

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 NORTHWAY MALL  
5 PETCO PARKING LOT EXPANSION  
6 1440 CENTRAL AVENUE  
7 APPLICATION FOR WAIVER REQUEST

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9 THE STENOGRAPHIC MINUTES of the above entitled  
10 matter by NANCY STRANG-VANDEBOGART, a Shorthand  
11 Reporter, commencing on August 12, 2014 at 7:01 p.m.  
12 at The Public Operations Center, 347 Old Niskayuna  
13 Road, Latham, New York

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11 BOARD MEMBERS:  
12 PETER STUTO, CHAIRMAN  
13 LOU MION  
14 SUSAN MILSTEIN  
15 TIMOTHY LANE  
16 KATHY DALTON

17 ALSO PRESENT:

18 Kathleen Marinelli, Esq., Counsel to the Planning Board  
19 Joe LaCivita, Director, Planning and Economic Development  
20 Daniel Hershberg, PE, Hershberg and Hershberg  
21 Michael Tengeler, Planning and Economic Development

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1           CHAIRMAN STUTO: Welcome to the Town of Colonie  
2           Planning Board. We have three items tonight and we'll  
3           go right through those.

4           Before that, I'll ask Joe LaCivita, our  
5           Planning Director, if we have any business to take  
6           care of?

7           MR. LACIVITA: Nothing administratively for  
8           tonight, Peter.

9           CHAIRMAN STUTO: Okay, we'll call up the first  
10          item. Northway Mall Petco parking lot expansion, 1440  
11          Central Avenue. This is an application for a waiver  
12          request, 15 new parking spaces along Central and the  
13          frontage.

14          Mike Tengeler, did you review this? Can you  
15          give us an introduction to this and then we'll turn  
16          it over to the applicant?

17          MR. TENGELER: Yes. This is the former Northway  
18          Mall, which I guess is now the Northway Plaza. One of  
19          the anchor tenants is in the front and has Central  
20          Avenue frontage. It's Petco. About six or seven months  
21          ago they had an administrative project before the  
22          Planning Department where they added a  
23          rights-in/rights-out entrance along the Northway Mall  
24          Road. That's an interior roadway. Due to the increased  
25          traffic that the store was generating -- they have since

1 noticed an increase in patronage at this particular  
2 location. So, what they are looking to do - and Dan  
3 will touch on this in detail - is basically push out the  
4 existing pavement that has frontage along Central Avenue  
5 about 18 feet to accommodate 15 extra parking spaces.  
6 That would be between the existing parking lot and the  
7 Central Avenue frontage. In doing so, they are going to  
8 be transplanting three existing full growth trees that  
9 are out there as well as utilizing porous pavement for  
10 drainage purposes.

11 I'll let Dan touch on all the specifics.  
12 That's just a general overview.

13 CHAIRMAN STUTO: Okay, we'll turn it over to the  
14 applicant; Mr. Hershberg.

15 MR. HERSHBERG: Yes, my name is Daniel Hershberg  
16 with the firm of Hershberg and Hershberg. We're here  
17 representing Northway Mall Properties, LLC who are the  
18 owners of the parcel.

19 This is the overall of the center (Indicating).  
20 This is the Petco building. This is an area here  
21 where we intend to push out the parking lot by 50  
22 more parking spaces (Indicating). In order to keep  
23 the greenspace consistent, we intend to abandon 19  
24 parking spaces here. That was done because the  
25 parking demand on this Petco has gone up

1 significantly and it's sort of isolated by the  
2 driveways in that area. They were trying to  
3 increase the parking at that location. That  
4 resulted in the greenspace staying virtually the  
5 same at 16.9 percent. It's a .03 percent increase  
6 in greenspace.

7 The site specific looks like this and this is  
8 the driveway that Michael mentioned (Indicating).  
9 That was the right-in and right-out driveway that we  
10 put in here because a lot of people coming in  
11 through this entrance would have to drive all the  
12 way around to the other side to get in. It's  
13 convenient.

14 Petco has noticed an increase in patronage and  
15 therefore they think that they needed additional  
16 parking.

17 There are three mature trees here (Indicating).  
18 We're going to use a tree spade and relocate those  
19 as is. We're keeping them full-size and  
20 transplanting them.

21 This pavement will be porous so there will be  
22 no increase in the drainage requirements at all. I  
23 have the porous pavement details here (Indicating).  
24 The rest of the site will stay pretty much the same  
25 other than that other area - what we have turned

1 into green area with grass and shrubs.

2 CHAIRMAN STUTO: Are there any residents here that  
3 wanted to speak on this project?

4 (There was no response.)

5 Any of the Board Members have any comments?

6 MR. MION: I have a question. Is that being put in  
7 to accommodate customers, or the Park and Ride?

8 MR. HERSHBERG: No, these are for Petco customers.  
9 Petco has noticed an increase in that they have a  
10 significant increase in patrons.

11 The parking is somewhat limited here because  
12 you have the main access drive over here and the  
13 access driveway here (Indicating). There are  
14 limited parking spaces. The 15 additional spaces  
15 will come in handy. They also like the employees to  
16 park on that side so that the employees don't have  
17 to cross the driveway to get to their cars.

18 MR. MION: Are you just doing the parking lot or  
19 are they doing anything to the building?

20 MR. HERSHBERG: We didn't plan on doing anything to  
21 the building. However, there was a comment made by the  
22 Planning and Economic Development Department. They  
23 thought that we could do something to improve the  
24 appearance of the building. We are certainly willing to  
25 take that as a condition that we will work with the

1 department to see what we could do there. We don't  
2 think that there is much space there for landscaping.  
3 We have talked to the client and the client might be  
4 interested in doing something to dress up the side of  
5 the building. It's a very plain side of the building  
6 that faces Central Avenue. We are aware of that and  
7 they do want to take a look at that and see what they  
8 can do to dress up that view.

9 MR. MION: Where the parking slots end there behind  
10 the bus stop there, are you going to put a fence or  
11 something up through there?

12 MR. HERSHBERG: Well, it was recommended that we  
13 talk about putting one of the four foot high aluminum  
14 imitation wrought iron fences, and we're certainly  
15 willing to consider that as a condition.

16 MR. MION: That would dress it up.

17 MR. HERSHBERG: We're amenable to that. Again, we  
18 haven't had an opportunity to talk extensively with  
19 anybody about what they want to see there, just the  
20 comment came from Planning and Economic Development a  
21 few days ago saying that they would like us to do that.  
22 We've raised it with our client and our client is  
23 willing to work with the department.

24 MR. MION: I don't know what you would do on the  
25 side of the building either because it's very plain.

1           MR. HERSHBERG: I don't want to tell you this but  
2           again, there are methods of doing this. There are  
3           plenty of the concrete abutments on some bridges that  
4           have been dressed up so that they look like sandstone  
5           walls. There are definitely things that you can do with  
6           it. It's a maintenance issue because once you do it,  
7           you have to seal it and then normally every 10 or 12  
8           years you have to go back and redo it. But it's  
9           something that we could talk to our client about so that  
10          it becomes a more attractive wall than a plain white  
11          wall. There is only a narrow little strip in there and  
12          we think that if we plant anything of any size there,  
13          that it's not going to do very much.

14          CHAIRMAN STUTO: Any other comments?

15                 (There was no response.)

16          Would you mind showing again where you are  
17          creating a new greenspace?

18          MR. HERSHBERG: It's over here (Indicating). These  
19          are spots that are reasonably remote. They are very  
20          rarely used. These 19 spots will be abandoned and we  
21          would create 15 here (Indicating).

22          CHAIRMAN STUTO: On the mall side of that through  
23          road.

24          MR. HERSHBERG: This is furthest from the entrance,  
25          so it's some of the last part that will be used. We're

1 reorganizing it so that some of the parking is more  
2 convenient for the patrons.

3 CHAIRMAN STUTO: Thank you. Is there anything else  
4 from the Board?

5 (There was no response.)

6 On SEQRA, where are we on that?

7 MR. TENGELER: Peter, it's an unlisted action and  
8 we've signed-off on a negative declaration already. It  
9 was performed by Rebekah Nellis Kennedy at the Town  
10 Attorney's Office.

11 CHAIRMAN STUTO: An unlisted action needs no  
12 further environmental review necessary?

13 MR. TENGELER: Correct, and the negative  
14 declaration confirms that.

15 CHAIRMAN STUTO: Is there a Resolution with this,  
16 or no?

17 MR. TENGELER: No Resolution, but I have findings  
18 for you to sign.

19 CHAIRMAN STUTO: Are they in our package, or no?

20 MR. TENGELER: No, but I'm more than happy to read  
21 it.

22 CHAIRMAN STUTO: Yes, please.

23 MR. TENGELER: A waiver to allow parking within the  
24 front yard setback. Article IX of the design standards  
25 for an HCOR Zoning District specifies that off-street



1 parking is encouraged to be at the rear of the building.  
2 Side of the building parking is also permitted. New  
3 parking in the front yard shall be prohibited, however,  
4 the Planning Board has the ability to waive this  
5 requirement. Town Departments have reviewed the  
6 proposal and found it acceptable. Sight distance and  
7 visibility has been determined to be non-significant  
8 with the proposed parking lot expansion. The site is  
9 within an HCOR Zoning District which allows for this  
10 type of business and the associated parking due to the  
11 fact that the proposed parking lot extension will not  
12 diminish any aesthetics, over load any Town  
13 infrastructure, create excessive dust, noise or fumes  
14 and impair pedestrian safety or create any other  
15 foreseen nuisance. The PEDD and the Town of Colonie  
16 Planning Board supports a proposed waiver as it is fair  
17 and reasonable development for the site.

18 CHAIRMAN STUTO: I see you have a write-up that is  
19 similar to that. Those are conditions have been  
20 proposed by the department?

21 MR. TENGELER: Basically what we have talked about  
22 is that a four foot decorative iron fence be installed  
23 in the vicinity of the edge of the new pavement or the  
24 transplanted tree plantings and that there be an ADA  
25 compliant ramp linking the new sidewalk access to the

1 parking lot which Dan shows on the plans. And there  
2 were some initial clean-up efforts that had begun around  
3 the premises. We've spoken to O2 Industries, the  
4 applicant for the project, and we just wanted to make  
5 sure that they continued efforts to clean up around the  
6 vicinity of the site. We have been working with the  
7 applicant on that.

8 CHAIRMAN STUTO: Is that consistent with your  
9 recommendation, Lou?

10 MR. MION: It sounds like it; yes.

11 MR. TENGELER: I think that everything except for  
12 dressing up the building -- which is something that we  
13 could add into.

14 MR. AUSTIN: Could I add maybe a possible  
15 recommendation following up on Lou's comment about the  
16 Park and Ride or bus stop? That would lean itself more  
17 to a parking slot for people to want to take the bus  
18 because these parking spots that you are making -- I  
19 wonder how many people are actually using the existing  
20 Petco parking as well for the bus stop.

21 MR. HERSHBERG: We're not certain of the agreement  
22 with CDTA and the owner. I don't know whether or not  
23 there is a Park and Ride agreement that specifies the  
24 spots to use.

25 MR. AUSTIN: Is there a way to put signage up that

1 would say Petco parking only?

2 MR. HERSHBERG: Again, contrary to that, Park and  
3 Ride is permitted there. We ought to be positive about  
4 it and say Park and Ride should park here. That  
5 probably is the right way to do it. I'm not sure  
6 whether or not there are specific spots guaranteed for  
7 Park and Ride.

8 MR. LACIVITA: Brian, we're actually working with  
9 CDTA at this point. We're working with both malls.  
10 We're working with Colonie Center and with Northway  
11 Mall. Since they did the Bus Plus and Fastrack ride,  
12 they noticed an increase in ridership. So, they have  
13 been looking at both malls to see if they could enter  
14 into lease agreements to add specific parking for the  
15 Park and Ride. So, we're working through that with them  
16 and we'll see where that goes.

17 CHAIRMAN STUTO: Okay, do we have a motion to  
18 permit the waiver, adopt the findings as recited by the  
19 department with the conditions that are set forth by the  
20 department and by the Members here?

21 MR. MION: I'll make that motion.

22 MR. AUSTIN: I'll second.

23 CHAIRMAN STUTO: All those in favor say aye.

24 (Ayes were recited.)

25 All those opposed say nay.

1 (There were none opposed.)

2 The ayes have it.

3 MR. HERSHBERG: Thank you, very much.

4 CHAIRMAN STUTO: Thank you.

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8 (Whereas the above referenced proceeding was

9 concluded at 7:14 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.

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NANCY STRANG-VANDEBOGART

Dated August 29, 2014

