

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 OFFICE RETAIL SPACE  
1209 TROY SCHENECTADY ROAD  
5 SKETCH PLAN REVIEW

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6 THE STENOGRAPHIC MINUTES of the above entitled  
7 matter by NANCY L. STRANG, a Shorthand Reporter,  
8 commencing on June 21, 2016 at 7:46 p.m. at The Public  
Operations Center, 347 Old Niskayuna Road, Latham, New  
York.

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10 BOARD MEMBERS:  
11 PETER STUTO, CHAIRMAN  
12 LOU MION  
13 KATHLEEN DALTON  
14 TIMOTHY LANE  
15 BRIAN AUSTIN  
16 SUSAN MILSTEIN  
17 CRAIG SHAMLIAN

18 ALSO PRESENT:

19 Kathleen Marinelli, Esq. Counsel to the Planning Board  
20 Michael Tengeler, Planning and Economic Development  
21 Department  
22 Joseph LaCivita, Director, Planning and Economic  
23 Development  
24 Daniel Hershberg, PE, Hershberg & Hershberg  
25 Chuck Voss, PE, Barton & Loguidice

1                   CHAIRMAN STUTO: Next on the agenda is Office  
2 Retail Space, 1209 Troy Schenectady Road, sketch plan  
3 review, 18,000 square foot, three-story office retail  
4 building.

5                   MR. LACIVITA: As typical at this point in time  
6 in a project, Peter, this was in front of the DCC on  
7 May 11th of 2016. Tonight we have Dan Hershberg here  
8 to talk about the project that is being developed by  
9 Mr. Leece. Mr. Leece is also here to talk and answer  
10 any questions.

11                   Dan, if you want to present your sketch plan  
12 review?

13                   MR. HERSHBERG: My name is Daniel Hershberg of  
14 Hershberg and Hershberg. With me is Lou Leece, the  
15 applicant.

16                   This is an 18,000 square foot building, 6,000  
17 times three floors.

18                   The location is impacted because there is an  
19 existing easement across this property for a driveway  
20 connecting between the Rite Aid parcel and the parcel  
21 to the east of us. That has never been implemented,  
22 but it's still an easement. So, in order to honor  
23 that, we have kept the building back.

24                   When we made the DCC presentation, we had more  
25 parking spaces. We took a look at it. We actually

1 want to cut the parking further by the time we get to  
2 concept. The number of parking is really triggered by  
3 the tenants and one tenant is Lou Leece himself and  
4 his law office on the first floor.

5 The second and third floor are financial  
6 services that will rent that from Lou - as the  
7 proposed tenant. The balance of the first floor with  
8 a balance of 2,500 square feet will be for retail use.

9 We have honored restrictions. We have no  
10 parking in front of the building. All the parking is  
11 to the rear and the side. As a matter of fact, very  
12 little to the side.

13 The frontage - we are showing a fence and some  
14 planting. We kept that planting back an additional 10  
15 feet so that we could grant an easement to the Latham  
16 Water District along the frontage. The watermain is  
17 in the Troy Schenectady Road right of way, but it's  
18 very close to the property line and Mr. Frazer  
19 mentioned at the DCC meeting that they prefer that we  
20 grant them an easement and we have no problem with  
21 that. That will mean, essentially, we want to keep  
22 the fence and the plantings off that easement so that  
23 will move the fence and planting back a little bit  
24 from the property line. We are willing to put in that  
25 fence to make that continual look that is requested in

1 the zoning.

2 We have enough islands so we do not need a  
3 variance for the islands. This is somewhat triggered  
4 by our desire to maintain a number of existing trees  
5 on the site. These trees here (Indicating) we can  
6 preserve.

7 We intend to use porous pavement. There have  
8 been some holes drilled - not for the infiltration  
9 basins but looking for environmental pollution. They  
10 all came out clear, but they showed essentially that  
11 the upper 10 feet of the property had Colonie sand as  
12 the base soil. The water table was down deep enough  
13 so that it wouldn't interfere with our use of either  
14 porous pavement or an infiltration basin which will  
15 probably handle the roof. We haven't determined  
16 whether or not. Another way to handle the roof would  
17 be a subsurface recharge basin on the pavement. We  
18 have enough space on it and we'd probably pipe it over  
19 and put in a surface infiltration basin.

20 A portion of this is actually in the Town of  
21 Niskayuna - that triangle portion in the back  
22 (Indicating). This is right on the county line. We  
23 didn't count the Town of Niskayuna in our figures.  
24 Our usage figures only count that for the portion  
25 within the Town.

1                   The one issue that was raised by a New York  
2                   State DOT comment was we'd like a right hand in only.  
3                   The reason for that is: With a retail use here, it  
4                   would be very difficult for us to direct somebody into  
5                   our site for the retail piece. Everybody can leave by  
6                   the rear. We don't have a problem with that. Some of  
7                   the people can arrive by the rear - people that are  
8                   used to coming to the office. We feel that  
9                   essentially that the right hand turn only would work  
10                  here. The width of the driveway cut is actually wider  
11                  than we proposed to maintain. The existing house here  
12                  with the very wide driveway entrance - we've actually  
13                  cut it down. As a matter of fact, the geometry of  
14                  this side (Indicating) could be changed even more to  
15                  make it a little more narrower in our final concept  
16                  design. Essentially, we think that this plan makes  
17                  good use of the site and conforms with the standard -

18                  CHAIRMAN STUTO: Dan, on that point of access  
19                  -- I see that it's in the DCC notes. They talk about  
20                  shared access with the Rite Aid - they are suggesting  
21                  that be a good idea.

22                  MR. HERSHBERG: Again, it was suggested but our  
23                  concern is that not having an identity site for this  
24                  (Indicating), also if we came in here and this  
25                  ingress/egress easement was operable, we could get

1           there. How do we direct people to that retail use?  
2           We would have to be coming in a different driveway or  
3           past our driveway. We firmly believe that right-in  
4           only, especially with the geometry here - would not  
5           conflict with any traffic movements; no right-out,  
6           just right-in. We think that it's a minimal request  
7           and we think that we can even modify this curb cut a  
8           little bit narrower. Again, we think that to have some  
9           sort of signage here to direct people to a retail use  
10          on our site would make that retail use much more  
11          leasable. Having them come this way (Indicating) and  
12          come down into the site - we don't think is as  
13          attractive an egress to the site.

14                    Of all the issues that were raised, I think  
15                    that those were the only major issues.

16                    The ingress and egress for fire protection  
17                    would be three sides. The handicapped parking is the  
18                    closest parking here (Indicating). We would have side  
19                    walk going around, a bike rack and a bench as  
20                    required.

21                    I think that essentially we have gone a long  
22                    way to be certain that we comply as close as we could  
23                    with the standards.

24                    I am prepared to answer any questions the Board  
25                    may have.

1                   CHAIRMAN STUTO: Are there any waivers being  
2 requested?

3                   MR. HERSHBERG: No.

4                   MS. DALTON: The side of the building that  
5 faces Troy Schenectady Road - I see that there is no  
6 parking there. Are you planning on putting a real  
7 front door there or a faux front door?

8                   MR. HERSHBERG: This will be a real front door  
9 because essentially the 2,500 square feet will  
10 probably be apportioned. There will be an alternate  
11 entrance from the rear. The rear entrance of the  
12 building - it's more convenient to park and it becomes  
13 more useful, but there will be a real entrance there.  
14 We are encouraging pedestrians or people using public  
15 transportation to come into the building too.

16                   MS. DALTON: Do you have an idea of what the  
17 retail space will be?

18                   MR. HERSHBERG: There is no tenant at this  
19 point.

20                   CHAIRMAN STUTO: So, 6,000 will be retail?

21                   MR. HERSHBERG: No, 2,500 is retail and 3,500  
22 is Lou Leece's first floor legal office. There are  
23 two office above. There is no drive-thru needed.

24                   MR. LEECE: There will be one tenant use for  
25 the second floor.

1                   CHAIRMAN STUTO: You have a tenant lined up for  
2 that?

3                   MR. LEECE: Yes.

4                   MR. MION: Can you explain why you prefer  
5 having your own entrance there? Did you look at the  
6 possibility of going into the Rite Aid and come up  
7 with some type of signage?

8                   MR. HERSHBERG: We'll look at it again, but I  
9 think that it would really require that we have  
10 significant signage right by the Rite Aid sign  
11 directing people to us and our goal is to have a much  
12 less obtrusive sign with our driveway to direct people  
13 where they're going. We can certainly take another  
14 look at it before concept. Again, we think that it's a  
15 difficult sell for the retail use.

16                   MR. MION: When I was out there, I think that  
17 you could do it if you lost four spaces, at least.

18                   MR. HERSHBERG: Actually, the question is:  
19 Where are they entering? They're entering the side of  
20 the building. There is no facade to go to. It reads  
21 much more user-friendly to have our own right-in  
22 entrance. We originally thought about doing right-in  
23 and right-out. Right-out doesn't work because it's  
24 too close to the Rite Aid driveway. Normally, a  
25 right-in is a fairly unobtrusive movement because



1           there is no conflicting movement. You don't conflict  
2           with any other cars. We can certainly talk about it  
3           before we come back with concept, but I think  
4           essentially, we are pretty set on being able to  
5           maintain that to the maximum extent possible.

6                     CHAIRMAN STUTO: Okay, we have a Town  
7           Designated Engineer.

8                     Chuck, do you have any comments on this?

9                     MR. VOSS: Typically at sketch level we don't  
10          get into any formal comments but just because the  
11          applicant has some advanced plans, we did look at this  
12          through DCC and I think that the access issue  
13          certainly came into play then. I would have to  
14          concur. I believe that just in preliminarily looking  
15          at this, we haven't seen any traffic information yet.  
16          The right-in seems reasonable, as long as it's not a  
17          right-in or right-out, which could potentially cause  
18          conflicts outbound onto 7.

19                    You've provided a nice flow through the site.  
20          I've been in the site and I've sat on the access road  
21          in the back. It's a very amenable way to get in and  
22          out of the back end of all of these commercial sites.  
23          I'm comfortable with that, as proposed.

24                    I also like the idea -- Dan, if you could try  
25          to preserve some of those larger mature trees in the

1 back -

2 MR. HERSHBERG: Actually, we set some of these  
3 islands to assist in that. Again, when we get to the  
4 final analysis, there are some decent size trees --  
5 you have a 24 and 36-inch tree here that we're saving.  
6 There are a few that we do have to take down, but  
7 we've laid out this green area here. All these are  
8 trees in this area here (Indicating) that can be  
9 preserved. We are cognizant of the need to look at  
10 trees.

11 MS. DALTON: Thank you for that.

12 MR. VOSS: It's an old homestead site that's  
13 been there for a long time and those trees are very  
14 mature. They are relatively formal trees that can be  
15 kept that would really enhance the site. I think that  
16 you've done a nice job so far.

17 In terms of the proposed layout, the building  
18 is consistent with what we see out there now with the  
19 other commercial buildings. Granted, most of the  
20 Board knows that this area of Troy Schenectady Road  
21 has changed significantly in the last 10 years. When  
22 I was a kid I lived not too far from here and there was  
23 nothing up there.

24 Anyway, the redevelopment site as proposed,  
25 looks like a good fit. We hope to kind of see some

1 more information about your pavement designs and your  
2 SWPPP designs. I think that if you can avoid the  
3 basin down the road, that would be better for that  
4 site. We'll see how that works out.

5 MR. HERSHBERG: Again, we're not objecting to  
6 it. I think that the soil there, by my experience  
7 will probably be 20 to 30 minutes per hour worth of  
8 infiltration. We normally design these things at five  
9 inches per hour, no matter how fast it goes on the  
10 theory that it might deteriorate over time because it  
11 will allow latitude. At five inches per hour the size  
12 of that subsurface detention basin will be about 2,000  
13 or 3,000 feet with 100 round area - a significant area  
14 with HDP perforated pipes and stone around it. It may  
15 not be the end of the world to show that as opposed to  
16 the surface one. We'll work it out and see how Lou is  
17 comfortable with regard to the financial implications  
18 of it.

19 CHAIRMAN STUTO: What's the building going to  
20 look like? Do we know yet?

21 MR. HERSHBERG: Greg Seleman's firm has been  
22 retained to do the design, so we will have a nice  
23 facade.

24 This was just for size. We didn't show any  
25 variation in the facade. The final building will have

1           some of that in it and have shadow angles and things  
2           like that. This is just the size of the building so  
3           that we know how big the footprint will allow.

4                   CHAIRMAN STUTO: Any other questions?

5                   (There was no response.)

6                   Okay, thank you.

7                   MR. HERSHBERG: Thank you.

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9                   (Whereas the above entitled proceeding was  
10           concluded at 7:54 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 \_\_\_\_\_

