

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*  
4 TILRAY NY PRODUCTION FACILITY  
5 301 OLD NISKAYUNA ROAD  
6 SKETCH PLAN REVIEW  
7 \*\*\*\*\*

8 THE STENOGRAPHIC MINUTES of the above entitled  
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand  
10 Reporter, commencing on July 28, 2015 at 7:15 p.m.  
11 at The Public Operations Center, 347 Old Niskayuna  
12 Road, Latham, New York

13 BOARD MEMBERS:  
14 PETER STUTO, CHAIRMAN  
15 LOU MION  
16 TIMOTHY LANE  
17 CRAIG SHAMLIAN  
18 SUSAN MILSTEIN  
19 KATHLEEN DALTON

20 ALSO PRESENT:  
21 Rebekah Kennedy, Esq., Town Attorney's Office  
22 Joe LaCivita, Director, Planning and Economic Development  
23 Peter Campito  
24 Daniel Hershberg, PE, Hershberg and Hershberg  
25 Chuck Voss, PE, Barton and Logudice

1           CHAIRMAN STUTO: Okay, it being past 7:05, the next  
2 item on the agenda is Tilray, New York Production  
3 Facility. This is at 301 Old Niskayuna Road. This is a  
4 sketch plan review for a two-story, 28,000 square foot  
5 manufacturing facility and 30,000 square foot of  
6 greenhouse.

7           Joe LaCivita, do you have any introductory  
8 remarks?

9           MR. LACIVITA: I think that we'll add to that,  
10 Peter, the fact that this project has already been  
11 before the DCC meeting and that was back on June 24th.  
12 I know that this is an application that was in before  
13 the State of New York regarding the end user. I can  
14 turn it over to Daniel.

15           Peter, I don't know if you want to bring any  
16 opening comments to the project before we turn it  
17 over to Dan.

18           MR. CAMPITO: I would like to add to your point  
19 that this facility is contingent on our tenant, Tilray,  
20 being awarded a license. Allegedly, Friday we will know  
21 whether they were successful or not. We are either  
22 going to move head or fail.

23           CHAIRMAN STUTO: Mr. Hershberg?

24           MR. HERSHBERG: Good evening, Mr. Chairman. My  
25 name is Daniel Hershberg with the firm of Hershberg and

1 Hershberg. I'm here today representing Peter Campito.

2 Tilray is the company that proposes to operate  
3 a marijuana production facility. That's just in  
4 case anyone was wanting to know what the production  
5 facility was. As Peter said, we are awaiting an  
6 award. Apparently, they are going to award it to  
7 five out approximately 43 applications. There is no  
8 guarantee that this will be successful. Obviously,  
9 if it is, there is a very short time for these  
10 facilities to get up and operating. It behooves us  
11 to be as shovel ready as possible to the point that  
12 the application gets awarded.

13 We are in the airport/business area. It's a  
14 permitted use. We show the building there and we do  
15 show for future potential expansion. These are  
16 growing areas - greenhouses. This is the production  
17 facility. The floor in the production facility  
18 looks like a pharmaceutical plant more than anything  
19 else.

20 I don't know how many people realize that  
21 marijuana produced here is not in the smokable mode.  
22 It's produced as pills and salves for application  
23 for medicinal purposes. Consequently, the normal  
24 routine of marijuana in the states where it is  
25 permitted for recreation just doesn't apply here.

1 This is medical marijuana strictly. It's going to  
2 be produced here and shipped out to other places for  
3 market. People will not come here to buy it. It  
4 will be produced here and shipped to other  
5 locations. We do have adequate parking for the  
6 employees. It does have to be fenced and we do show  
7 a fence going around the site.

8 There was one comment. We do have to be  
9 careful to provide at least 15 feet clear from the  
10 building for the Fire Department access and 15 feet  
11 back from the road right of way for that fence and  
12 that will be taken care of.

13 There was one comment at the DCC meeting that I  
14 will bring up here. They have requested that the  
15 applicant provide at the next plan which will be our  
16 next submission, hopefully, a sidewalk from Nexus  
17 Drive to Wade Road. They are willing to do that,  
18 however, there are three parcels that currently are  
19 not in Peter's ownership so they may have to work  
20 out how to accomplish that sidewalk area. If it's  
21 within the road right of way -- you realize here is  
22 the road right of way (Indicating) and here is the  
23 pavement here. It goes fairly narrow outside of the  
24 road right of way to fit it in the sidewalk. Those  
25 are technical issues that we certainly can resolve

1           it in the final analysis. There weren't very many  
2           comments of concern at the DCC meeting. It's served  
3           by a private sewer system that is already in place.

4           All the buildings that are here are served by  
5           grinder pumps and it's pumped out to a location on  
6           Wade Road. We will add a pump station here that  
7           will go in the same direction. It hasn't been  
8           determined yet whether pretreatment will be  
9           required. We're not certain of what the quality  
10          would be, but we could certainly do that. Water  
11          capacity is here to handle it. We will have to have  
12          a sprinkler system on-site as well as an irrigation  
13          system for the greenhouse.

14          Other than that, it's a fairly straight forward  
15          project other than the product that we're making  
16          here. Other than that, it's strictly a production  
17          and manufacturing site.

18          MR. LANE: You don't have any elevations here at  
19          this point?

20          MR. HERSHBERG: No, we don't.

21          MR. LANE: Can I expect that it's going to look  
22          very warehousey?

23          MR. HERSHBERG: I think that essentially they will  
24          make an attempt to make this portion of the building  
25          look nice. This is actually the greenhouse

1 (Indicating). It will reflect pretty much the old  
2 agricultural site here. There is an existing barn on  
3 site here that I think that Peter would love to have  
4 somebody pick up and relocate someplace or use the wood  
5 from it. We do have to demolish one building on the  
6 site and one outbuilding on the site.

7 We think that it's a reasonable use for the  
8 site and will bring jobs.

9 MR. SHAMLIAN: Can you talk a little bit about the  
10 security fence? How high is it and what kind of fence  
11 are you talking about?

12 MR. HERSHBERG: We're talking about probably a  
13 six-foot fence. The question is: Will we make it along  
14 the right of way? We'll make it more attractive than  
15 that back portion. We're probably talking black vinyl  
16 chain link on the back portion of it, but along the road  
17 right of way we are aware of the fact because we don't  
18 want to have it look like a secured area, but it does  
19 have to be secured.

20 CHAIRMAN STUTO: What mandates that it be secured?

21 MR. HERSHBERG: For their own operational purposes.

22 CHAIRMAN STUTO: There is no law that says that, is  
23 there?

24 MR. HERSHBERG: They are going to review a security  
25 plan and quite honestly Peter is probably better versed

1 than I am, but there are a whole bunch of requirements  
2 that Tilray has to come up with to show them that they  
3 are first, going to satisfy employee requirements,  
4 satisfy them with a secure site and satisfy them with  
5 all of the normal routines regarding adequate water and  
6 sewer. A whole bunch of things that are clearly  
7 available on the site.

8 MR. LANE: Where else do they currently operate?

9 MR. CAMPITO: In Canada; Vancouver.

10 CHAIRMAN STUTO: Can you speak more to the security  
11 and what is mandated?

12 MR. CAMPITO: The specifics of the security - I  
13 have to say that I don't know the details. I can say  
14 that the facility is regulated by the New York State  
15 Department of Health and they are the ones that are also  
16 doing selection process. What mandates they have, I do  
17 not know. Our tenant has told us that they are going to  
18 have that, plus on-site security. Whether that's an  
19 operational situation with them or mandated with the  
20 Department of Health, I don't know that.

21 MR. LACIVITA: We understood it to be a 24/7  
22 operation during our meetings with Tilray.

23 MR. CAMPITO: Correct.

24 MR. LACIVITA: So, there will be someone on-site  
25 24/7.

1 MS. DALTON: It's early in the game, but I'm sure  
2 that there would be a large interest in security, just  
3 because it is an attractive facility for mischief. I'm  
4 assuming that there are going to be some direct lines to  
5 the Police Department in case kids decide that it would  
6 be a good idea to go break in there or something. Those  
7 would be the kinds of public safety issues that I would  
8 be most concerned about.

9 MR. CAMPITO: They went through a state-wide  
10 selection process and one of the assets of this site was  
11 the fact that the Town's Public Safety Building is so  
12 close.

13 MS. DALTON: Yes, I was thinking that myself.

14 MR. CAMPITO: As far as the question regarding the  
15 look of the building, this building is a pharmaceutical  
16 grade building. That's the bottom line here.

17 MR. LANE: It will look professional.

18 MR. CAMPITO: Exactly.

19 MR. LACIVITA: Even during the course of the  
20 manufacturing process and conversations with Peter, that  
21 is not something that you would have that aroma or smell  
22 or whatever they have. There are filtration systems  
23 that go into it. It's the manufacturing and the growth  
24 of the product in the greenhouse area and it's all under  
25 a vacuum kind of building interior. They ship it or

1 walk it into the production and you're coming out with a  
2 liquid, a salve and a tablet format. It's not that  
3 smokable component, as we are familiar with. That's all  
4 within the DOH overview.

5 MR. SHAMLIAN: To get access to the site, is there  
6 a security check-point, essentially?

7 MR. CAMPITO: That is our understanding. They do  
8 have 24 hour security.

9 MR. HERSHBERG: We believe that a fence will have  
10 an activated thing where the employees will be given a  
11 card to get in. It will either to be manned, or  
12 automatically allow employees to get in there. Again, I  
13 think that there are a set of specifications.  
14 Unfortunately, they are fairly closely held in how they  
15 are going to comply with them, but we think that  
16 essentially they are going to require security as a key  
17 element of this site. We understand your concern about  
18 it, as we would be concerned.

19 MR. LACIVITA: In each one of these locations there  
20 are going to be five state-wide and each one is going to  
21 be allowed for dispensary locations. This applicant here  
22 has not selected Colonie to be one of the dispensaries.  
23 There will be one down-state in the Westchester area. I  
24 think that is was also Buffalo and one up north to  
25 service that area. I have forgotten where the fourth

1 one is.

2 CHAIRMAN STUTO: That's the proposal on this  
3 application; is that what you're saying?

4 MR. LACIVITA: Each actual production site is  
5 allowed four dispensaries.

6 CHAIRMAN STUTO: And those are the locations that  
7 this applicant is -

8 MR. LACIVITA: Correct.

9 MS. DALTON: Who is serving our area?

10 MR. LACIVITA: There are other applicants  
11 throughout the state. One actually is in Washington  
12 County that has selected a site in the Town of Colonie -  
13 to service the capital region -

14 MS. DALTON: But they might not be.

15 MR. LACIVITA: They may not be; that's correct.

16 MR. SHAMLIAN: Is there a representative of Tilray  
17 here?

18 MR. CAMPITO: No.

19 MS. DALTON: Let me ask this: In the event that the  
20 Department of Health doesn't select someone who was  
21 already planning to service this area, would the  
22 applicant be interested or willing to consider shuffling  
23 around to serve our area? We have some need here, too.

24 MR. HERSHBERG: Peter can answer, but I think that  
25 essentially there are applications and everybody had to

1 have a site for their application. Unless there was  
2 something wrong with their position to miraculously get  
3 accepted, there would be no reason for them to replace  
4 Tilray on this site - if that's what you are talking  
5 about.

6 MS. DALTON: No. You're saying that Tilray hasn't  
7 been granted a final license.

8 MR. HERSHBERG: Nobody has.

9 MS. DALTON: So, I'm assuming that the applicant  
10 who is looking to serve the capital district, has also  
11 not been granted a final license.

12 MR. HERSHBERG: Correct.

13 MS. DALTON: So, all I'm saying is that if in the  
14 event, the Department of Health in its wisdom chooses an  
15 array of vendors none of whom have the capital district  
16 as a site, I'm trying to protect the fact that our  
17 residents won't have to travel to New York City to get  
18 medication, if that's what they need. Would your  
19 applicant be willing to serve the capital district?

20 MR. HERSHBERG: We believe that part of the  
21 application - and Peter will correct me if I'm wrong -  
22 was they had to specify both the location for the  
23 manufacturing plant and the location for the four  
24 dispensaries. They have been indicated in their  
25 application. The question is: Can they change them?

1 That's beyond our scope of being able to answer.

2 MR. LACIVITA: I think that's the Department of  
3 Health's purview.

4 MR. HERSHBERG: I would supposed that if they have  
5 four each and there are five, that's 20 dispensaries. I  
6 would assume that the capital region would qualify for  
7 at least one dispensary in the capital region area. The  
8 question is: If nobody had it, I guess the Department of  
9 Health try to make arrangements with someone to provide  
10 a dispensary in our area.

11 MR. CAMPITO: I think that the capital region would  
12 be a likely spot. Since we are not part of the  
13 dispensary and only the growing and production of - I  
14 don't have transparency to where their sites are.

15 CHAIRMAN STUTO: Any other questions?

16 MR. LACIVITA: Did you want to hear from Chuck?

17 CHAIRMAN STUTO: Oh sure. Chuck, do you have any  
18 comments on this?

19 MR. VOSS: It's a pretty straight forward  
20 application. The typical stuff, we'll look at;  
21 stormwater, avoidance of wetlands and grading on the  
22 site. The site is served by all the utilities, so we're  
23 good with that.

24 Dan, the only question that I had - in looking  
25 at your parking calculations, do you need all 76

1 spaces out there? I know that is what the Code is  
2 requiring, but if you don't need that many based  
3 upon your employees, is there ability to bank spaces  
4 maybe for future use? Anything to avoid more  
5 pavement is always a good thing.

6 MR. CAMPITO: I believe that they will have that  
7 many employees. That's their projection.

8 MR. VOSS: There wasn't really any information from  
9 the DCC meetings. We didn't quite know.

10 That's all I had.

11 CHAIRMAN STUTO: Thank you.

12 MR. HERSHBERG: Thank you.

13

14 (Whereas the above referenced proceeding was  
15 concluded at 7:29 p.m.)

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 L. STRANG, 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 L. Strang

Dated \_\_\_\_\_

