

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 LIA RETAIL
5 860 LOUDON ROAD
6 SKETCH PLAN REVIEW
7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 proceeding BY NANCY STRANG-VANDEBOGART,
10 a Shorthand Reporter, commencing on
11 March 13, 2012 at 7:36 p.m. at the Public
12 Operations Center 347 Old Niskayuna Road,
13 Latham, New York 12110

14 BOARD MEMBERS:

- 15 PETER STUTO, CHAIRMAN
- 16 TIM LANE
- 17 MICHAEL SULLIVAN
- 18 KATHY DALTON
- 19 LOUIS MION
- 20 BRIAN AUSTIN
- 21 BRIAN HAAK
- 22 ELENA VAIDA, Esq., Counsel to the Planning Board

23 Also present:

- 24 Joseph LaCivita, Director, Planning and Economic
25 Development
- 26 Daniel Hershberg, PE, Hershberg and Hershberg
- 27 Willlliam Lia, Jr., Applicant

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1 CHAIRMAN STUTO: Next item on the agenda
2 is Lia Retail, 860 Loudon Road. This is a
3 sketch plan review presented by Hershberg and
4 Hershberg engineering. This is a PEDD
5 redevelopment review.

6 MR. HERSHBERG: Thank you, Mr. Chairman.
7 My name is Daniel Hershberg from the firm of
8 Hershberg and Hershberg. We have the owner
9 with us tonight, as well.

10 We presented this at a DCC meeting, and
11 as a result of that we made changes to the
12 plan.

13 First of all, it had shown a right-in and
14 right-out driveway with an adjoining service
15 road to Latham Farms. Based upon the review by
16 DOT, we slimmed it down to get a greater
17 separation. I made a center driveway, rather
18 than up on the side. This driveway is right-in
19 and right-out only (Indicating). People that
20 want to make a left-hand turn - this property
21 is of course adjoining the Red Robin property
22 to go out at the traffic light at the others
23 end of Red Robin. So, if anybody wanted to
24 make a left-hand turn, they would go in this
25 direction and out (Indicating).

1 CHAIRMAN STUTO: So, there is cross
2 connectivity with the adjacent Red Robin?

3 MR. HERSHBERG: Correct.

4 A discussion was had of whether or not we
5 could have a cross connectivity to Latham
6 Farms. This is not very conducive for it
7 because of the significant grade difference
8 coming up here (Indicating). It would make a
9 significant driveway problem. Kevin Parisi who
10 was at the DCC meeting said that they might be
11 potentially willing to pursue it, but I don't
12 think that it's a very viable option for cross
13 connection.

14 Another change that we made - to avoid
15 the need for the waiver with regard to the 20
16 square foot of greenspace -- we increased the
17 island area, so that we would no longer
18 request that waiver. The waiver that we do
19 need is for parking in the front of the
20 building. Originally, we had the building
21 closer to the street and we had our banked
22 parking at the rear. It was after a
23 recommendation by the DCC Committee that we
24 put the banked parking in the front, since we
25 will apparently will have enough parking on

1 site to meet the future demand of the site.

2 Part of the problem is that we don't have
3 the building tenanted yet. We believe one of
4 the tenants will be a restaurant use, but
5 that's only a portion of the 9,000 square
6 feet. It's very hard for us to do a hard
7 number with regard to required parking.
8 However, the parking shown on here is
9 certainly adequate. We currently have 73
10 required parking spaces. We have 81 parking
11 spaces and we have space to bank more parking
12 here and here (Indicating). The question is
13 whether or not we'd even build that. We don't
14 think that parking will ever be required.

15 CHAIRMAN STUTO: Who do you expect the
16 tenants to be?

17 MR. HERSHBERG: We do not have any
18 tenants yet. They've been talking to one
19 restaurant tenant which they think that they
20 may sign, but we can't give you the name yet.

21 CHAIRMAN STUTO: How would that breakdown
22 go? Do you have any idea?

23 MR. HERSHBERG: Again, it's 9,000 square
24 feet. Based upon the kind of things that we've
25 seen there, there would probably be three

1 tenants. Maybe there would be two or three
2 tenants split upon the front. They would be
3 quite linear back and forth. The depth of this
4 building is long enough that you can have a
5 back room area, a kitchen area, a storage area
6 and still have enough space here (Indicating).
7 It's very hard for us to work until specific
8 tenants come along.

9 Another issue was stormwater management.
10 We believe that the soil up here can support
11 porous pavement again. We think that ideally,
12 that's the way that we're going to go. We do
13 provide space here if we ever had to
14 (Indicating). The current stormwater does come
15 out here with a hard connection. We don't
16 think that we'll have to use that.
17 Essentially, we would be a sub service
18 infiltration basin, but we don't think that
19 there will be any run off from the site. If
20 there is any run off from the site, DOT will
21 have to sign-off with regard to that
22 stormwater connection?

23 There were a couple of other issues.
24 Again, there is some landscaping in there. We
25 haven't detailed the landscaping yet, but we

1 think that this plan meets the developer's
2 need.

3 The main question would be: I know that
4 you can't pass it today, but would this Board
5 be amendable to granting a waiver for parking
6 in front of the building? I'll point out that
7 the Red Robin is in about here (Indicating),
8 so there are two lines of parking in the front
9 of the building at Red Robin, also. It's not
10 unique to the area. Also, the proximity to
11 this access road -- we're locating the
12 building at the front and parking behind and
13 that's probably not the best layout for this
14 site.

15 CHAIRMAN STUTO: Can you approximate
16 where the front of the Red Robin is?

17 MR. HERSHBERG: I have a photo here
18 (Indicating). Our building is back 145.

19 CHAIRMAN STUTO: So, you're 15 further
20 back?

21 MR. HERSHBERG: Yes.

22 MR. LACIVITA: If I could further enhance
23 the presentation and have the Board understand
24 a little bit as to why the project is here
25 this evening - it's under the redevelopment

1 regulations which were adopted in 2011 by your
2 Local Law 12. The whole premise of the idea of
3 redevelopment regulations that were adopted
4 was to streamline the projects for projects
5 such as this; a vacant or underutilized parcel
6 in the Town of Colonie. What we're trying to
7 do is streamline the approval process in order
8 for development to go a little quicker. If
9 this project was to stand on its own, it's
10 9,000 square feet would be a minor
11 application, anyway. So, what we're trying to
12 do here for this project is because it
13 incorporates demolition into reuse of the
14 site, there are no additional utilities that
15 are needed to be brought into the site. It's
16 perfect for redevelopment where we can
17 streamline the process, getting the approvals
18 done quicker and get this project before the
19 Town.

20 CHAIRMAN STUTO: It's before us because
21 of the waivers?

22 MR. LACIVITA: Yes, and that's the only
23 reason that we bring redevelopment projects
24 like this. It would be an administrative
25 approval and work with the Town departments to

1 get the projects approved. Because they're
2 asking for a waiver and they're working with
3 the DCC departments, and our department as
4 well the parking -- one waiver specifically
5 would be the banked parking.

6 MS. DALTON: I drive past there almost
7 every day and I also drive down by where Midas
8 Muffler is. I'm thinking instead of knocking
9 down a building, go to the corner. Then you
10 have a nice corner lot and a nice retail space
11 would be perfect.

12 MR. HERSHBERG: But the Lias own this
13 building.

14 CHAIRMAN STUTO: You're not asking for an
15 action tonight, is that right, Joe?

16 MR. LACIVITA: Right. What we were
17 concerned was in talking with the developer
18 and Mr. Hershberg is if there were any
19 changes, we would post the site anyway in
20 order for us to act, so we'll bring it back
21 next hearing to act on that waiver. I think
22 that there is now an understanding of a waiver
23 to potentially receive and then they could go
24 forward.

25 CHAIRMAN STUTO: Comments?

1 MR. HAAK: I have no problem with
2 granting a waiver. Red Robin is there and
3 across the street is the Price Chopper and
4 they all have parking in the front.

5 My concern going in is the fencing or the
6 landscaping out front which Mr. Hershberg said
7 is going to be there when we get to the final
8 plans. I think that it's good. I'm like Kathy
9 and I drive by it every day.

10 MR. SULLIVAN: Mr. Hershberg, you
11 mentioned that DCC recommended the banked
12 parking be moved in the front. You have
13 essentially three lines of parking; a double
14 parking and then parking along the sidewalk.

15 MR. HERSHBERG: Yes. We had originally
16 had the building up further with the two lines
17 of parking with the banked parking in the
18 rear. So, after we went to DCC, they
19 recommended that we move the building back
20 because I think that based on the numbers they
21 felt that the banked parking will never be
22 utilized and I think so, too. So, it's just
23 going to show how we could do it if we ever
24 had to.

25 CHAIRMAN STUTO: Can you show precisely

1 where the banked parking is?

2 MR. HERSHBERG: It's here (Indicating).

3 MR. SULLIVAN: When you said that you had
4 the building moved forward before, was it
5 similar to what Red Robin is where you had a
6 center aisle and parking on either side?

7 MR. HERSHBERG: Yes.

8 MR. SULLIVAN: I would prefer that, but
9 if it was requested by DCC then I would defer
10 to them. I would prefer to see it match Red
11 Robin as much as possible.

12 MR. HERSHBERG: I think the logic there
13 was there is also a utility easement at the
14 front and again, we would be partially
15 occupying that utility easement with our
16 decorative fence. By doing this, we're able to
17 move our decorative fencing and landscaping
18 back off that easement so we ease some of the
19 department's concern. You'll remember that the
20 DCC consists of the operating departments.
21 They're looking at things like sewer and water
22 and again, they said that it would be better
23 for them. I think that this action came from
24 Mike Lyons. Mike had made a sketch of it and
25 said, they thought that this would be

1 preferable. We'd be comfortable going back to
2 back in the rear.

3 CHAIRMAN STUTO: Can you move the
4 building up and put more parking in the rear
5 and leave the banked up front so we can see
6 the greenspace?

7 MR. HERSHBERG: The problem with that is
8 that you end up building more asphalt. If we
9 in fact slid this up so that we had a single
10 loading area here (Indicating), and double
11 loading back here -

12 CHAIRMAN STUTO: You have to have parking
13 along the front of the building, right?

14 MR. HERSHBERG: We really have to. Your
15 handicapped spots should be located there and
16 again, to eliminate this line of parking would
17 not be great planning.

18 CHAIRMAN STUTO: Is part of your concern
19 lining the building up so that one is not
20 pushed way back and one is closer?

21 MR. SULLIVAN: You could still have
22 islands and parking along the sidewalk, but
23 parking along the greenspace in front. You
24 have a center aisle and the building would
25 essentially be split more toward Route 9 and

1 you could have parking in the back for perhaps
2 employee parking.

3 MR. LIA: I'm Billy and I'm the developer
4 here. I just wanted to make a couple of
5 comments.

6 To your point, Mr. Sullivan, we initially
7 did try and locate the building, as Dan said,
8 at the same spot as Red Robin. We do think
9 that ideally it would position itself from a
10 marketability standpoint and would nicely
11 match up there. I would say that we would
12 certainly be open and prefer that.

13 The issue at that point is that we would
14 probably not build as much parking because as
15 Dan said, we really can't afford to lose that.
16 If we lose a row here by moving this up, we're
17 probably going to need to pick some up in the
18 back and ideally we would hope that we could
19 potentially pick it up in the back off the
20 building, as opposed to right up to the
21 building. It may serve very well for employee
22 parking potentially back there. We're
23 certainly open to that. Potentially, this
24 banked parking, depending on what happens with
25 this expansion - if that was to come to

1 fruition than we would probably look to add
2 that banked parking, but we would certainly be
3 open to that.

4 MR. SULLIVAN: I would like for you to at
5 least investigate it.

6 CHAIRMAN STUTO: Do any of the TDE's have
7 an opinion on that?

8 MR. HERSHBERG: Neither of the TDE's have
9 reviewed that.

10 CHAIRMAN STUTO: No, I was just wondering
11 if they did right now.

12 MR. LANE: First of all I like that it's
13 a redevelopment. It's going to be a building
14 for sale or lease and you'll be responsible
15 for the snow storage? I don't see a lot of
16 space for snow storage. Is it going to be
17 hauled off-site?

18 MR. LIA: We haven't gotten to that
19 point, but our initial thought was that there
20 is some greenspace to the side here
21 (Indicating) that we could potentially plow
22 to.

23 MR. LANE: How wide a space is that
24 between your property and Red Robin?

25 MR. HERSHBERG: It's around 40 feet. I

1 might point out that this space back here
2 (Indicating), even though it's up against a
3 slope, is not a bad space -

4 MR. LANE: I think that wall in the back
5 kind of precludes you a little bit.

6 As far as the parking in the rear, how
7 about parking at an angle?

8 MR. HERSHBERG: There are layouts that we
9 could put back there. I think that the key
10 element here is that if this Board feels that
11 the waiver should be modified from how we have
12 it here - and for less of a waiver so we move
13 it up, we can come back in with a plan for
14 departmental review and show it to you.

15 MR. LANE: Before we give a waiver, we'd
16 like to see that there is something shown that
17 you took a look at the couple other
18 possibilities and they didn't work

19 MR. HERSHBERG: This is about 30 feet
20 closer to Loudon Road than the one that we're
21 showing now. The banked parking here
22 (Indicating) was put in the back. The
23 developed parking stayed pretty much the same.
24 As a matter of fact, the banked parking was
25 less and we slid the building over. This, as I

1 said, had an entrance down here (Indicating)
2 which was significantly different than it is
3 now.

4 Based on the DCC, they said take the
5 banked parking and put it up front and slide
6 the building back. So, we slid the building
7 back about 20 or 25 feet toward the back. That
8 was that result there.

9 Another thing that we did was we slid the
10 building over here and did some expansion on
11 that side (Indicating). There was a grading
12 problem at this corner here. We slid that
13 driveway over a little bit and made the
14 retaining wall less. We think that there are
15 good combinations of the parking arrangement
16 that are virtually - I wouldn't say limitless,
17 but there is an awful lot of potential for
18 that.

19 MR. LACIVITA: Peter, I think one of the
20 other things too that the DCC recommended in
21 moving the building back because you can see
22 where the access aisle becomes -- we're really
23 moving the building back to the original plan
24 like you and Mr. Lia had intended. It does
25 make better sense to do it the way that it was

1 originally.

2 MR. HERSHBERG: As I said, we're willing
3 to go any way. The real reason for these
4 sketch plan type of presentations is to get
5 the feeling for the Board so we can get a
6 direction on which way to go.

7 CHAIRMAN STUTO: Can you show us
8 alternatives when you come back?

9 MR. HERSHBERG: Sure.

10 CHAIRMAN STUTO: I think that it's a
11 great project. My inclination is to grant the
12 waivers with that just one issue that Mike
13 raised. That's my feeling.

14 MR. AUSTIN: I think that it's a great
15 idea, too. I think that the only
16 difference -- correct me if I'm wrong, Mike,
17 was trying to save the developer - you have a
18 single row in the back of the building for the
19 employee parking. You then have one row next
20 to the building and one row next to Route 9.
21 So, you just have a single lane going all the
22 way though.

23 MR. HERSHBERG: Next time I need to come
24 up with more variables. I can certainly do
25 that.

1 MR. AUSTIN: I like the project.

2 MR. MION: I like the project also and I
3 agree with what's been said. I think that you
4 should give some variables and see if we can
5 bring it forward a little bit.

6 MR. LACIVITA: Next time we can actually
7 post the site and show the variables if the
8 Board actually wants to do something at that
9 point.

10 CHAIRMAN STUTO: Thank you.

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14 ***(Whereas the proceeding concerning the above***

15 ***entitled matter was concluded at***

16 ***7:56 p.m.)***

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CERTIFICATION

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4 ***I, NANCY STRANG-VANDEBOGART, Shorthand***
5 ***Reporter, and Notary Public in and for the***
6 ***State of New York, hereby CERTIFY that the***
7 ***record taken by me at the time and place***
8 ***noted in the heading hereof is a true and***
9 ***accurate transcript of same, to the best of***
10 ***my ability and belief.***
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14 -----
15 **NANCY STRANG-VANDEBOGART**
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18 ***Dated April 5, 2012***
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