

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 MABEY'S SELF STORAGE
5 SPECIAL USE PERMIT
6 910 LOUDON ROAD
7 SPECIAL USE PERMIT REVIEW AND APPLICATION
8 FOR CONCEPT ACCEPTANCE

9 *****

10 THE STENOGRAPHIC MINUTES of the above
11 entitled public hearing and subsequent vote by
12 NANCY STRANG-VANDEBOGART, a Shorthand Reporter,
13 commencing on March 12, 2013 at 8:16 p.m. at The
14 Public Operations Center, 347 Old Niskayuna Road,
15 Latham, New York

16 BOARD MEMBERS:
17 PETER STUTO, CHAIRMAN
18 BRIAN AUSTIN
19 SUSAN MILSTEIN
20 KATHY DALTON

21 ALSO PRESENT:
22 Elena Vaida, Esq., Counsel to the Planning Board
23 Joe LaCivita, Director, Planning and Economic
24 Development
25 Frank Palumbo, CT Male and Associates
Joe Romano, PE, Clough Harbour and Associates

1 CHAIRMAN STUTO: Okay, we'll call up the next item
2 which is Mabey's Self-storage special use permit and
3 application for concept acceptance.

4 What we're going to do right now is commence
5 a public hearing which is required to consider a
6 special use permit. I don't think that we're
7 going to vote on that tonight. We may consider
8 the concept review after the hearing and all the
9 discussion and questions.

10 This is to raze three existing buildings and
11 replace with three two-story self storage
12 buildings totaling 54,240 square feet.

13 Elena, can you read the notice for the public
14 hearing?

15 MS. VAIDA: This was the legal notice published in
16 the Spotlight newspaper, March 6, 2013.

17 "The Town Planning Board of the Town of
18 Colonie, Albany, New York: notice is hereby given
19 that pursuant to section 276 of Article 16 of Town
20 Law, the Town Planning Board of the Town of
21 Colonie, Albany County, New York will meet and
22 conduct a public hearing in the Public Operations
23 Center, 347 Old Niskayuna Road, Latham in said
24 Town of Colonie, County of Albany, New York on the
25 12th day of March 2013 at 7:00 p.m. for the

1 purpose of hearing all persons on the approval,
2 modification or disapproval of a certain special
3 use permit in the Town of Colonie, County of
4 Albany known as Mabey's Self-storage special use
5 consisting of two proposed buildings totaling
6 54,240 square feet at 910 Loudon Road"

7 It's dated February 27, 2013. The notice is
8 from the Town of Colonie Planning Board, Peter
9 Stuto, Chairman.

10 CHAIRMAN STUTO: Okay, thank you.

11 Before we start, for the public: this is a
12 hearing, so we'll be hearing from the public. If
13 you'd like to speak, please sign in on the sign-in
14 sheet on the table on the side of the room.

15 Any other introduction you want to give it,
16 Joe, before we turn it over to the applicant?

17 MR. LACIVITA: No, I think that you have
18 identified this, Peter. We won't be voting on this
19 special use permit as we will need to adopt SEQRA at
20 that time and make recommendation at the final through
21 the TDEs. Tonight we're trying to look at the
22 conceptual acceptance and the process.

23 CHAIRMAN STUTO: So, we're conducting a hearing
24 and then considering that when we actually vote on the
25 special use permit.

1 Mr. Palumbo?

2 MR. PALUMBO: Mr. Chairman, thank you. I will go
3 as far as you would like for the public's benefit. I
4 know that it was just two weeks ago that we had quite a
5 lengthy dialogue.

6 CHAIRMAN STUTO: Can I see a show of hands of
7 anyone who has an interest in this project?

8 (There was no response.)

9 CHAIRMAN STUTO: Okay, I do know that there are
10 neighborhood people. We want to accommodate that, too.

11 Okay, why don't you very briefly talk about
12 this project?

13 MR. PALUMBO: As everyone has seen, more than
14 likely if they have driven by, the buildings are
15 knocked down. They've all been done under a proper
16 demolition permit. Mabey's continues to make
17 investments on the property. They are interested in
18 pursuing this. There will be no school aged children,
19 and no active adults but we will store all their
20 belongings.

21 The site presently has three buildings and 27
22 percent greenspace. We're upping that to 45
23 percent greenspace, overall. That's an increase
24 of over 18 percent in total. The area that we are
25 working, from this driveway up, has always been

1 green and will stay green. The area where we are
2 doing the work -- that area itself is increasing
3 25 percent, giving us a stormwater classification
4 that has allowed us to not have some of the rules
5 and regulations that apply and has made the
6 project more developable. The applicant has
7 already reduced the amount of square footage from
8 the DCC meeting in order to reach that 25 percent
9 greenspace. As I said, we realize that the
10 special use permit won't be able to be voted on
11 until SEQRA is done and then that will all
12 happen --

13 CHAIRMAN STUTO: I have to interrupt you for one
14 second. Elena, can you pull out a special use permit?
15 I'd like to get that into the record.

16 MR. PALUMBO: The main issue that our applicant is
17 interested in is getting a sense from the Board that
18 they want to continue to make the investment in this
19 property. Architecture work is continuing. They've
20 been working with a particular builder to start to get
21 all the important cost estimating that relates to the
22 elevations that we have been talking about. So, we're
23 looking for a sense from the Board in terms of the
24 direction if they are in favor of the project.

25 CHAIRMAN STUTO: I'm going to cut to the chase,

1 but I'm not cutting off the Board Members. They are
2 obviously free to focus on whatever issues are
3 important to them. As I see it, you have convinced me
4 that circulation is the only feasible circulation for
5 the internal traffic flow. That's me, personally. You
6 only have one egress and ingress for a public road,
7 which I think is a good thing.

8 MR. PALUMBO: Right, and cutting out two that were
9 there before.

10 CHAIRMAN STUTO: The architecture and the
11 landscaping and the appearance particularly from Route
12 9, and also the side roads are the issues that I
13 thought were still in play.

14 MR. PALUMBO: What you have in front of you and
15 what I'll talk about here is that we have made some
16 adjustments. You realized at the last meeting that we
17 made one step and we've done another step. We took
18 some of the comments that the Board made. Specifically
19 on the corners of the building -- this is the side that
20 faces Loudon Road and there was a lot of particular
21 discussion about how it would look on the corner from
22 this direction (Indicating). Clough Harbor actually
23 had some architectural comments on that and we agreed
24 that to put something on the one corner with the
25 buildings that have the short facades, that it would

1 really make it look a little bit better if we mimicked
2 that on all four corners. So, the applicant did that.
3 They worked with us and we extended the siding all the
4 way down on those corners and tried to do some
5 treatment above the windows. The finality of that, as
6 I said, will be worked on with the architecture. We
7 want to have the appropriate size windows. We know
8 that we are below the amount of windows that the
9 architectural would call for. But I think that you
10 understood that from our last meeting. We do have some
11 of the units backing up to the door. So, they would be
12 fake windows, if they were anything. So, we made some
13 improvements. We added some vertical. Again, with
14 comments from both the Board and from Clough Harbour,
15 we razed the cornis on the corners as well. We razed
16 the block up to the second floor. Before it was just
17 up nine feet up to the second floor. We think that the
18 proportions have achieved some of what you were talking
19 about last time.

20 CHAIRMAN STUTO: What kind of brick is that going
21 to be?

22 MR. PALUMBO: It's an architectural masonry block.
23 We will get to the specifics of that and as Joe's
24 comment letter had suggested, when we come back at the
25 preliminary final phase, we would have a board with the

1 types of samples. So, those decisions would all be
2 made by that point.

3 The long access, which is along Sparrowbush
4 Road -- we've again brought that down so that the
5 corners also mimic each other. We tried some
6 different verticals down in the center razing up
7 higher there in the center, similar to how we had
8 done it in the corners. We wanted to project the
9 sign to you there. We have a proposal for having
10 the climate control storage there. We didn't want
11 that to be a surprise later. We wanted to talk
12 about that now. But we think that actually we
13 will be within the code for the sign on the
14 building at that point.

15 CHAIRMAN STUTO: Can you point to that?

16 MR. PALUMBO: That will be right here
17 (Indicating). We wanted to show you that and we wanted
18 to have discussions on that and know if it was a
19 concern now. We wanted to give you a sense of what it
20 would look like. As we said, these trees will be
21 substantial. They will fill in over time. That being
22 at the height of the building, it will allow people to
23 know where it is. We want people to head up this way
24 to know where the entrance is. The sign on that side
25 of the building is helping that. We intend to meet the

1 sign code and we don't expect to go for a variance on
2 the sign. So, at this point, I would prefer to see if
3 there is more questions from the Board.

4 CHAIRMAN STUTO: Joe Romano is our Town Designated
5 Engineer.

6 Do you want to make any comments?

7 MR. ROMANO: As Frank had said, we had one of our
8 in-house architects provide a couple of sketches which
9 I believe are included in the plan. Obviously, some
10 elements have been included. The extension of the
11 horizontal band of the brick or masonry was one which
12 you talked about. Largening up the windows - I think
13 that our architect had recommended more full length.

14 MR. PALUMBO: One of the reasons that we opted not
15 to do that -- that corner, the way that we felt that it
16 looked would be ideal for a certain type of building.
17 Inside our windows will be faces of storage units,
18 unlike a corner that you would have an opening in
19 there. It's not a lot. So, we thought that the
20 windows should be more in line -- not just opening it
21 up and seeing into doors of a storage unit. So, had it
22 been more of a lobby type entrance, we might have gone
23 right to that. Because we are working the windows with
24 the space inside and not having the windows that you
25 could see into it, but not expressing that too overtly

1 in terms of what's inside -- that was one of the
2 decisions that we made on the widows.

3 CHAIRMAN STUTO: Do you have any opinion on that,
4 Joe?

5 MR. ROMANO: I understand the logic.

6 CHAIRMAN STUTO: What if you darkened the windows?
7 Then, you can't see inside.

8 MR. PALUMBO: We have no problem as we advance
9 towards preliminary final approvals and working on
10 that. As I said, our architecture is now progressing.
11 The applicant had a good feeling about the last Board
12 meeting that people seemed positive about it, so we're
13 moving in the direction and we'll get more details on
14 it. So, if there is a happy medium in between, we'll
15 find it.

16 MR. ROMANO: I'll just go through the other items
17 that we had.

18 He had an extended parapet. I believe that
19 you have incorporated that into the plans.

20 The last item, which I don't think had been
21 added, was on his sketch; a trellis along the
22 front.

23 MR. PALUMBO: I don't know if you have a copy of
24 the e-mail that I sent back to Joe. One of the things
25 about the trellis is that the trellis would extend out

1 from the building and we are right at the corner with
2 that at the setback line. I think that was a two foot
3 extension trellis. We thought that it was emphasizing
4 that one corner again. Actually, it would cause us to
5 shift the building back and over to get off of that
6 corner point which was where we had brought it forward
7 in the first place to get that to bring the building
8 forward to that point. So, that would cause us to push
9 that back and over, influencing a little bit here
10 (Indicating). Also, the trellis wasn't in the
11 applicant's view as being the type of architecture that
12 they want.

13 MR. ROMANO: I think that the intent from our
14 architect was just to try to break that facade and
15 provide some relief. It's been a concern of the Board
16 due to the viability.

17 MR. PALUMBO: And I think that the e-mail that I
18 sent back to Joe - and I apologize that I don't have it
19 tonight - is that I think that we meant a lot of the
20 intent, and there were those little details. I think
21 that the Board sees that the direction is going the
22 right way. That's why we'd like to get the concept
23 acceptance and the details like that can be certainly
24 worked out further.

25 MR. ROMANO: I think that it would be important at

1 the preliminary stage to bring in samples of what the
2 colors and the materials are going to be.

3 CHAIRMAN STUTO: Personally, I'd like a closer
4 look at that. I like Clough's concepts a little bit
5 better. If we can work on the architecture between now
6 and the next time that we come in, I would appreciate
7 that.

8 MR. AUSTIN: Does that mean that you'll need to go
9 for a variance?

10 MR. PALUMBO: It would be much preferred for us
11 not to go for a variance.

12 CHAIRMAN STUTO: We can waive that requirement.

13 MS. DALTON: I'm not sure that I'm understanding
14 the recommendation. I thought that when you said add
15 an extended cornice across both the buildings on the top
16 that it would be something to tie these two buildings
17 together, is that not what you meant?

18 MR. PALUMBO: No, I didn't interpret it that way
19 at all.

20 MS. DALTON: Because I thought that was a great
21 idea. Some kind of arch across the two that would tie
22 them together.

23 MR. PALUMBO: Speaking of that distance that we
24 have there, that would be quite a span. You couldn't
25 have intermediate post surface. As we articulated, the

1 trucks have to maneuver.

2 CHAIRMAN STUTO: What is the span?

3 MR. PALUMBO: I think that we talked about the
4 span as being 52 feet. These canopies come out 16
5 feet.

6 CHAIRMAN STUTO: I like the ide,a, too.

7 Joe Romano, do you want to keep going?

8 MR. ROMANO: No, I think that was it.

9 CHAIRMAN STUTO: We don't have a new letter on
10 this, correct?

11 MR. ROMANO: No.

12 MR. PALUMBO: No, and at the last meeting we
13 talked about that we really had no issues. We felt
14 that we could accommodate all of it and actually took
15 care of some of the items that were in the first
16 letter. We expect that we'll be able to address all of
17 those.

18 CHAIRMAN STUTO: I'll ask if anybody from the
19 public wants to be heard. No one has expressed an
20 interest here before.

21 Would anyone from the public like to speak on
22 this project?

23 (There was no response.)

24 CHAIRMAN STUTO: Kathy, is there anything that you
25 would like to say?

1 MS. DALTON: I think that we're moving in the
2 right direction. I don't mind the sign at all. I
3 think that it's fine. I think that it still needs a
4 little bit more, but I think that you're going in the
5 right direction.

6 CHAIRMAN STUTO: Brian?

7 MR. AUSTIN: I prefer Clough's renderings, too.
8 The extended parapet - for lack of a better
9 description, they did it a little differently here.

10 MR. PALUMBO: If I may ask about you being able to
11 waive that - I didn't think that was one of the things
12 that was allowed to be waived from the setback line.

13 CHAIRMAN STUTO: He's mentioning the parapet.
14 You're talking about the trellis.

15 MR. PALUMBO: If we did go pretty much straight
16 up, as you extend out, that parapet goes over that
17 plane of a 20-foot setback. Both the trellis and the
18 parapet would do that. If the Board has the ability to
19 do that and waive that, that's great. We can give that
20 full consideration and make sure that we would work
21 with the applicants to be sure of that. But we
22 definitely do not want to take a large step back to
23 have to go for a variance for that. I don't know if
24 that is something that can be waived.

25 CHAIRMAN STUTO: We'll look at that between now

1 and the next application.

2 Joe, do you ou have an opinion, or do you
3 want to hold it?

4 MR. LACIVITA: Frank is right. If, in fact, you
5 want to have something extend pass that 20, we have to
6 take it back to the Zoning Board for them to act.

7 CHAIRMAN STUTO: The one where we pull it back
8 further than the 20 feet - we can waive that
9 requirement?

10 MR. LACIVITA: Right, because then there are
11 utilities and everything in there. Correct me if I'm
12 wrong, but I believe that there are other setback
13 issues that you have in there.

14 MR. PALUMBO: We're just outside of the easement
15 line. I think that there might be one that I'm not
16 remembering, but I think that the one that is most
17 applicable here is that we brought that corner right to
18 the 20 foot line. So, anything that extends over that
19 would be a violation of the setback.

20 MR. LACIVITA: That's the Route 9 corridor area.

21 CHAIRMAN STUTO: Okay, well lets look at it after.

22 MR. PALUMBO: I think that there are things that
23 we can do - we may not end up with that exact drawing,
24 but I think that there are things that can be done. I
25 think that we've gone to a certain step to work out

1 those details without having to move the building.

2 MR. AUSTIN: I also like, how Clough put the full
3 size windows in there. I know that it's a warehouse
4 and I know that it's a storage facility. I'm thinking
5 a little more moderate maybe. The full length windows
6 and some low level lighting just to kind of illuminate.
7 You say that there are storage units and that they will
8 be visible there, but on those storage units, putting
9 the Mabey's logo and wrapping it around the corner so
10 people that are looking at the southeast corner - I
11 don't know. I guess it's hard to describe. I think
12 that there's something to address and make it a little
13 more fancier -- forget about it.

14 MR. PALUMBO: I will double check with the
15 applicant and the Town on this. You may recall that we
16 talked about the trucks and backing into the corners of
17 the exit. The same thing can happen on the inside.
18 One of the reasons that I believe that we had the
19 window wall is that people will be moving stuff around
20 in there and the more glass, the more opportunity to
21 break glass. The window, the sill, actually prevents
22 something that's low to the ground rolling from doing
23 that. We will work on the architecture. We will
24 continue to. I think that we're really close.

25 MR. AUSTIN: I think that it's great; I really do.

1 If it stays like this, I don't have a problem.

2 CHAIRMAN STUTO: I agree.

3 MR. AUSTIN: I think that it's really a very nice
4 job.

5 CHAIRMAN STUTO: Susan?

6 MS. MILSTEIN: I agree that it needs a little
7 something else.

8 CHAIRMAN STUTO: I agree. I think that we want
9 you to try a little bit harder. If there are issues,
10 let's explore whether we can resolve them and move
11 forward toward the Clough drawing.

12 Elena, do you have anything that would be
13 constructive on special use permits that you would
14 like to share here with us?

15 MS. VAIDA: I think that we discussed the special
16 use permit standards last time and we stated that this
17 is a major site plan review and we're supposed to be
18 reviewing the special use permit standards at the same
19 time that we are reviewing the site plan. The standard
20 looks to see if the use conforms with the specific
21 special use permit standards bound in the use
22 regulations, which I looked back at and it wasn't
23 particularly helpful, but they want to make sure that
24 it's consistent with the Town's current planning
25 documents including the Comprehensive Plan which I

1 assume that it is. I don't know if you looked at that.

2 MR. PALUMBO: I'm pretty sure that we are
3 consistent with that.

4 CHAIRMAN STUTO: Joe, would you like to speak to
5 that?

6 MR. LACIVITA: Yes, we discussed that at the DCC
7 review.

8 CHAIRMAN STUTO: Thank you.

9 MS. VAIDA: It's consistent with the purposes of
10 the land use district in which its located. Just to
11 look to see if it's suitable for the property on which
12 it's proposed, considering the property size, location,
13 topography, vegetation, soils, natural habitat,
14 hydrology and if it needs to be buffered or screened
15 from the neighboring property or roads. It's sort of
16 some of the same things that we've considered during
17 site plan anyway - that it's compatible with the
18 adjoining properties with the natural and manmade
19 environment, it won't adversely effect surrounding land
20 uses, create excessive noise, dust, odors, glare,
21 pollution and other uses and cause undue congestion and
22 unduly impair pedestrian safety and overload the
23 existing roads considering the current widths, service
24 an addition, that it will have appropriate parking and
25 be accessible to fire, police and other emergency

1 vehicles. They look at these issues during site plan,
2 so that will be covered there too.

3 It won't overload any public water, drainage
4 or sewer system. It won't degrade any natural
5 resources and that all the relevant site planning
6 criteria can be satisfied and that a site plan
7 approval can be granted under this chapter. It
8 says that the site plan approval is a required
9 step in consideration of all special use permit
10 uses and shall be carried out either prior to or
11 in conjunction with these special use permit
12 procedures. You're supposed to have a public
13 hearing, and that's what we're doing tonight.
14 Then, once we go over everything, we have to issue
15 a written decision and the reasons that we granted
16 or denied it.

17 CHAIRMAN STUTO: It seems to me that it meets all
18 those criteria. I didn't see one that it didn't meet.

19 MR. PALUMBO: I think that everything that we've
20 been talking about is like you said, it's almost
21 parallel to the site plan issues that we've been
22 talking about. I think that we've addressed all of
23 those. When we submit for the preliminary final
24 besides answering the questions from Clough Harbour, if
25 we need to write a specific document that says how we

1 have addressed those, we're willing to do that. If we
2 get concept acceptance tonight and we're coming back in
3 for preliminary final and eventually we're going to be
4 asking you for that decision, if that decision has to
5 happen and then the special use permit - whichever the
6 order is, I think that where we are is on a parallel
7 track right now and I think that if all the conditions
8 are being met, what the applicant is really looking for
9 is to say that by granting concept acceptance to the
10 site plan, essentially that they are granting concept
11 acceptance of the special use. That's my language and
12 not necessarily the code language there. They want to
13 know that they're not going to get to the end and find
14 out that no, that doesn't really meet the special se
15 permit.

16 CHAIRMAN STUTO: I don't detect that there is any
17 major objection from this Board about the special use
18 permit. They can speak up if they do.

19 We do have to draft some kind of findings.
20 Are we going to put that on the applicant?

21 MS. VAIDA: If you wanted to do like a draft of
22 that following the language of the Land Use Law - the
23 findings that have to be made -

24 MR. PALUMBO: Whichever way you want to do it. If
25 you want us to do it or Clough Harbour to it -- I don't

1 know Joe, if you guys normally do that, but whenever
2 you want to do.

3 CHAIRMAN STUTO: I think that Joe Grasso likes to
4 do that.

5 MR. ROMANO: Sometimes similar to the waivers, we
6 can ask for an initial outline from the applicant and
7 we can incorporate it.

8 CHAIRMAN STUTO: However you normally do it. I'll
9 leave it to the TDE and the applicant. You can draft
10 it and then shoot it to Joe and Elena for review. We
11 may have one that we have used in the past as a model
12 that we can use.

13 Do we close the hearing or adjourn it to the
14 next meeting?

15 Do we have a motion to close the hearing on
16 the special use permit?

17 MR. AUSTIN: I'll make that motion.

18 MS. DALTON: I'll second.

19 CHAIRMAN STUTO: All those in favor?

20 (Ayes were recited.)

21 CHAIRMAN STUTO: All those opposed?

22 (There were none opposed.)

23 CHAIRMAN STUTO: The ayes have it.

24 The hearing is closed.

25 Concept acceptance? Any discussion or

1 comments or questions on concept acceptance?

2 MS. DALTON: I'll make a motion on concept
3 acceptance.

4 MR. AUSTIN: I'll second that.

5 CHAIRMAN STUTO: I'll just make a comment. We're
6 gong to vote on concept acceptance. It's not a binding
7 act by this Board. You've heard all of our comments
8 tonight with respect to architecture and other matters.
9 We request and require that you consider that between
10 now and the next meeting that we have here.

11 Any other discussion?

12 (There was no response.)

13 CHAIRMAN STUTO: There's a motion and a second.
14 All those in favor say aye.

15 (Ayes were recited.)

16 CHAIRMAN STUTO: All those opposed say nay.

17 (there were none opposed.)

18 CHAIRMAN STUTO: The ayes have it.

19 MR. PALUMBO: Thank you very much.

20 CHAIRMAN STUTO: Thank you.

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22 (Whereas the proceedings were concluded at
23 8:45 p.m.)

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CERTIFICATION

I, NANCY STRANG-VANDEBOGART, Shorthand Reporter and Notary Public in and for the State of New York, hereby CERTIFY 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.

NANCY STRANG-VANDEBOGART

Dated March 15, 2013

