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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

THE PROPOSED GIBBY'S PLAZA
175 TROY SCHENECTADY ROAD
RETAIL STRIP PLAZA WITH DRIVE THRU
EXTENSION OF PRIOR FINAL APPROVAL

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding BY NANCY STRANG-VANDEBOGART
commencing on December 14, 2010 at 7:06 p.m. at the
Public Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

- CHARLES J. O'ROURKE, CHAIRPERSON
- THOMAS NARDACCI
- PAUL ROSANO
- LOUIS MION
- TIMOTHY LANE
- PETER GANNON
- MICHAEL SULLIVAN
- ELENA VAIDA, ESQ., Attorney for the Planning Board

Also present:

- Joe LaCivita, Director, Planning and Economic
Development
- Dennis Deeb, Developer

1 CHAIRMAN O'ROURKE: First on the agenda
2 is Gibby's Plaza. They are looking for an
3 extension.

4 Joe?

5 MR. LACIVITA: Yes. This is Dennis Deeb
6 and he's been working with the department to
7 seek an extension for the project that
8 received approval back in January 8, 2008. The
9 project has not changed at all. It's still a
10 9,600 square foot retail plaza with a
11 drive-thru facility for the parking for 50
12 cars, which was previously approved.

13 This has gone back to the Building
14 Department to verify that the zoning is in
15 fact still valid and the project still meets
16 the approval that was granted in 2008.

17 CHAIRMAN O'ROURKE: Counsel, in terms of
18 the Land Use Law?

19 MS. VAIDA: I did check that and that can
20 be renewed annually upon application to the
21 Planning Board.

22 MR. LACIVITA: There has been an
23 application and a case submitted based on the
24 criteria of the Land Use Law.

25 CHAIRMAN O'ROURKE: So the mitigating

1 funds - that portion has been paid?

2 MR. LACIVITA: Were the mitigation fees
3 paid in that one yet?

4 MR. DEEB: No.

5 MR. LACIVITA: We haven't triggered that
6 until everything is done. It does one-third,
7 one-third, one-third.

8 CHAIRMAN O'ROURKE: If I could just ask
9 quickly - what is the plan? Are we going to
10 see you next year?

11 MR. DEEB: I don't know. I hope not, but
12 I can't say. The market has been very
13 difficult. The approval for the site - the
14 9,600 has been centered around a financial
15 facility with a drive-thru. The problem is
16 that all the banks and drive-thrus along the
17 Route 9 corridor want to be on Route 9. I have
18 not been successful in drawing a bank yet in
19 that location. However, as we all know there
20 is a lot of activity in that area. There is
21 residential activity down in that area. There
22 is also new construction that is going on at
23 the corner of Delatour and 155. There is also
24 some potential for development in and around
25 the Kmart area due to the Delatour area, as

1 well.

2 CHAIRMAN O'ROURKE: I don't think that
3 this Board is here to tell you your business
4 and your development. I think that the
5 reservations that I'd have and like to bring
6 up, as we discussed last year, that approval
7 was granted and probably outside of the scope
8 because it's a shell building. It's just a pad
9 site. So, therein lies some of my difficulty
10 to grant further extensions. At some point is
11 it going to be a bank or is it going to be
12 retail? You're asking this Board to grant you
13 another extension, and if you were to not be
14 able to market your site and have to change
15 the site, you would have to come back through
16 the process again.

17 MR. DEEB: I would also like to say that
18 we did ask for a variance. I've got to keep
19 that flexibility open, too. Granted, I've got
20 a shovel ready site; 9,600 square feet with a
21 drive-thru with flexibility that I'm going to
22 have to sustain and keep open to possibly get
23 a variance. I really only want to do that
24 once. I don't want to speculate and make a
25 change and then find out that I'm going to

1 have to change it again.

2 MR. LACIVITA: Actually, C.J., Dennis and
3 I were working with Kiskis Tire to use this as
4 relocation to this site. That's why we were
5 trying to get everything together to bring
6 them back before the Board and change this
7 from a retail site to the Kiskis Tire Company.
8 Unfortunately, that fell to economics and they
9 couldn't get the financing that they needed. I
10 think that he's trying to get past being a
11 retail component and looking for other
12 avenues. We've worked quite extensively with
13 him with the Kiskis Tire Company, too.

14 CHAIRMAN O'ROURKE: I understand that.
15 Not to be facetious at all, but if I were to
16 purchase swamp land in Florida and try to
17 market it and couldn't sell it, at some point
18 this Board has to say, Mr. Deeb, we can't
19 continue extensions year after year. This goes
20 back to 2007.

21 MR. DEEB: Correct, but with all due
22 respect, we don't have swamp land.

23 CHAIRMAN O'ROURKE: I'm being facetious.

24 MR. DEEB: What we have, so the Board
25 understands, is an extension which is east of

1 the circle. It is in development, which is not
2 considered a primary right now for retail.
3 However, that can change.

4 CHAIRMAN O'ROURKE: I disagree because
5 the Comprehensive Plan looks at that as one of
6 the main corridors into the Town of Colonie.

7 MR. DEEB: I don't disagree with you one
8 bit. Again, I'm not the retail establishment
9 or the bank that wants to go there. I think
10 that as conservative as everybody is in the
11 market right now, a lot of people are just
12 sitting on their hands and waiting. I believe
13 that we're not going to be in this market
14 forever. I think that things will pick up. I
15 may be here next year. I hope that if I am,
16 I'll have the same type of news to report.

17 As you explained, we did have a contract.
18 We were actively working with Kiskis to get
19 them into that site. They were denied from
20 their lender the opportunity to move forward.
21 It's the lenders and it's the market.

22 CHAIRMAN O'ROURKE: Again, as far back as
23 2005 this site was given less stacking in
24 terms of your parking area than we require as
25 a Town. In all fairness to the Berkshire Bank

1 that's going on Route 9, we require more
2 stacking. This site was already previously
3 granted in 2005 certain requirements, or less
4 than Town requirements on this parcel.

5 MR. DEEB: Just so the Board understands,
6 I took ownership of the site September of
7 2007. The site was approved in January 2008,
8 and I've been actively marketing it since that
9 time.

10 CHAIRMAN O'ROURKE: Final approval was
11 granted.

12 MR. DEEB: Right, and I was marketing it
13 right from about that same time. Ownership,
14 transition, planning, and municipal approval
15 in 2008; nine months later. We all know what
16 happened. I'm going the best that I can do.

17 CHAIRMAN O'ROURKE: I just wanted to make
18 sure that everyone in the audience knows that
19 this Board, as some point, can't continue to
20 have people come before us, or we end up with
21 something like Stonehenge on Menands Road that
22 just sits there partially built. Again, it's a
23 gateway into the community with the big sign
24 on the property. We were looking as a Board to
25 have that property developed. Certainly, we

1 understand your ability to market the site.
2 Again, I'll open it to the rest of the Board,
3 but I'm hesitantly leaning on giving you one
4 more year. I think after that, it would be
5 something for the other Board to decide,
6 certainly. At some point this Board has to
7 say, we have to move on to somebody that's
8 going to develop the property on a main piece
9 of entryway to the Town.

10 Tom?

11 MR. NARDACCI: No comments on the
12 project. Just a statement of my intensions
13 tonight.

14 Previously, I had abstained on this
15 project because an architectural firm of my
16 public relations company that we represent had
17 done some work on this project, so I'll
18 abstain tonight.

19 CHAIRMAN O'ROURKE: Thank you, Tom.

20 Paul?

21 MR. ROSANO: Nothing.

22 CHAIRMAN O'ROURKE: Lou?

23 MR. MION: Nothing.

24 CHAIRMAN O'ROURKE: Tim?

25 MR. LANE: Has there been any

1 consideration at any point that you should
2 change what you're looking to up in there, or
3 wouldn't it make any difference?

4 MR. DEEB: I'm open to other
5 opportunities.

6 MR. LANE: So, your focus is not just a
7 bank.

8 MR. DEEB: No.

9 CHAIRMAN O'ROURKE: We're hearing another
10 project tonight. I think that may be why Tim
11 brought that up. Mr. Hershberg will be
12 presenting a project that certainly will
13 necessitate other development along that
14 corridor, certainly.

15 MR. LANE: Thank you.

16 CHAIRMAN O'ROURKE: Mike?

17 MR. SULLIVAN: I have no comments.

18 CHAIRMAN O'ROURKE: Peter?

19 MR. GANNON: I don't have any comments,
20 but I think that in light of you referring to
21 the economic downturns - is that what you were
22 saying?

23 MR. DEEB: Yes.

24 MR. GANNON: Okay, I just wanted to make
25 sure that I wasn't missing something else that

1 happened in the middle of 2009.

2 CHAIRMAN O'ROURKE: So, Mr. Deeb is
3 looking for an extension on final approval.

4 MR. LANE: I'd make a motion for the
5 extension.

6 CHAIRMAN O'ROURKE: Actually, let me open
7 it to the public, if I could please?

8 Anybody have a comment on this project?

9 ***(There was no response.)***

10 CHAIRMAN O'ROURKE: I'm looking for a
11 motion to extend the prior final approval for
12 Gibby's Plaza, 175 Troy Schenectady Road.

13 Do I have that motion?

14 MR. LANE: Motion.

15 CHAIRMAN O'ROURKE: Second?

16 MR. MION: Second.

17 CHAIRMAN O'ROURKE: All those in favor?

18 MR. ROSANO: Aye.

19 MR. MION: Aye.

20 MR. LANE: Aye.

21 MR. SULLIVAN: Aye.

22 MR. GANNON: Aye.

23 CHAIRMAN O'ROURKE: Aye.

24 Opposed?

25 ***(There were none opposed.)***

1 MR. NARDACCI: Abstain.

2 CHAIRMAN O'ROURKE: Okay, you have one
3 more year.

4 MR. DEEB: Thank you.

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7 *(Whereas the proceeding concerning the*
8 *above entitled matter was adjourned*
9 *at 7:18 p.m.)*

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1 **CERTIFICATION**

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4 **I, NANCY STRANG-VANDEBOGART, Approved**

5 **Transcriber for the State of New York and**

6 **Notary Public in and for the State of New**

7 **York, hereby CERTIFY that the record taped**

8 **and transcribed by me at the time and place**

9 **noted in the heading hereof is a true and**

10 **accurate transcript of same, to the best of**

11 **my ability and belief.**

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15 **NANCY STRANG-VANDEBOGART**

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18 **Dated January 5, 2010**

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