

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 ALBANY RV PARKING LOT
5 34 RENSSELAER AVENUE
6 APPLICATION FOR CONCEPT ACCEPTANCE

7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on February 24, 2015 at 8:32
11 p.m. at The Public Operations Center, 347 Old
12 Niskayuna Road, Latham, New York

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

15 ALSO PRESENT:
16 Kathleen Marinelli, Esq., Counsel to the Planning Board
17 Michael Tengeler, Planning and Economic Development
18 Joe LaCivita, Director, Planning and Economic Development
19 Joe Bianchini, ABD Engineering and Surveying
20 Mary Elizabeth Slevin, Esq., Stockli Slevin Peters

21
22
23
24
25

1 CHAIRMAN STUTO: The last project is Albany RV
2 parking lot, 34 Rensselaer Avenue. This is an
3 application for concept acceptance. This is 177 RV
4 parking lot.

5 Joe LaCivita, do you have any comments?

6 MR. LACIVITA: Yes, this is before us tonight as an
7 extension of Albany RV. It's here tonight actually
8 because it is a special use permit. The Zoning Board of
9 Appeals granted a special use permit on 34 Rensselaer
10 Avenue back on January 22, 2015, but part of that is
11 that it comes to the Planning Board for acceptance and
12 to move forward through the final review.

13 So, I'll turn it over to Joe Bianchini and Mary
14 Beth Slevin to discuss the concerns of the parking
15 lot.

16 CHAIRMAN STUTO: Please.

17 MR. BIANCHINI: Thank you. I'm Joe Bianchini with
18 ABD Engineers and Surveyors representing Strollo
19 Development and Mary Beth Slevin is the attorney for the
20 applicant.

21 Strollo Development has purchased 9.8 acres
22 here (Indicating) which is located just to the north
23 of their existing new development here. The 9.8
24 acres are pretty much all wooded. There are some
25 federal wetlands through here and there are some

1 isolated wetlands over in here. We have to get the
2 Army Corp of Engineers out there to confirm the
3 delineations that have been done.

4 If any of you are familiar with this or the
5 Strollo Development, the project itself - all of
6 this land over in this general area (Indicating) was
7 long ago subdivided into paper streets and very
8 small lots. So, even though Strollo Development has
9 purchased this 9.8 acres, there are four small
10 parcels that are owned by individuals that Strollo
11 Development does not own. Even though he has tried
12 to contact and has contacted the owners, he has been
13 unsuccessful in actually acquiring those. So, we
14 are working around those properties and not
15 disturbing them.

16 CHAIRMAN STUTO: Which ones are acquired; the
17 boxes?

18 MR. BIANCHINI: Yes, this is lands of Tully, lands
19 of Hess, lands of Hess and lands of [SIC] Bartana.

20 What Strollo would like to do is develop the
21 gray area here (Indicating) for parking for RVs.
22 They are parking at other sites now and they'd like
23 to bring their inventory all to this site. There is
24 parking here and I think that it's 120-some-odd
25 parking spaces. There are also parking for 44

1 employee spaces or customer spaces. There are no
2 buildings being proposed. It's just basically a
3 parking area where there will be curbed islands
4 through here (Indicating) and there will be lighting
5 around the parking lot.

6 CHAIRMAN STUTO: Is the green going to stay green?

7 MR. BIANCHINI: The green is going to stay green
8 back over through here (Indicating). Obviously, these
9 are all wetlands and we're not going to disturb any of
10 those wetlands

11 The drainage on the site - everything will be
12 controlled on-site through drainage and it all
13 drains down in this direction (Indicating) and there
14 is a sand filter drainage system with the dry
15 detention basin at the location there. There are no
16 utilities other than power out there. There is no
17 water and no sewer.

18 Access - we actually don't have frontage on a
19 improved street with this and that's why we had to
20 go through for the special use permit.

21 CHAIRMAN STUTO: Can you describe that? I'm not
22 sure that I understand it. I don't know if you
23 understand it better. Especially the action by the ZBA.
24 Is that in here?

25 MR. LACIVITA: It should be in there. It's in my

1 packet.

2 CHAIRMAN STUTO: I apologize.

3 MR. BIANCHINI: All of these lots have access
4 through the paper streets. The only improved street is
5 Rensselaer Avenue and that just goes to this point here
6 (Indicating). Here is the required road frontage for
7 Albany RV.

8 CHAIRMAN STUTO: Are you merging the two
9 properties?

10 MR. BIANCHINI: We cannot merge them. Because of
11 ownership issues and because of all these paper streets
12 and everything else, this will stay as Stollo
13 Development.

14 CHAIRMAN STUTO: Do you have anything that you
15 would like to say? I'm not fully understanding where
16 this stands.

17 MS. SLEVIN: Where it stands is Stollo has
18 purchased the property. They are proposing to develop
19 it as Joe has described for the parking area. It will
20 stay as separate lots.

21 CHAIRMAN STUTO: Can you tell me why they can't be
22 merged?

23 MS. SLEVIN: Because Stollo does not own those
24 additional parcels - the ones that are in white - as
25 consequence, you cannot abandon paper streets as there

1 has to be service to those roads and to those
2 properties. By preserving the paper streets, you still
3 preserve the opportunity for access for those lots,
4 which is required. As a consequence of not being able
5 to abandon the paper streets, the balance of the lot
6 can't be merged either.

7 CHAIRMAN STUTO: Why can't you merge them and
8 preserve the paper streets? I guess I don't understand
9 that.

10 MS. SLEVIN: We could probably merge individual
11 lots together, but you're still going to have multiple
12 lots because the paper streets go through Watervliet
13 Avenue here (Indicating). Franklin Street is here
14 (Indicating). There is another paper street here
15 (Indicating). Bleaker Street is here (Indicating) . So,
16 it's still going to be traversed by paper streets.

17 CHAIRMAN STUTO: You're not going to merge the
18 internal ones either?

19 MS. SLEVIN: Because the paper streets have to be
20 preserved.

21 MR. SHAMLIAN: So, you can consolidate somewhat.

22 MS. SLEVIN: But we're still going to end up with
23 multiple lots. There is really no way around that at
24 this point.

25 CHAIRMAN STUTO: What is the special permit about?

1 MS. SLEVIN: The special permit is a Town
2 requirement that you either have to have access onto an
3 improved street, which all of these parcels do not have.
4 The special permit gives the exception for that
5 requirement. The project is approved for the purpose of
6 a parking lot without that access.

7 MR. LACIVITA: Also through the Land Use Law
8 change, if you remember going through that, on an
9 adjoining lot owned by the same parent company, the same
10 ownership, a parking use in an ADA and an industrial
11 district is allowed by special use. Special use is
12 granted through the ZBA, but the final acting point is
13 the Planning Board to go through the process and accept
14 the special use by going through the concept acceptance
15 and final approval for the use.

16 CHAIRMAN STUTO: Okay, I have the ZBA decision
17 here. What is the key language here that describes what
18 you are saying?

19 MR. LACIVITA: It says here right under where it
20 says Joseph Bianchini, PE, ABD Engineers - that next
21 paragraph it says a proposed parking lot for
22 recreational vehicles is a permitted use in the airport
23 business zoning district that requires a special use as
24 stated in a Town Land Use Law Article 5, Section
25 190.19b.

1 CHAIRMAN STUTO: Okay, so the special use permit is
2 for the parking of recreational vehicles.

3 MS. SLEVIN: Correct.

4 CHAIRMAN STUTO: It's not for all that other stuff.

5 MR. LACIVITA: It's not for the abandonment.

6 CHAIRMAN STUTO: Or for the access. It doesn't say
7 anything about access. It just says for the use as RV
8 parking. That's what the decision says of the Zoning
9 Board.

10 MS. SLEVIN: By getting that permission, we
11 essentially get a waiver of a requirement to have access
12 to a street.

13 CHAIRMAN STUTO: I don't see that here. Are there
14 any conditions on it? I don't understand the logic in
15 it.

16 MR. LACIVITA: No conditions other than that. The
17 use is actually permitted by special use which the ZBA
18 did on January 22nd. Now the applicant is coming
19 forward to get the concept because it's a site plan
20 amendment as to what the use is and they're going
21 through the concept and final approval process. They
22 have the zoning verification to allow the use to happen
23 on this site for multiple sites.

24 CHAIRMAN STUTO: Is anyone else unclear on this, as
25 I am?

1 MS. MILSTEIN: I'm confused. Are we approving the
2 parking?

3 MR. LACIVITA: You are approving the parking.

4 CHAIRMAN STUTO: Joe, I disagree with you. The
5 Zoning Board has approved configuration of the use of
6 apartment and recreational vehicles. They have done
7 that.

8 MS. SLEVIN: That's correct. The only thing that
9 this Board is being asked to do at this point is to view
10 essentially the site plan part of the project. The
11 configuration of parking, the configuration of curves -

12 CHAIRMAN STUTO: But there is no frontage on a
13 public highway. I don't see how that is solved by the
14 ZBA decision.

15 MR. LACIVITA: Say that one more time.

16 CHAIRMAN STUTO: The no frontage thing was brought
17 up. I didn't bring it up. It was said that they ZBA
18 decision cures the fact that there is no frontage.

19 MR. BARON: I might have mis-stated that.

20 CHAIRMAN STUTO: In fact, if there is not frontage,
21 that's kind of an issue -

22 MR. LACIVITA: The use of it is specific to parking
23 only. The applicant is gaining access through the
24 private roads that he owns right there moving all the
25 way forward. As you heard earlier, the dedicated Town

1 road ends right at the green line of that parcel.

2 CHAIRMAN STUTO: Who owns the private road?

3 MS. SLEVIN: Strollo Development.

4 CHAIRMAN STUTO: Normally we do that with an
5 easement and we do it with an open development area.

6 So, I don't know why this is different.

7 Am I right, Board Members?

8 MR. SHAMLIAN: Sounds right.

9 MS. SLEVIN: Because that's also strained by 280a
10 which deals with requesting a building permit. The
11 request for a building permit triggers the open
12 development area. This is strictly parking.

13 CHAIRMAN STUTO: Understood. I guess I'm trying to
14 think about the easement.

15 MS. SLEVIN: We would do reciprocal cross easement.

16 CHAIRMAN STUTO: That's part of the proposal here?

17 MS. SLEVIN: It hasn't been requested before, but
18 we certainly can make that a condition.

19 MR. LACIVITA: That wasn't requested during the
20 normal course of review, as I'm looking through the DCC
21 comments.

22 CHAIRMAN STUTO: We can get a concept and then
23 clean this stuff up.

24 MS. SLEVIN: One of the points that was
25 specifically made to us at the ZBA is that the special

1 permit is personal. The nature of the special use
2 permit that was granted does not run with the property.
3 It's a little different than some of the special permits
4 that you may have dealt with in the past. It's personal
5 to the applicant. If the applicant changes, the special
6 use permit would be extinguished. That's what we
7 understand as a matter of the Town Law. That's what we
8 were told at the ZBA meeting.

9 CHAIRMAN STUTO: I understand the concept that
10 she's saying, but I don't see that on the ZBA decision.

11 MS. MILSTEIN: I'm just confused on a legal basis,
12 what's going on here.

13 CHAIRMAN STUTO: This much I understand. This is a
14 decision of the ZBA. They have approved a special use
15 permit for the proposed parking for recreational
16 vehicles. Evidently that's a special use under that
17 particular zone. We'll have to trust that. It cites
18 the section of the Land Use Law.

19 MS. MILSTEIN: Right, so we're bound by that
20 decision.

21 CHAIRMAN STUTO: Yes. Then I do see an expiration
22 under the note which says if it's not used within one
23 year, that it expires. I don't see that it's personal
24 to the applicant.

25 MS. SLEVIN: And we can certainly confirm that with

1 the Zoning Board of Appeals.

2 CHAIRMAN STUTO: By that you're saying that the two
3 parcels are somehow tied together; is that the argument
4 that you're making? The use is tied as long as they own
5 the land?

6 MS. SLEVIN: That's correct.

7 CHAIRMAN STUTO: It's unusual procedurally and how
8 it's configured especially with the individual lots and
9 the paper streets and the landlocked parcels that we're
10 having a hard time soaking in. And we're a little
11 fearful that we might be making a mistake. That's how I
12 feel about it.

13 MS. SLEVIN: We understand that.

14 CHAIRMAN STUTO: Here's a possibly for concept
15 review and then we can work out the details.

16 MR. SHAMLIAN: We might as well talk about it. I
17 know that one of my concerns from a concept plan is that
18 this area is screened much more heavily from the
19 Northway corridor than the rest of the lines. I know
20 that it's pushed back further, but personally I don't
21 want to see any of these vehicles from the Northway.

22 CHAIRMAN STUTO: How did that sign get out onto the
23 Northway, Joe? We didn't vote on that.

24 MR. LACIVITA: No, that went through sign review.

25 CHAIRMAN STUTO: I thought signs like that were not

1 permitted and I didn't know that you were allowed to
2 sign on the Northway.

3 MR. LACIVITA: You can. There are other banner
4 signs along the way. You see them up in Clifton Park.

5 CHAIRMAN STUTO: We had nice drawings from Dan
6 Hershberg which made it look like woods and everything.
7 I don't know if it turned out exactly that way.

8 MR. LACIVITA: They had open areas that they showed
9 on their plan.

10 CHAIRMAN STUTO: It turned out different than I
11 expected, but particularly with that sign.

12 MS. SLEVIN: The area here (Indicating) is higher
13 than the balance of the parking lot.

14 MR. LACIVITA: Then you have all the dense coming
15 from the south. You have all the dense area on this
16 side of it.

17 CHAIRMAN STUTO: Craig, what are you thinking? Do
18 you think that it's going to be too big of a sea of RVs
19 from the Northway?

20 MR. SHAMLIAN: Not necessarily, but it just needs
21 to be screened much more effectively than what is
22 currently there. They've got a huge sign. They've got
23 lots of RVs out that are visible from the Northway as
24 it's currently set up. I guess my view is that they
25 don't need anymore RV vehicles visible from the Northway

1 to help sell RVs.

2 MS. SLEVIN: One of the things that our client is
3 trying to accomplish is to consolidate the inventory
4 that he currently has. We had inventory on Exchange
5 Street, which is a security issue. I think that we've
6 have talked to this Board about that before. He also
7 has inventory in a location. It was originally
8 contemplated that the larger site would be able to use
9 the 19-acre site. He ended up losing almost half of
10 that site with conservation easements or preservation of
11 the wetlands and that really pushed everything all
12 together, and that's really what's driving the need for
13 this additional space. They are truly out of space.

14 MR. SHAMLIAN: I have no issue with consolidating.
15 That's certainly within his right. I just don't want to
16 see anymore RVs than what we are seeing now.

17 MR. MION: That's behind the current lot that you
18 see from the Northway?

19 MS. SLEVIN: To the north of it.

20 MR. MION: So, would you see that from the
21 Northway?

22 MR. BIANCHINI: Coming south on the Northway, I
23 don't think that you'd see it at all. Maybe going
24 north, you might see some of it through the sign and
25 past the sign over in here somewhere. I'll have to take

1 a photo or something out there so you can see. I don't
2 think that you're going to see much.

3 MS. MILSTEIN: I would prefer to get an actual
4 picture of what it's going to look like - a visual. I
5 want to proceed cautiously, but I'm not happy with what
6 I see already. I don't want to make something worse,
7 quite frankly.

8 MR. LACIVITA: Can you explain that a bit more?
9 What do you mean you're not happy with what you see
10 currently?

11 MS. MILSTEIN: It's more visual than I expected.
12 We're seeing more from the Northway.

13 MR. LACIVITA: During the course of your review,
14 when it went to final, you actually had elevations of
15 the building traveling from the north. I remember
16 during one of your presentations -- if you're traveling
17 north. I think that if you could bring that back during
18 the course of review and during the course of the
19 process, you'd be able to see. I think that it would
20 be able to support what she is asking. I know that you
21 had one of that. I would tend to think that the
22 building guides that visual, but I know that would show
23 it. We may have it in our file too, but I'll look.

24 CHAIRMAN STUTO: Can you show us where the Northway
25 is again? I'm confused.

1 MR. BIANCHINI: The Northway is about over in here
2 (Indicating).

3 MS. MILSTEIN: I'm just having trouble with what's
4 in front of it right now. That's what I'm having
5 trouble visualizing it.

6 MR. LACIVITA: Actually, what you don't see on this
7 photo, because that's all of the other division --
8 maybe Joe, we can show them side by side. I know that
9 we can do a match line. Shortly after the building and
10 down to that portion where Joe's hand is down below.
11 There is green area right there. That's all green area
12 and then there is the detention basin and then you've
13 got another lot which is then also hidden by trees as
14 well. So, you don't have any open area, but I think it's
15 still hidden enough so that you're not going to see this
16 in back.

17 CHAIRMAN STUTO: Is there any more substantive part
18 of the presentation? I personally want to think about
19 this more before I vote on it. That's my personal
20 opinion.

21 MR. LACIVITA: What can we satisfy you with to
22 bring back to the next meeting so that we can continue
23 to move this forward through the process? Site plan
24 review is a component of the special use permit that was
25 granted for the parking use. So, what is something that

1 we can satisfy the Board with so that we can continue to
2 bring this back and work with the applicant?

3 MS. MILSTEIN: I want a visualization of what is
4 there now and as best as you can, what is it going to
5 look like?

6 MR. LACIVITA: We saw them during the approval
7 process. We can hopefully bring that back in.

8 MS. MILSTEIN: And just a question: From Route 7,
9 are you going to be seeing anything?

10 MR. BIANCHINI: You won't see it at all. You can't
11 see the existing site.

12 MR. SHAMLIAN: And also maybe that drawing with a
13 smaller scale of the Northway.

14 CHAIRMAN STUTO: I want to think about the paper
15 streets and all the various lots and so forth. With the
16 paper streets, somebody owns the underlying land;
17 correct?

18 MS. SLEVIN: Don Strollo does.

19 CHAIRMAN STUTO: So, I don't know why it can't be
20 merged with the paper street still being there.

21 MS. SLEVIN: We can merge the lots that Strollo
22 owns that are contiguous to one another.

23 CHAIRMAN STUTO: Which is the whole thing except
24 for the bosses, right?

25 MS. SLEVIN: And the streets. You can't merge lots

1 with paper streets.

2 CHAIRMAN STUTO: But somebody owns the underlying
3 dirt.

4 MS. SLEVIN: Stollo, but you have to preserve the
5 street.

6 CHAIRMAN STUTO: You can preserve it and still
7 merge the parcels. I don't see why you can't do that.
8 It's like you can give the Town right of way over your
9 own parcel. If you already own the whole thing, you
10 could dedicate or offer it to the Town. I don't know
11 why you can't do it the other way. I just never heard
12 that.

13 MS. SLEVIN: We can merge the lots, but we can't
14 abandon the roads.

15 CHAIRMAN STUTO: That's what I'm saying. Doesn't
16 it make sense to do that and also merge it with the
17 other parcel?

18 MS. SLEVIN: I can talk to the assessor and see if
19 they want to do it that way, and see if that works for
20 them.

21 CHAIRMAN STUTO: You're originally saying that it
22 can't be done and now you're saying something a little
23 bit different. It can be done, but you can't abandon
24 the paper streets.

25 MS. SLEVIN: I was thinking in the concept of

1 merging, you were abandoning the paper streets too.
2 That truly cannot be done. We can look at merging the
3 lots - all the lots except for these, provided that
4 those paper streets remain -

5 CHAIRMAN STUTO: Or why that's not a good idea. I
6 would also merge it with the other. It's part of the
7 same business use.

8 MS. SLEVIN: We can't merge it with the other
9 because of financing issues. There are actually
10 financial issues why that cannot be done.

11 MR. LACIVITA: And if I also remember Mary Beth,
12 during the course of the original approval there was one
13 hold out on the upper corner of one of the other parcel
14 owners -- that's why it took so long to get that one ot
15 go through because it was intricate to gaining that
16 parcel in order to abandoning some of the streets on
17 that side. That's why that one took a long time.,
18 Besides the Army Corp, that was a whole set of issues.

19 MS. SLEVIN: It was one of the issues that we
20 encountered.

21 MR. LACIVITA: Correct. From what I understood,
22 you can't abandon the road because of those four parcels
23 that are held out right now.

24 CHAIRMAN STUTO: You could probably abandon some of
25 the roads, though.

1 MS. SLEVIN: Not because of where the lots are
2 located.

3 CHAIRMAN STUTO: I'm still going to challenge that.
4 There are a lot of roads here.

5 MS. SLEVIN: I'm happy to trace it through for you
6 and show you where they all are. There is the main road
7 here that would service this parcel (Indicating). There
8 is another road over here that services this parcel
9 (Indicating). It gets picked up here and this parcel
10 has access this way and then this parcel access that way
11 (Indicating).

12 MR. LACIVITA: And the roads are north/south going.
13 It's a north/south direction with the paper streets.

14 CHAIRMAN STUTO: It seems like segments of those
15 streets can be abandoned and still give the people
16 access to a paved road, but maybe I'm wrong about that.
17 I'd rather clean it up and clean up the property and
18 merge all the parcels and abandon what you can abandon.

19 MS. SLEVIN: We will take a look at it.

20 CHAIRMAN STUTO: I think that you have heard what
21 our feelings are on it and what we think that we need
22 more info on. Maybe we could have brought this as a
23 sketch because this is like a sketch plan.

24 MS. SLEVIN: Thank you for your time.

25 CHAIRMAN STUTO: Without objection, we'll table

1 this item.

2

3 (Whereas the above entitled proceeding was
4 concluded at 9:01 p.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 16, 2015

