

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 LANDS OF ENGEL  
5 681 ALBANY SHAKER ROAD  
6 APPLICATION FOR SKETCH PLAN REVIEW

6 \*\*\*\*\*

7 THE STENOGRAPHIC MINUTES of the above entitled  
8 matter by NANCY STRANG, a Shorthand Reporter,  
9 commencing on August 11, 2015 at 8:57 p.m. at The  
Public Operations Center, 347 Old Niskayuna Road,  
Latham, New York

10 BOARD MEMBERS:

- 11 TIMOTHY LANE, ACTING CHAIRMAN
- 12 LOU MION
- 13 KATHY DALTON
- 14 TIMOTHY LANE
- 15 SUSAN MILSTEIN
- 16 CRAIG SHAMLIAN

17 ALSO PRESENT:

- 18 Kathleen Marinelli, Esq., Counsel to the Planning Board
- 19 Michael Tengeler, Planning and Economic Development
- 20 Joseph LaCivita, Director, Planning and Economic  
21 Development
- 22 Chuck Marshall, Stewarts
- 23 Joseph Grasso, PE, CHA
- 24 Paul Goldman, Esq.
- 25 John A. O'Donnell, CEO, Albany International Airport
- Timothy Alund

1           CHAIRMAN STUTO: For the record, I'm recusing  
2 myself for the next item on the agenda and I'm going to  
3 be leaving the room. Tim Lane will be Chairing the  
4 meeting from this point forward.

5           ACTING CHAIRMAN LANE: The next item on the agenda  
6 is Lands of Engel, 681 Albany Shaker Road. This is an  
7 application for sketch plan review. This is a two-lot  
8 commercial subdivision on 38 and one-half acres.

9           MR. LACIVITA: Just so that the Board is aware,  
10 typical minor subdivisions are anything under four lots  
11 or less. The only reason that this was considered a  
12 major application -- and it's only two lots is because  
13 this actually has a component of a dedicated Town Road  
14 attached to it. So, having that dedicated Town road or  
15 at least a proposal of a Town Road -- what this project  
16 does it that this is the landing area for the Exit 3/4  
17 DOT. It's coming right to the head of what you are  
18 going to see here tonight. What we are doing is  
19 preserving the integrity of the Engel Farm because DOT  
20 was actually going to do a right without access right at  
21 the head of Exit 3/4. So, that would mean that the  
22 applicant would lose any accessibility to his site. So,  
23 therefore by the applicant doing a dedicated Town Road,  
24 as you'll see that will connect to Terminal Drive, that  
25 then keeps it to a major project because of the road

1 component.

2 Also, we have Chuck Marshall here tonight with  
3 the Stewarts project which is going to be a  
4 component of the first development on that site. To  
5 speak specifically on the application for the  
6 subdivision is Tim Alund the land developer along  
7 with Attorney Paul Goldman.

8 MR. ALUND: For the record, we are not developing  
9 the property. What we are doing is subdividing two  
10 parcels; the first one is to be sold to Stewarts and the  
11 second one will be sold to another developer at a later  
12 date. We are going to subdivide two parcels. It will  
13 be sold as two parcels. The first one is Stewarts and  
14 the second one is to be to a company at a later date.

15 ACTING CHAIRMAN LANE: So, they remain agricultural  
16 until the sale -- zoning wise and then there is a  
17 determination later depending on if you buy the second  
18 parcel?

19 MR. ALUND: Yes, sir, That is correct.

20 MR. MARSHALL: The zoning is not agricultural. The  
21 zoning is airport related business. The use of Stewarts  
22 upon subdivision would be acceptable.

23 MR. ALUND: Based on what Chuck just said, the  
24 balance of the land will be farmed until we find a  
25 second user.

1           ACTING CHAIRMAN LANE: Joe?

2           MR. GRASSO: It's sketch plan and it's the first  
3 time that we're looking at the project. We have gone  
4 through the application materials submitted and we do  
5 know that they have submitted concept subdivision  
6 application which we are also just getting into the  
7 review of. This is an important project - more  
8 important than the typical -

9           ACTING CHAIRMAN LANE: You wouldn't know that.

10          MR. GRASSO: Understood. But it it's much more  
11 important that just a simple two lot subdivision that we  
12 routinely review in short order. Although it's only a  
13 two-lot subdivision, it's likely that there is going to  
14 be site development applications for the proposed two  
15 acre parcel which we heard about possibly being with the  
16 Stewarts as well as future applications for the  
17 remaining lands. It's important, as Joe mentioned to  
18 note -- a driving thing that we'll focus on is that this  
19 property is located opposite the planned touchdown  
20 location of the Exit 4 off-ramp. So, directly across  
21 from it.

22          That project has gone through an environmental  
23 study component and a schematic conceptual  
24 preliminary design component as well. So, the  
25 alignment of the Exit 4 interchange is pretty well

1 not nailed down, although it is not advanced into  
2 final design yet and the project is currently  
3 unfunded so there is no timetable on the off-ramp  
4 going in for construction. The construction that we  
5 see going on out there today is strictly replacement  
6 of the bridges and the Exit 4 overpass. That's the  
7 project that we're seeing out there this summer, but  
8 there is no timeframe on the Exit 4 interchange. We  
9 all hope that it's going to be done over the next  
10 couple of years. But again, it's currently  
11 unfunded. It will take about a year to design and  
12 probably a year or two to construct.

13 ACTING CHAIRMAN LANE: Our vote here tonight is  
14 just to simply -

15 MR. GRASSO: It's just a review of the subdivision.

16 MR. LACIVITA: There is no vote tonight. It's a  
17 sketch plan.

18 MR. GRASSO: So, there are many planning  
19 considerations that need to be looked at by the Planning  
20 Board in order to make sure that both of the proposed  
21 lots have the ability to be developed to their fullest  
22 potential without negatively impacting the  
23 implementation of the planned Exit 4 off-ramp and I'll  
24 go through some of the things that we need to look at.  
25 That is the alignment between the future Town road which

1           you can see on your plan, which is planned into this  
2           parcel and the future Exit 4 off-ramp, which is shown  
3           across Albany Shaker Road.

4           Secondly, whether the fourth leg of the  
5           intersection - so this was basically going to be the  
6           forth leg of the intersection - can be developed in  
7           conjunction with the Exit 4 off-ramp single. That  
8           would be planned.

9           Third, whether to access to both of the lots  
10          should only be from the future Town road and not off  
11          of Albany Shaker Road at all. And possibly if  
12          access to the two-acre parcel can be developed that  
13          close to Albany Shaker Road and the signal. The  
14          parcel is only about 300 feet deep -- or if access  
15          needs to be provided in some fashion off of the back  
16          of the parcel to get it further away from Albany  
17          Shaker Road.

18          Fourth, we'll need to look at whether or not a  
19          temporary limited access can be developed onto  
20          Albany Shaker Road before implementation of the Exit  
21          4 interchange is constructed. It hasn't been asked  
22          yet, but that's something that we'll need to get  
23          into as part of the review.

24          Fifth, we'll need to establish who will be  
25          responsible for the design and construction of the

1 future Town road and whether that signal needs to go  
2 in as part of a site plan application or can it be  
3 deferred until the Exit 4 interchange is developed.  
4 As of right now, we are assuming that all of those  
5 improvements to get to develop that Town road into  
6 the site is going to be constructed by the applicant  
7 but which applicant - we don't know. We don't know  
8 if it's going to be part of the first two lot  
9 subdivision application, or differed until later on  
10 into the development of the parcel.

11 Sixth, we'll need to establish if and how the  
12 future Town road should connect to Terminal Drive,  
13 which is an existing Town road toward the northeast  
14 back corner of the property and whether there should  
15 be cross connections to the airport economy lot or  
16 any other adjacent properties.

17 Obviously, when we look at commercial  
18 properties we look at opportunities for cross access  
19 connections and whether or not those are feasible or  
20 viable and because of this site's location, we'll  
21 come to understand through the planning process that  
22 we need to take a really close look at the viability  
23 of those connections and whether or not they will  
24 help or impede traffic operations in the area.

25 Lastly, the locations of the environmentally

1 sensitive areas of the site -- you can see based on  
2 the site analysis plan that they have provided as  
3 part of their sketch package that the property does  
4 have extensive wetland buffers, a couple of Town  
5 protected watercourse areas and streams running  
6 through it and those features may ultimately drive  
7 the location of some of the things that we are  
8 talking about in terms of development applications  
9 as well as the road connections that we are looking  
10 at.

11 It should also be noted that building a fourth  
12 leg to the Exit 4 intersection has impacts to the  
13 overall operation of that signal. I bring it up  
14 because it needs to be demonstrated that sufficient  
15 development is expected to occur within this site or  
16 that connections to adjacent properties will be  
17 provided such that sufficient public benefit is  
18 provided to justify the fourth leg of the Exit 4  
19 interchange.

20 Normally when you develop this type of new  
21 interchange, like Joe mentioned, DOT and FHWA will  
22 establish a right of way without access across from  
23 that off-ramp location. Obviously, through a good  
24 planning process we can eliminate the need for the  
25 right of way with that access and we can plan access

1 appropriately to the property across the road, so to  
2 speak. It has to be done smartly so that it doesn't  
3 impact how that Exit 4 interchange operates.

4 Obviously, this change has been 20 years in the  
5 planning and we just have to make sure that we don't  
6 take any steps that are going to slow or derail that  
7 project from moving forward.

8 As we proceed through the planning process, we  
9 also have to look at the traffic impacts associated  
10 with the project and as customary, we look for a  
11 level of traffic studies to be done. This one is  
12 unique because we expect that this property is going  
13 to be developed in stages over time as development  
14 applications come before us so this may be a phased  
15 traffic study approach that we look at. I say that  
16 because although we can look at the traffic impacts  
17 associated with the first phase of development we  
18 have to keep in mind what the long-term traffic  
19 impacts of the ultimate development of the property  
20 may be.

21 In terms of SEQRA, it's a little bit  
22 interesting with this. Joe mentioned that it's a  
23 major subdivision because it includes a Town road,  
24 that actually changes the SEQRA classification. If  
25 it was strictly a two-lot subdivision it would

1 actually be a Type II SEQRA action and exempt from  
2 SEQRA review. Because it includes even a possible  
3 future Town road right of way, it triggers it to be  
4 an unlisted action and also when you look at  
5 thresholds for Type I actions, because the property  
6 is covered by an agricultural district, the  
7 thresholds of disturbance drops from 10 acres down  
8 to 2.5 acres and that would put you over a Type I  
9 threshold. So, if you look at the acreage of the  
10 2.1 acre parcel as well as the Town road right of  
11 way, that would put us over that 2.5 acre threshold.  
12 So, we're looking at a Type I action. It doesn't  
13 require a preparation of an Environmental Impact  
14 Statement, it's unlikely that one would be required  
15 because it's in the Airport Area GIS study area.  
16 Nonetheless, from a SEQRA standpoint, it may be  
17 beneficial for us to treat it as a Type I action and  
18 get a full Environmental Assessment Form that looks  
19 at development of the property and go through the  
20 coordinated review process now so that we don't have  
21 to stop during the future planning of the property  
22 and then go through those steps because there is  
23 some time associated with that.

24 In terms of the interested or involved  
25 agencies, as we see it right now, we've got New York

1 State DOT, Albany Airport, Albany County Department  
2 of Public Works - because obviously the county owns  
3 Albany Shaker Road - New York State DEC and the  
4 Colonie Town Board. They would ultimately be  
5 accepting any future Town road as well as the  
6 Planning Board for site plan and subdivision plan  
7 review. Those are the agencies that we expect to be  
8 involved. Because of the intense planning  
9 considerations of this project, we would strongly  
10 recommend through the process that the Planning  
11 Board take on lead agency status and then deal with  
12 the environmental review of the project. We think  
13 that would ultimately allow the project to progress  
14 more smoothly through the approval processes.

15 From a technical standpoint, in terms of plan  
16 preservation, we're only at sketch plan now so we  
17 are getting a first look at the plans.

18 I would recommend to Tim and the consultant  
19 team that when you get into your concept  
20 presentation and application materials, that you  
21 include your development on an aerial so that it's  
22 easier for the Planning Board and our office to  
23 understand how this development fits into the  
24 surrounding network of properties and streets. We  
25 have been provided a copy of a letter provided by

1 Albany Airport which I'm not going to get into  
2 because they are here tonight to speak to that, but  
3 they did in their letter include an aerial  
4 photograph of the property and you can see how it  
5 provides a great exhibit to get a really good  
6 understanding of how the planning things that are  
7 spoken of fit together.

8 In summary, development of this site is  
9 basically going to capitalize on what we would  
10 consider a multi-million dollar publicly funded  
11 infrastructure improvement; that being the Exit 4  
12 off-ramp intersection. The planning of the project  
13 needs to be done in such a way that we make sure  
14 that there aren't negative impacts to the  
15 transportation system or to the environment for that  
16 matter. Also that the safety of the traveling  
17 public is not compromised by the development of this  
18 parcel. That's basically what we have so far into  
19 the project.

20 MR. LACIVITA: I handed out the letter that I  
21 received late in the day. Typically at sketch plan  
22 review we rarely take comments from the neighbors being  
23 that they are abutting properties, but typically this is  
24 another municipal entity so when offering consideration,  
25 we would allow the CEO of the airport - if he wants to

1 read the article and discuss the article, Mr. O'Donnell  
2 is here tonight.

3 MR. GOLDMAN: I think that we might want to address  
4 some of the comments that Mr. Grasso raised.

5 I'm Paul Goldman and I represent John Engel,  
6 one of the two property owners. This is a two-lot  
7 subdivision. That's all we have. What will happen  
8 is that Stewarts is going to come in next month with  
9 their sketch plan. They are contractually obligated  
10 to build the stub street that is shown there.  
11 That's where we are. Everything that we're doing  
12 here is compatible with the design of the future  
13 extension.

14 Again, let's all talk about it in reality. It  
15 was 20 years in the planning. It's still in the  
16 planning stages. It is not funded.

17 I represent John Engel. John Engel's house is  
18 being taken. That's pretty rough stuff. I don't  
19 know if you've ever been through an eminent domain  
20 proceeding where they take your house. This is his  
21 family farm. His house is being taken. So, that's  
22 the only steps that have gone forward. They have  
23 not gone forward with any portion of the design and  
24 any of the work there.

25 So, in terms of the taking without access,

1 that's not complete. There have been some  
2 discussions. I'll say that the improvements that  
3 they are making on the overhead of the bridge are  
4 obviously a benefit for the traveling public, but we  
5 are not at that point. Where we are is a two-lot  
6 subdivision. In terms of some of the issues, I'd  
7 like to address the airport authority map. I think  
8 that this is kind of important.

9 The map itself shows the line across it where  
10 they want to construct a road. Now, they have their  
11 own right-in and right-out access and they have  
12 plenty of access for a county parking lot. If you  
13 take this road and you look at what the setbacks --  
14 remember you would have setbacks from both roads  
15 now. You would have double setbacks. Coupled with  
16 35% or 40% greenspace, you are destroying all of the  
17 parcel. The ability to develop this parcel goes  
18 right in the bag. This parcel is a key parcel to  
19 this Town. It's the front of maybe what will be the  
20 interchange. You're converting this parcel from a  
21 key development parcel to a parking lot with no tax  
22 base. It would be a loss to this community if that  
23 were to occur.

24 The authority has, in its own power, the power  
25 of eminent domain. They can take this property, but

1           they have to pay fair market value. They are asking  
2           this Board to do their work and condemn, in essence,  
3           my client's property. This man's house has been  
4           condemned already. Now, the authority is asking you  
5           to condemn the balance of this property. It's not  
6           right. These people have struggled with this  
7           property for 20 years. This family has farmed in  
8           this community. I grew up in this community. It's  
9           not right. If you want to take the property, do it,  
10          pay it, but don't have this Board be the instrument  
11          for their inability to pay fair market value.

12                 I want to talk about the right-in and  
13          right-out. We do not know that this infrastructure  
14          will be built. No one knows that, so if you  
15          condition the right-in and right-out to the  
16          implementation of the traffic improvements which may  
17          not come, you are in essence saying that this  
18          property is not developable. Again, we pledge to  
19          this Board that we will develop this property the  
20          way that it's compatible with the future growth of  
21          this interchange, if it comes. But these people  
22          deserve the right to sell the property and we just  
23          want to kind of say that to this Board.

24                 In terms of SEQRA, I'll work with Mr. Grasso  
25          on whether it's a Type I or an unlisted. I haven't

1 really looked at it, but I've worked with Joe before  
2 and I think that we've worked well with him. I  
3 think that the point is that it's just a two-lot  
4 subdivision. As I indicated before it's our  
5 intention to come in for zoning verification which  
6 is the first step in the planning process in  
7 September.

8 Obviously, this meeting was brought upon me  
9 kind of suddenly. The use is permitted under the  
10 airport related business zone. That is a major  
11 component in zoning verification and going forward.

12 With that, we'll just submit in September.

13 ACTING CHAIRMAN LANE: Thank you.

14 Mr. O'Donnell?

15 MR. O'DONNELL: Thank you. I'd like to thank the  
16 Members of the Board for allowing us to present this  
17 evening. I have with me our airport planner, Steve  
18 Iachetta. I'd like to make sure that everyone has a  
19 letter that we sent out today.

20 ACTING CHAIRMAN LANE: Yes, we do.

21 MR. O'DONNELL: First I'd like to give a brief  
22 background. Each day we have 4,000 people flying out of  
23 the airport on 55 scheduled flights and 4,000 returning.  
24 We have over 2,000 people that work at the airport and  
25 we have many meeters and greeters visiting the airport

1 on a daily basis. You can see that we generate sizable  
2 traffic and this is the reason why New York State DOT is  
3 planning to add the flyover connection to Albany Shaker  
4 Road from I87. This will be the second phase that Joe  
5 Grasso referred to of the Exit 4 project.

6 In addition, Jet Blue is commencing service in  
7 December and we just learned that Southwest Airlines  
8 will be flying daily service to Ft. Myers which is  
9 an additional flight for the airport.

10 This year's growth has been 5% and we  
11 anticipate another 5% -- a minimum of 5% growth in  
12 2016. Our request this evening is to ask the  
13 Planning Board to consider including a paper road  
14 that connects the exit ramp on I87 to Albany Shaker  
15 Road and to our economy lot, through the Engel  
16 property.

17 In our economy lot we currently park 2,400  
18 autos. We plan to add more capacity in the near  
19 future. All together, the airport parks over 6,000  
20 vehicles. We exit our economy lot onto Watervliet  
21 Shaker Road for those patrons heading north through  
22 Exit 5. Those passengers heading south must return  
23 to the terminal and turn left at a signalized  
24 intersection to gain access back onto Albany Shaker  
25 Road. We had the option of creating a signalized

1 intersection at the south of the runway, but that  
2 would add another traffic light. So, in lieu of  
3 doing that, we moved that exit so as people exit E  
4 Lot, those 2,400 parkers, they have to go back to  
5 the terminal, go to an signalized intersection and  
6 then take a left going back out which is important  
7 to understand.

8 Our second request is to allow only right-in  
9 and right-out turns from the subdivision until a  
10 signal is installed - only for safety reasons. We  
11 did not allow left hand turns on Albany Shaker Road  
12 from our economy lot. We went back to the terminal.  
13 So, all our passengers that park in that economy lot  
14 must go back.

15 As a matter of record, we do have the support  
16 of Albany County for this request and New York State  
17 DOT, who are planning that flyover interchange.  
18 Both parties agree to the connection to the economy  
19 lot and they also agree to the no left turns until a  
20 signalized intersection is established. So, to  
21 address the two comments that I heard this evening:  
22 the drawing that you have in front of you is only  
23 diagrammatic. What we'd like to see is that the  
24 E-lot - and also, we do own 40 to 60 acres of  
25 developable land on the east side of the airport.

1 So, we'd like to see a connection from the east side  
2 - the economy lot to that signalized intersection so  
3 we don't get forced to add one 300 or 400 yards up  
4 Albany Shaker Road. That is the purpose of that  
5 connection.

6 Basically, those are the two connections that I  
7 heard.

8 If you have any questions, I'll gladly answer  
9 them.

10 MR. SHAMLIAN: So, until such time as that  
11 intersection is completely developed, what good is the  
12 access to the E lot because those same people coming out  
13 can only make a right out only -

14 MR. O'DONNELL: What we are asking for is a  
15 consideration for the planning - we do see that this is  
16 part of the plan to include that airport access and that  
17 we would never develop that until Exit 4 was developed  
18 or this lot was further developed - the subdivision.  
19 It's planning for the future. We talked about the  
20 schedule for that connection - that I87 connection is 3,  
21 4 or 5 years away. This lot has been under development  
22 for 10 years, to my knowledge. What we are looking at  
23 is just good highway planning going forward.

24 MR. SHAMLIAN: How do you respond to the  
25 applicant's contention that the paper road substantially

1           diminishes the value of the property because of the  
2           front yard set backs as well as the watercourse that's  
3           in front of the property?

4           MR. O'DONNELL: That's all diagramatic.

5           MR. SHAMLIAN: There are substantial watercourses  
6           through that property. That's 200 feet, essentially,  
7           that is cutting through the property.

8           MR. O'DONNELL: It could be placed on the other  
9           side of the watercourse. It could be placed to the  
10          back. Once again, it's only diagramatic. We don't know  
11          the route.

12          First, there is an intention there with the  
13          applicant to build a road. I don't know where that  
14          road goes. Hopefully they're thinking about putting  
15          it over at the airport.

16          MR. GRASSO: John, it is your expectation that the  
17          development applications build that connection to the  
18          airport, or is it something that the right of way is,  
19          provided the airport would then build a connection? Or,  
20          are you not there yet?

21          MR. O'DONNELL: We are not there yet.

22          MR. GRASSO: Okay.

23          MR. LACIVITA: Tim or Paul, can I ask a question?  
24          John mentioned proper planning. Our initial contact  
25          when we first came about this was what we heard from DOT

1 saying that there was going to be a substantial right  
2 without access. So, we got everybody together in a room  
3 and discussed that and this was the component. Paul,  
4 you're trying to have this be just a two lot  
5 subdivision.

6 MR. GOLDMAN: That's what it is.

7 MR. LACIVITA: Understandable. But should the DOT  
8 act faster and place that right without access in it?  
9 There are some constraints that go on to the Engel  
10 Brothers as to what happens with that. There is going  
11 to be a sale. Is just a two lot subdivision diminishing  
12 the potential of what we have to do here?

13 MR. ALUND: I don't think that their plans have  
14 advanced. I met with them with another property owner  
15 and I don't want to mention that I represent and they  
16 have plans that have probably 50% plans, but I don't  
17 think that they are advanced as to whether it's without  
18 access or whatever kind of access they are going to  
19 leave the owner. Obviously, if you take without access,  
20 then generally your consequence of damages go up. So,  
21 it's more costly for the state to do that so they have  
22 to bribe you with access otherwise they diminish the  
23 value of the property.

24 Remember, any time you take property you're  
25 supposed to pay and what you pay for is the

1 difference of what the property was worth before and  
2 what it's worth after. If you take without access  
3 and leave with no access, your damages generally go  
4 up. That's why we're coming in with a two lot  
5 subdivision.

6 We are going to build -- Stewarts has  
7 contracted to build this road. I think that the  
8 access can be designed to accommodate that and it  
9 also accommodates in the future, potentially if they  
10 ever do this - actually build it and fund it - as  
11 Mr. Grasso said, they don't have the money for it  
12 yet. It would be a great thing. In the interim,  
13 you have to look at that if it does occur. This is  
14 the most valuable piece of property - undeveloped 30  
15 acres in the Town. To put a road across it and to  
16 slice it up so that it's undevelopable is bad  
17 planning. That's the point. They have their own  
18 access. They have a right in. They got what they  
19 need. That's the issue. If you condemn it and had  
20 to pay what the thing is worth, it would cost a  
21 whole lot of money.

22 The other part of this is that several years  
23 ago they came to us and said, we want to buy it.  
24 They didn't get their money. This piece should be  
25 for the benefit of the Town. The Town should

1 receive the full benefit of the tax base. To put a  
2 road across there and basically make it all tax  
3 exempt -- because the collateral consequences of the  
4 Town road, wherever you put it, limit the  
5 development potential for the entire property.

6 MR. GOLDMAN: Just to clarify a couple of comments,  
7 we did plan out a road coming into the property - Joe  
8 and I met with Ron Durante, who before, wasn't open to  
9 the idea of connecting Terminal Drive through his  
10 property to the Engel site. He is all in favor of that  
11 now. We never planned on a road connecting to the  
12 airport.

13 I met with Mr. O'Donnell and I met with Mr.  
14 Stuto a few months back and explained to them how we  
15 set up the selection of pricing on the property and  
16 how we would cut it up. They then hired an  
17 appraiser. Their appraisal firm called me and asked  
18 me for all the information on the offers that we had  
19 from outside developers. I shared that information.  
20 They did not finish their appraisals because they  
21 said that the rates were too high. Then there was  
22 some loose talk about condemnation. So, now at 2:00  
23 this afternoon I happen to see this and then the  
24 letter coming to you folks. So, in essence what  
25 they are saying is we don't want to pay you this and

1 we are going to come to you and have you do the  
2 taking of this property because we didn't want to  
3 pay fair market value. What that really does along  
4 Albany Shaker Road is that cuts off any development  
5 along that road - anything that could look nice  
6 outside of now car parking. What did we do? They're  
7 using you to take this property that they wouldn't  
8 pay for.

9 Just so you folks understand, I'm not the  
10 developer. Not at all. I am only representing the  
11 Engels to get this project moving to turn this into  
12 something viable for the Town of Colonie to realize  
13 a tax base and to do something better with the  
14 property. It definitely wasn't a parking lot. We  
15 own enough industrial land in the area to build a  
16 parking lot. The airport has enough room on  
17 Northway Lane and everywhere else to build parking  
18 lots. If you need more access, work with it, but  
19 why take their property? Because you don't want to  
20 pay for it. That's where we are at with that.

21 MR. LACIVITA: So, the next steps is that we will  
22 work with the applicant towards a subdivision process.

23 ACTING CHAIRMAN LANE: Do we have to make a  
24 determination on whether SEQRA is going to be unlisted?

25 MR. GRASSO: That will come later on in the

1 process.

2

3

4 (Whereas the above entitled proceeding was  
5 concluded at 9:25 p.m.)

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, 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

Dated September 20, 2015

