

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 PROPOSED RETAIL/OFFICE SPACE
5 447 ALBANY-SHAKER ROAD
6 SKETCH PLAN UPDATE
7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 public hearing BY NANCY STRANG-VANDEBOGART, a
10 Shorthand Reporter, commencing on
11 October 25, 2011 at 7:23 p.m. at the Public
12 Operations Center 347 Old Niskayuna Road,
13 Latham, New York 12110

14 BOARD MEMBERS:

- 15 TIM LANE, ACTING CHAIRMAN
- 16 LOUIS MION
- 17 KATHLEEN DALTON
- 18 BRIAN AUSTIN
- 19 PAUL ROSANO
- 20 ELENA VAIDA, Esq., Attorney for the Planning Board

21 Also present:

- 22 Joseph LaCivita, Director, Planning and Economic
23 Development
- 24 Victor Caponera, Esq.
- 25 Pasquale Ferracane
- Ed Esposito, PE, Monarch Design
- Chuck Voss, PE, Barton and Loguidice

1 ACTING CHAIRMAN LANE: Second on our
2 agenda this evening is Shaker Road retail
3 office, 447 Albany-Shaker Road and this is a
4 Planning Board update.

5 MR. LACIVITA: This project was before
6 the Board on May 24, 2011 where they came in
7 through the sketch plan process. The Planning
8 Board had a couple of concerns and made some
9 questions and asked the developer to go back
10 and re-look at the site and through the help
11 of Barton and Loguidice and kind of
12 reconfigure its current design. That's what
13 they're back for now to see if they're on the
14 right track.

15 ACTING CHAIRMAN LANE: Mr. Caponera?

16 MR. CAPONERA: Mr. Chairman, Members of
17 the Board, I, too, would like to welcome
18 Mr. Austin to this illustrious Board. I had an
19 opportunity to be in front of him a few times
20 in Zoning and I must say that it's a positive
21 addition to the Board.

22 With that in mind, I'd like to begin.

23 Mr. Ferracane is here with us as well as
24 Ed from Monarch.

25 As most of you might know this property

1 is nearly two acres. It sits on
2 Albany-Shaker Road. Back in May, Mr. Ferracane
3 came with a member of CT Male. The proposal at
4 that time was to construct two 10,000 square
5 foot buildings on this 1.7 plus or minus acre
6 parcel.

7 I've read the minutes of that meeting
8 several times as recently as about two hours
9 ago and the Board made it very clear that they
10 were not comfortable with two 10,000 square
11 buildings. Threaded throughout the minutes it
12 was suggested that they go back and revisit
13 this and revisit the size of the building. The
14 8,000 square feet came up over and over. Well
15 to that end, Pat, who I've represented for
16 many years, reengaged Monarch Design - Ed
17 Esposito is here with us - and he redesigned
18 the building to make both buildings
19 substantially smaller.

20 So, what you have in front of you are two
21 7,770 square foot buildings. So, it's
22 approximately 2,500 square feet less than what
23 was here before. What that does is it makes
24 further accommodations for the parking.

25 I want to go through some of the other

1 items that have been done also to accommodate
2 some of the concerns that the Board had.

3 Several years ago, probably before any of
4 you Board Members were on the Board, I also
5 got the approval for the dry cleaner next
6 door. Of course January 4, 2007 came along and
7 we all should know what that date is. That's
8 the infamous date of the Land Use Law. That
9 said, no, you can't have a building there. You
10 have to slide it forward. So, we slid it
11 forward.

12 At the end of the day, the parking was in
13 the back and what was provided for was a cut
14 through with parking. In your code and the
15 design standards in these multiuse zones it
16 suggests and recommends that there be
17 interconnections. So, as you can see in this
18 proposed revise site plan with smaller
19 buildings, it's going to tie in with the
20 property that has been recently developed.

21 I want to go over quickly some of the
22 requirements in an NCOR,
23 Neighborhood/Commercial/Office/Residential
24 zone; maximum height 40 foot - our proposal
25 that's shown as the elevation which has also

1 been revised is less than 30 square feet. It's
2 about 28.5 feet high. The lot area - believe
3 it or not, in an NCOR zone the minimum lot
4 size is 6,000 square feet. This lot is 74,000
5 plus or minus square feet. So, it's about 12
6 times the minimum required.

7 Mr. Voss, your Town Designated Engineer
8 and I had a little bit of a discussion and one
9 of the things that came up was in an NCOR zone
10 you can't have more than 15,000 square feet. I
11 said, wait, if you look further on that, it
12 says 18,000 square feet maximum build-out per
13 acre. That's in the dimensional use table.

14 Regardless, the proposal here is for two
15 7,770 square foot buildings. Minimum
16 greenspace required, as we all know in any of
17 these commercial zones, is 35 percent. We have
18 nearly 40 percent greenspace. Base commercial
19 density is 18,000 per square acre. The minimum
20 front yard is 20 feet. We have a 24 foot
21 setback. Very close in line with the dry
22 cleaners' building. The side yard is 15 and
23 we're at 22 and 125 feet.

24 I'll note that this is an interesting
25 parcel because we all know that when the

1 January 4, 2007 Land Use Law was enacted it
2 rezoned every inch of the Town. What happened
3 is that the zoning line is now right along the
4 rear of the residential properties on Shaker
5 Drive. Throughout the minutes of the meeting
6 on May 24th there was a suggestion that
7 Mr. Ferracane discusses this with the
8 neighbors, and he has. He has gone to see all
9 the neighbors along his side. I've actually
10 spoken to the gentleman who owns the property
11 next door - the cleaners - and even discussed
12 this with the Greater Loudonville Association.
13 When I say this, I'm talking about this plan
14 as well as the elevations that I'll get into
15 in a second.

16 One of the things that is required
17 whenever you have a commercial zone abutting
18 up to residential is you have to have a
19 minimum of 50 foot setback on parking and a
20 minimum of 100 feet on the building. Well,
21 this has met and exceeded that. As you can see
22 our setback is 125 feet from the building.
23 Everything here that you see has been
24 revisited since the May 25th meeting. So, the
25 point that I'm making is that my client has

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1 listened to the comments of the Board and made
2 substantial changes. Of course this is the
3 second sketch plan, just to get the Board's
4 impression on our changes and modifications
5 and have the direction to go towards concept
6 approval.

7 One of the other things that I wanted to
8 talk about was the design standards. As
9 everyone knows there is a requirement that the
10 building's main façade face the main road. The
11 main road is obviously Albany-Shaker Road.
12 Right now, if you look at this design - and
13 it's in front of everyone as you look at
14 this - you could change this to face and put a
15 front entrance here (Indicating) to make a
16 front entrance to look like it's facing Albany
17 Shaker Road. Notably if you look in your site
18 analysis there, there is a substantial amount
19 of greenspace that has been provided for
20 between the residential district and this
21 zone. That's another requirement that's in the
22 dimensional standards and requirements.

23 Could you talk about how you changed the
24 look of the building to make it more in tune
25 with the requirements?

1 MR. ESPOSITO: Sure. The original
2 building was 35 feet. So, just looking at the
3 pure height, we tried to keep that down. We've
4 introduced hardy board horizontal clapboard in
5 the upper portion of the building. The colors
6 are all earth tones and as Victor mentioned,
7 Chuck did inform us earlier today regarding
8 the issue of forward facing toward Albany
9 Shaker Road. It always did have a façade. We
10 did review with staff department with Mike
11 Lyons and Joe regarding this feature. So, we
12 did provide in that package a drafted plan.

13 The elevations that show that 20.5 feet
14 and we do have, per the design guidelines,
15 this fence with the wall. That actually serves
16 a function at that 20-foot easement that
17 Victor had mentioned. That's somewhat of a
18 restriction. The county took some land so that
19 past the property lines is virtually at the
20 curb. So, it's a no-build. It's got water and
21 sewer and we're actually bringing our water
22 from the back of the property. The sewer
23 drains to the front - to the sewer line that's
24 within that 20-foot easement. There is also a
25 storm drainage network that we are addressing

1 very early on. We want to get some great
2 infrastructure and get our run-off reduction
3 volumes in this infiltration trench design.
4 The Town of Colonie stormwater was there and
5 they witnessed the test. So, we'd like to move
6 along into concept, but if the forward facing
7 character of the building needs to
8 be - instead of aligning with the
9 sidewalk - the concrete steps that are shown
10 on the site plan, we can center them and come
11 in right to a tenant door entry on the façade.
12 We can't seek a waiver for that front door.
13 Currently, all of these tenants on the floor
14 plans and on the site plan load from the
15 sidewalk.

16 As a feature of this plan as we move
17 through the process, we're seeking a reduction
18 in the 8-foot sidewalk requirement. This is
19 something that I think that we could add very
20 quickly to get more greenspace if we're
21 allowed. This Board has the power to look at a
22 five foot sidewalk and we feel that is
23 sufficient. That came up in design committee
24 review. With that feature, I think that we
25 could provide more landscaping in the front.

1 Pat is a good business man. He can do a
2 nice job doing a nice landscaped area, but
3 we'd like to increase that to 11.5 feet, if we
4 could get a little bit more narrow of a
5 sidewalk. I think that overall we can get more
6 to these landscaped islands that were required
7 in the design guidelines. This was the plan
8 that came after the first sketch plan. We're
9 looking to hone in on all of our skills here
10 to get right to concept submission, the TDE
11 and the Town so that we can review the water,
12 sewer, storm designs. Planning wise we need
13 your opinions on those handful of decisions
14 with regard to the reduction in square footage
15 and if it is acceptable to the Board at this
16 point. We worked with the TDE and the Town in
17 getting some of these other parking standards.
18 I think that there is still a three car waiver
19 that goes with the plan.

20 I'll turn it back over to Victor and I'm
21 here to answer any questions.

22 MR. CAPONERA: That's about it. If you
23 have any questions, we'd like to try to answer
24 them

25 MS. DALTON: Victor, you said that you

1 met with the neighbors. One of the things that
2 was brought up in our original hearing was a
3 question with regard to the waivers for
4 parking spaces. We were concerned how they
5 felt about that - if there was already a
6 parking problem in that neighborhood or if
7 they feel that it would be a problem to have
8 that waiver. Is that anything that you
9 addressed?

10 MR. CAPONERA: Not that I came up with.
11 My discussion was with the next door neighbor
12 who was a commercial neighbor. My client spoke
13 with other neighbors along the Shaker Drive
14 property, but I will tell you that previously
15 there was a much more substantial parking
16 waiver. They were parking 25. So, we have gone
17 from that to three. We have the
18 interconnection with the adjacent property,
19 which I think is an important factor. That
20 goes along with the Comprehensive Plan.

21 I did discuss them with the dry cleaner
22 and he was tickled pink to see this proposal
23 as we have redesigned it.

24 MS. DALTON: Are there other things that
25 you might be able to tell us that the

1 neighbors were concerned about? Could you
2 share with us anything in particular?

3 MR. CAPONERA: They didn't have any
4 negative comments.

5 MR. FERRACANE: No, they didn't.

6 MS. DALTON: Another question that we had
7 was at the time that you were here the first
8 time, you had an open slate with regard to
9 renting. Do you have any idea yet who you
10 would have in there?

11 MR. FERRACANE: We do not, at this time.

12 ACTING CHAIRMAN LANE: What type of
13 tenants are you specifically focusing on?
14 Business type? Small business?

15 MR. FERRACANE: Our focus is retail and
16 office.

17 ACTING CHAIRMAN LANE: Okay, it could be
18 quite different, but the way that the site is
19 situated, you are going to have kind of
20 different view from the back on the lot as far
21 as the signage.

22 MR. FERRACANE: Yes, but what choice do
23 we have?

24 ACTING CHAIRMAN LANE: That's what I'm
25 putting to you. Are these tenants necessarily

1 going to need the visibility? Like, say a
2 doctor's office -

3 MR. FERRACANE: I think that professional
4 office might not need -

5 ACTING CHAIRMAN LANE: Where it would not
6 be driven by a sign so much - okay.

7 MR. CAPONERA: Recognize too in this
8 zone, you have to have a 200 foot setback if
9 you want to put in any restaurant use. That's
10 not in the cards here. Basically, office and
11 those kinds of tenants and potentially retail.

12 MR. FERRACANE: Certainly we'd be open to
13 any kind of food.

14 MR. CAPONERA: That would require
15 variances. If you sell food and it's prepared,
16 whether it's a grocery market or a mini mart,
17 there are variances required.

18 MR. ROSANO: Is there anyone here from
19 the neighborhood?

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

21 MR. ROSANO: Victor, I guess my question
22 always goes back to the front facing side.
23 That's something that we can work out.

24 MR. CAPONERA: Absolutely.

25 MR. ROSANO: They're showing the front of

1 the building on Albany Shaker Road -- that's
2 primarily what I'm looking for.

3 MR. CAPONERA: Sure.

4 MR. ROSANO: Thank you, Victor.

5 MR. AUSTIN: The only question that I
6 would have would be going back to the
7 perspective tenants that will be renting
8 space, or going in this space - if they are
9 retail places, would they have street signage
10 too? What kind of street signage would be on
11 Albany-Shaker Road?

12 MR. CAPONERA: It's all subject with the
13 sign code requirements. There are limits.
14 You're basically allowed one free standing
15 sign. It's pretty specific.

16 ACTING CHAIRMAN LANE: You would likely
17 have one sign listing all the tenants?

18 MR. CAPONERA: I'm not 100 percent sure
19 because I would have to study the statute in
20 terms of what it allows, but then again if you
21 can't meet that, there is always the Sign
22 Review Board, which is another Board that has
23 cases heard occasionally.

24 MR. AUSTIN: The only other thing that I
25 would echo is Member Rosano's comments about

1 the front facing façade, but it looks like
2 you're covering that.

3 MR. CAPONERA: That's not a major issue.

4 MR. ROSANO: I don't think that the door
5 has anything to do with it; really and truly.
6 That has nothing to do with the front of the
7 building.

8 MR. CAPONERA: It's just the appearance.

9 ACTING CHAIRMAN LANE: The only other
10 thought that I had was due to the location,
11 you'd probably be concerned with lighting. Is
12 there going to be other lights in the lot?

13 MR. CAPONERA: Any lighting would be
14 shoebox type lighting where the lighting would
15 go through the lot.

16 ACTING CHAIRMAN LANE: Even low lighting
17 in the proximity.

18 MR. CAPONERA: Well, he's going to have
19 biblical landscaping between his property and
20 the residential property. It's a phrase I
21 coined some years ago with another Board.

22 MS. DALTON: What does it mean?

23 MR. CAPONERA: Biblical means substantial
24 size and strength that will give great
25 separation and privacy. Thank you for asking.

1 ACTING CHAIRMAN LANE: I don't think
2 there are any other questions or comments.

3 MR. LACIVITA: Tim, if I may, can hear
4 from the TDE on the review of the project?

5 ACTING CHAIRMAN LANE: I'm sorry.
6 Absolutely.

7 MR. VOSS: Just briefly, we discussed
8 some of the concept issues early on. They've
9 made substantial changes from the first sketch
10 plan that you guys saw many months ago. They
11 seem to be well aware of the overlay district
12 requirements, the sight signage requirements
13 and landscaping requirements. At this time, we
14 really don't have any concerns. We feel very
15 comfortable with the concept layout as it is.

16 ACTING CHAIRMAN LANE: I went through and
17 they addressed pretty much everything that we
18 asked.

19 MR. ESPOSITO: If I may, would the Board
20 have any issue in reducing that sidewalk down
21 to five feet?

22 ACTING CHAIRMAN LANE: We wouldn't do any
23 approvals or anything of that nature at this
24 time. We don't have anything in front of us.

25 MR. ESPOSITO: Do you have any opinion on

1 it?

2 MR. CAPONERA: Can I just read you what
3 the statute says? It's very interesting what
4 the statute says. I think that it's something
5 that's subject to interpretation. I was just
6 reading it and it's kind of unusual the way
7 that it explains it.

8 I'm taking this right off of the NCOR
9 Section 190-42 Commercial/Office/Residential
10 and it talks about the design standards.

11 Sidewalks - sidewalks can connect
12 residential areas with commercial areas and
13 should be constructed of concrete brick,
14 concrete pavers or stone slabs and shall be
15 five feet wide. Sidewalks in commercial areas
16 should be a minimum of eight feet wide.

17 Technically, there are sidewalks on the
18 other side of the street. There are none on
19 this side of the street. Yet, this technically
20 connects a residential area with a commercial
21 area. So, if you want my humble option subject
22 to other professionals, I would say that five
23 feet is the number. It depends on what your
24 TDE has to say, too.

25 ACTING CHAIRMAN LANE: And the Town

1 Attorney.

2 MR. CAPONERA: Of course.

3 ACTING CHAIRMAN LANE: I guess the trade
4 up would be additional landscaping and I think
5 that was mentioned.

6 MR. CAPONERA: Absolutely. So, with your
7 basic input on this, I think that we can now
8 go forward towards concept. Thank you very
9 much.

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13 ***(Whereas the proceeding concerning the above***

14 ***entitled matter was concluded at***

15 ***7:45 p.m.)***

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