the number
24 of employees, including wash up and
25 mechanics drivers, maintenance,

1 etcetera. You're showing two toilets
2 for men and you're showing five
3 toilets for the women in the
4 schematic drawing which is really
5 inadequate. Given the mechanics and
6 people who are going have to wash up
7 for lunchtime and for breaks and
8 things of that nature - so that has
9 to be taken into consideration. I'm
10 sure that the Building Department is
11 going to have comment on this, as
12 well. I offer that under the concept
13 of understanding.

14 The other is: When we look
15 at the car washing, I've looked at it
16 and looked at the standards that are
17 in there, I don't see any storage room
18 for hazardous materials. That shows as
19 a Class 3, which is a highly acidic.
20 It talks about special storage
21 faculties for that. I also don't see
22 and you're probably going to be
23 required - is an eyewash station as
24 well, too, for employees, should they
25 come in contact with that. So, that's

1 some of the considerations that I
2 think has to be taken in understanding
3 that. It's an acute toxicity that's
4 going to be used in that car washing
5 station. It should be accounted for.

6 MR. PALLESHI: Obviously,
7 the building has to meet New York
8 State Building Code. They will work
9 with the architect on meeting those
10 requirements. We typically don't look
11 at that at concept, but I think that
12 he has already looked into the layout
13 and what this building is intended to
14 be. He's been in touch with the
15 carwash facilities. So, if we have to
16 add in special storage rooms, thank
17 you for passing that information
18 along. We will get with the
19 architects and they will do their
20 job, hopefully on the building
21 permits.

22 MR. BARLETTE: I offer that
23 only in the sense of understanding,
24 having been a hazardous materials
25 bureau chief, I just understand the

1 hazards associated with that, which
2 could pose a problem to the employee,
3 should there ever be a release, as
4 well.

5 MR. PALLESHI: That's a
6 good point.

7 CHAIRMAN HEIDER: JoAnne?

8 MS. MALOY: I am very happy
9 with the improvements you've made to
10 the site plan. I think that it looks
11 very nice. It's a sharp looking
12 building.

13 CHAIRMAN HEIDER: My only
14 thing - I think that it will do a lot
15 for that corner of that street in
16 that section. It's a very nice
17 design.

18 Just remove the word pine
19 from trees. Pine trees went out
20 decades ago. They are spruce trees and
21 things like that. Most of the pines in
22 this Town are dead.

23 I think that it's a great
24 plan. I think that obviously you've
25 got a lot of things to work through

1 with the engineering and stuff and I
2 look forward to going through it.

3 MR. PALLESHI: Thank you.

4 CHAIRMAN HEIDER: So,
5 what's before us tonight is granting
6 concept. I would be looking for a
7 motion for that.

8 MS. MALOY: I'll make a
9 motion.

10 CHAIRMAN HEIDER: JoAnne.
11 Second?

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

14 CHAIRMAN HEIDER: Rich.

15 All those in favor?

16 (Ayes were recited.)

17 There are no opposed?

18 (There were none opposed.)

19 Great.

20 MR. PALLESHI: Appreciate
21 it.

22 (Whereas the above entitled
23 proceeding was concluded at 9:31 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:6/4/24

Nancy L. Strang

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Niskayuna, NY 12309

