

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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ALBANY FIRE PROTECTION
401 EIGHTH AVENUE
SKETCH PLAN REVIEW

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
Public Hearing by NANCY L. STRANG, a Shorthand
7 Reporter, commencing on April 5, 2016 at 11:01 p.m. at
The Public Operations Center, 347 Old Niskayuna Road,
8 Latham, New York.

9

10 BOARD MEMBERS:
PETER STUTO, CHAIRMAN
11 LOU MION
BRIAN AUSTIN
12 SUSAN MILSTEIN
CRAIG SHAMLIAN

13

14 ALSO PRESENT:

15 Kathleen Marinelli, Esq. Counsel to the Planning Board

16 Joseph LaCivita, Director, Planning and Economic
Development

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18 Brad Grant, PE, Barton & Loguidice

19 Tom Andres, ABD Engineers

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1 CHAIRMAN STUTO: Next project is Albany Fire
2 Protection, 401 Eighth Avenue. This is a sketch plan
3 review. This is an 8,874 square foot
4 office/warehouse.

5 Does the department want to say anything about
6 this?

7 MR. LACIVITA: I know that we met with the
8 gentleman a couple of weeks ago at DCC. They are
9 bringing their business not too far away from
10 Watervliet into Colonie. We welcome them for that.
11 We did discuss the project during the DCC. I know
12 that there are a couple of things about possibly
13 shifting it.

14 Tom, I'll turn it over to you guys.

15 MR. ANDRES: I'm Tom Andres with ABD Engineers
16 on behalf of the owners, Scott Kelly and Tom Kelly,
17 Jr. If there are any questions for them, they are
18 here.

19 As Joe just said, this is Albany Fire
20 Protection. They are currently in the City of
21 Watervliet. They've been there about 30 years. They
22 have been leasing a building for all that time and
23 looking to construct a building on this site that has
24 actually been in the family from their grandfather.
25 So, there has been long-term ownership by them.

1 Actually, a number of years ago in 2008 or 2009 they
2 were looking at one point in other development but
3 decided to stay where they were.

4 CHAIRMAN STUTO: Is this on the border of
5 Watervliet or no?

6 MR. ANDRES: It is. Watervliet property
7 actually runs right down Eighth Avenue.

8 MR. LACIVITA: If you go down Lincoln Avenue
9 down by the Watervliet border, you take First all the
10 way down and take a left on Eighth and then you're
11 right there. So, it butts up behind the CSX lands and
12 Metro Mikes and in that area.

13 MR. ANDRES: The zone for the property itself
14 is an industrial zone. The adjoining property to the
15 north is actually single family residential. That was
16 actually changed a number of years ago back in 99 when
17 we did the site visitation to this. It was industrial
18 back in 2005 or 06. At one point in time, the Town
19 changed the industrial over to accommodate -- there is
20 a single family home that is next to us that is
21 actually a relative to the applicant. At some point
22 in time they will be looking to obtain that house but
23 for right now it does have a single family home
24 adjacent to it. For whatever reason, they rezoned it
25 and moved that zone line over. So, we do have a

1 similar situation as the last applicant. We don't
2 have the setbacks. We actually did until the zoning
3 was just amended the end of last year to put in the 50
4 or 100 feet from the single family residence back in.
5 That was something that was in many years ago. Our
6 building is only about 75 feet from the property line.
7 So, we'll need a variance for that. The parking is 25
8 feet.

9 So, they are proposing a building of a little
10 less than 9,000 square feet. It's a large enough
11 building that will allow Albany Fire to be able to
12 occupy a portion of it, but lease out some small area
13 in the front and that will allow them eventually over
14 time as they find a need to expand into that area.

15 They are a company that installs fire
16 protection systems in buildings. It used to be that
17 where they were before, they would get all the
18 materials and come to the location and bring it out.
19 Now the way that it works is that everything is
20 delivered directly to the job site. So, they don't
21 need the space. They might have a couple pieces
22 inside that they would need to store. But what they
23 do carry is the control valves and the electronic
24 items and that's what they keep in their warehouse.
25 It's something that they can buy in bulk to be able to

1 bring to the site -- the sprinkler heads themselves.
2 So, they have a very minimal use. They come in during
3 the morning and the guys are out all day. They come in
4 and there is no loading dock and just an overhead
5 door. They have four to five vehicles that they'll
6 have brought to the back and that's pretty much it.
7 There isn't a lot of activity. In looking at it, it
8 does fit in as well as it can with a single family
9 home next door.

10 There was discussion at the DCC meeting and it
11 was brought up during the department review to
12 potentially take the building and move it to the other
13 side so that the overhead doors face the south as
14 opposed to the north. We did look at that and the
15 issue that we have is that the building is large
16 enough that if we put it on the other side, it
17 actually stops you from being able to have access
18 around the other part of the site. I know that it's a
19 little hard to see, but the pink would be the building
20 shifted over to the other side holding the front yard
21 setback because I think that's going to be the
22 important issue for the residents across the street
23 even though they are in the City of Watervliet. It
24 ends up blocking that rear access and that rear access
25 does allow for circulation because Ninth Street is a

1 public road, so you'd be able to circulate through
2 minimal for the use of their regular trucks but
3 certainly a couple times a month they could get a
4 tractor trailer delivery in and that would eliminate
5 that circulation of that area.

6 The other issue that we had was while the
7 building isn't real large, it's still 25 feet high.
8 If you put it immediately adjacent to this single
9 family home, you're only looking at about 18 feet from
10 the home. The home is actually over the property
11 line. We're just not really comfortable with that.
12 There would be a short distance and you'd block all
13 the sun from that house completely because it's -

14 CHAIRMAN STUTO: Is that a related party that
15 owns that home?

16 MR. ANDRES: It is; yes.

17 CHAIRMAN STUTO: What about the other home that
18 is close by?

19 MR. ANDRES: There isn't any other homes in
20 this area close by.

21 CHAIRMAN STUTO: To the lower right, let's say.
22 It says lands of 419 Eighth Avenue on the sketch that
23 I have.

24 MR. SCOTT KELLY: My Aunt Marion owns it and
25 rents it out.

1 CHAIRMAN STUTO: She doesn't live there.

2 MR. SCOTT KELLY: No.

3 MR. MION: How close will those streets be to
4 that small house - the one that you were just
5 referring to?

6 MR. ANDRES: This is the house that sits
7 further back. We would look have to keep them away
8 from the house enough. We would be looking to create
9 an easement for the house that site onto the property
10 and also an easement for them to access across the
11 property to maintain that or if they had to put a
12 lateral for whatever reason, they could do that. So,
13 it would keep the trees far enough away and it would
14 sort of jog around to keep it along the property line
15 to create that barrier, again -- obviously the higher
16 the trees become, the less lighting comes in. So,
17 they'll be placement based upon since it is a relative
18 to come up with something that she feels comfortable.

19 MR. MION: I know that in talking with her she
20 was a little bit concerned about how close you were
21 going to get.

22 CHAIRMAN STUTO: What is the property on the
23 other side - the first single family? I have an
24 aerial here and I'm trying to figure out --the first
25 single family house that you talked about.

1 MR. ANDRES: We originally put All Stuff
2 Studios in there. He was an artist that did metal
3 work in there.

4 CHAIRMAN STUTO: So, you own that building as
5 well?

6 MR. ANDRES: No, we don't. I'm saying that ABD
7 Engineers went through the approval process for that.
8 It's an industrial use. It then went to an
9 environmental company.

10 CHAIRMAN STUTO: So, it's an industrial use.
11 That's what I was trying to figure out.

12 MR. LACIVITA: That whole area back there is
13 industrial, Peter. That used to be an ice company way
14 back.

15 CHAIRMAN STUTO: Yes, but it's a mix of
16 residential. That's what I'm trying to figure out.

17 MR. LACIVITA: But it's historic, I guess;
18 industrial and residential.

19 CHAIRMAN STUTO: It's right where residential
20 meets industrial.

21 MR. MION: I think that the whole family owned
22 that area at one time.

23 MR. SCOTT KELLY: Actually, the ice business
24 was my grandfather's business.

25 MR. ANDRES: I know that it's a little hard to

1 see but the green is -- there is where the industrial
2 was before. The buildings that you were talking about
3 before were all in the industrial zone. They've
4 actually been changed so even though they're
5 industrial use, they're in a single family residential
6 zone now.

7 MR. LACIVITA: So we made that one building
8 non-conforming?

9 MR. ANDRES: Yes, you made two buildings
10 non-conforming.

11 CHAIRMAN STUTO: What's the building that's
12 kitty-corner that you can't see from there? That
13 would be southeast. It looks like an industrial type
14 building.

15 MR. ANDRES: I know that there is some
16 residential.

17 MR. SCOTT KELLY: That's the old Schontz's.

18 CHAIRMAN STUTO: I know where that is. I used
19 to go there.

20 MS. MILSTEIN: I have a question. What kind of
21 trucks are going to be going in there? What kind of
22 trucks are you talking about?

23 MR. ANDRES: There is just a large van size
24 truck. The box van that you would see for a plumber
25 or something like that -

1 CHAIRMAN STUTO: Does Eighth Avenue go all the
2 way through? It looks overgrown on this ariel.

3 MR. ANDRES: Eighth goes all the way through,
4 yes. Ninth ends at the property.

5 MR. SHAMLIAN: You mentioned that a couple of
6 times a month you're going to have tractor trailers
7 come in. Looking at these turns on the property and
8 the streets, they don't look sufficient to allow
9 traffic to make those turns.

10 MR. ANDRES: Actually we ran the radius through
11 and they do work. The Ninth Avenue does have tractor
12 trailers sitting out there for whatever reason. There
13 are a couple of tenants further down.

14 CHAIRMAN STUTO: So, what are the variances
15 that you are going to seek?

16 MR. ANDRES: The variances are for the setback
17 from the single family residential zones. We have a
18 75-foot setback and you need 100 feet.

19 CHAIRMAN STUTO: Show me where that dimension
20 is. Can you point to it?

21 MR. ANDRES: Sure. Seventy five goes from here
22 to there (Indicating). So, 100 would have to be over
23 here. We have a 25-foot which was the regulation
24 until November or December of last year. I believe
25 that it's a 50-foot. I think that by effectively

1 taking those two, there is no buildable area on the
2 lot.

3 CHAIRMAN STUTO: Can you explain to me again?

4 MR. ANDRES: There is 50 foot for the parking.
5 That would run in the middle and we only have a 25
6 foot buffer there.

7 CHAIRMAN STUTO: That's up to the ZBA, right?

8 MR. ANDRES: That will be up to the ZBA.

9 MR. LACIVITA: Peter, here is the mapping from
10 the DCC so you can see it there (Indicating).

11 CHAIRMAN STUTO: When it comes back do we
12 notify the residents that are in Watervliet?

13 MR. LACIVITA: We do a courtesy submission to
14 the City.

15 CHAIRMAN STUTO: Not to the residents.

16 MR. LACIVITA: That, I believe, is the City of
17 Watervliet and I can confirm that, but I know that we
18 do a courtesy review so that they can put it out to
19 their -- I know that the place will get placarded but
20 I'll look at that law through the -

21 CHAIRMAN STUTO: I'd be interested to see what
22 the neighbors have to say.

23 MR. ANDRES: For the 500 foot notice we've
24 always does a radius around it and if it goes into
25 another municipality, then so be it.

1 MR. GRANT: Plus they need city utilities.

2 MR. ANDRES: Right. We have water and sewer
3 available. We have water from Latham Water on one side
4 and City of Watervliet on the other, but we will be
5 able to tie into Latham Water. The sewer starts here
6 and goes north.

7 CHAIRMAN STUTO: Have you talked to them?

8 MR. ANDRES: We have not had an initial
9 conversation at the DCC meeting. Pure Waters was
10 going to speak to the city for the sewer and Latham
11 Water - John Frazer was fine. There is a double line
12 on that road.

13 MR. LACIVITA: Through our submission to the
14 City we're going to have a combined review from our
15 Town departments and addressing their concerns so that
16 the City can pick up on them.

17 MR. GRANT: I have one question here. We
18 talked about the 100 foot setback from the residents.
19 I'm looking at this parking lot and wondering why so
20 many spaces? It's a warehouse.

21 MR. ANDRES: When you run the numbers, it
22 comes out to 20 spaces.

23 MR. GRANT: So, it's about the square footage?

24 MR. ANDRES: Yes, because you have a certain
25 amount of office and then we don't have that many

1 employees.

2 MR. SHAMLIAN: How many do you actually think
3 that you're going to need?

4 MR. SCOTT KELLY: Most of the employees are
5 field employees and they'll be stopping in the morning
6 and then they'll be gone.

7 CHAIRMAN STUTO: So, do you need all those
8 spaces or no?

9 MR. ANDRES: There are a couple of tenants that
10 take up those spaces - not all.

11 MS. MILSTEIN: Do you want to bank some?

12 MR. ANDRES: I think that in this instance, we
13 can look at it, but I think that because there is the
14 potential right now for leasing out over some of the
15 area, if there is a tenant that ends up with a demand
16 for three or four people, I think that we are going to
17 be comfortable but we're not going to have extra
18 spaces.

19 MR. GRANT: What kind of outside storage
20 materials, fluids -

21 MR. ANDRES: There isn't. Everyone use to take
22 all the pipe and everything out. Now, everything just
23 goes right to the job site. It's not that it's
24 unsafe, but it's keeping expensive product outside and
25 you really can't. It just all goes right to the job

1 site and they just keep all their smaller stuff -- if
2 someone calls -- we were sitting outside and someone
3 called about a sprinkler problem tonight. They have
4 the heads to be able to go out and fix them.

5 MS. MILSTEIN: Do you know what other type of
6 business might be there?

7 MR. ANDRES: We don't, but we know that it will
8 fit with the same type of thing. A lot of times you
9 get something small that would be similar. They would
10 only be very small areas though. You're only going to
11 have two or three employees in some area.

12 CHAIRMAN STUTO: Any other comments?

13 (There was no response.)

14 It's where residential touches industrial and I
15 know the area now. I'd like to make it fit. You
16 obviously have to convince the ZBA but I'd be
17 interested to see what the neighbors have to say in
18 that regard. New construction is always nice. It's
19 not highly intensive.

20 MR. ANDRES: And we're looking to do a nice
21 masonry on the lower end and obviously some nice
22 landscaping.

23 CHAIRMAN STUTO: Thank you.

24 MR. ANDRES: Thank you.

25 (Whereas the above entitled proceeding was

1 concluded at 11:20 p.m.)

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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 _____

