

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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VALENTE MIXED USE

175 TROY SCHENECTADY ROAD

APPLICATION FOR CONCEPT ACCEPTANCE

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6 THE STENOGRAPHIC MINUTES of the above entitled
7 Public Hearing by NANCY L. STRANG, a Shorthand
8 Reporter, commencing on July 26, 2016 at 8:06 p.m. at
The Public Operations Center, 347 Old Niskayuna Road,
Latham, New York.

9

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

14

15 ALSO PRESENT:

16

17 Kathleen Marinelli, Esq. Counsel to the Planning Board
18 Joseph LaCivita, Planning and Economic Development
19 Department
20 Michael Tengeler, Planning and Economic Development
21 Department
22 Nick Costa, PE, Advance Engineering
23 Brad Grant, PE, Barton and Loguidice

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1 CHAIRMAN STUTO: Next is Valente Mixed Use, 175
2 Troy Schenectady Road, application for concept
3 acceptance, Two-story 18,855 square feet office/retail
4 and six apartment units.

5 Joe, do you have any opening remarks on this?

6 MR. LACIVITA: I think that we'll just turn it
7 over to Nick.

8 MR. COSTA: My name is Nick Costa and I'll be
9 presenting here tonight for 175 Troy Schenectady Road.
10 This is a vacant parcel adjacent to the New Comer
11 Funeral Home that's being constructed currently. It
12 has an empty vacant building that used to be used as a
13 carwash on the east side. There is a lot of
14 construction that's going on along this corridor.

15 This site is 1.4 acres in size. It was
16 formerly approved to be developed as a one-story
17 retail building. That approval expired and my client
18 has purchased the parcel and we'd like to develop it
19 with a two-story mixed use building that's located in
20 the COR zoning district. The proposed use is allowed.

21 The site has access onto Route 2. It has
22 frontage along Route 2 and the proposal is to have an
23 access drive from Route 2 and then into the parking
24 access road to gain access to the parking.

25 The first floor would be utilized for retail

1 and offices and the second floor would be apartments.
2 There would be an apartment on the first floor to meet
3 the ADA requirements.

4 The main changes to the site with this plan is
5 that previously the site had a drive-thru. The
6 building was set back a little further and had a
7 drive-thru that went around the building. That's been
8 eliminated. The site does have access to municipal
9 water, sewer and stormwater would be contained on site
10 in accordance with the New York State DEC stormwater
11 regulations. The site does have an active permit with
12 DEC. Back when the site was previously approved, the
13 stormwater permit was filed and it's been renewed
14 annually by the previous owner of the parcel, Dennis
15 Deeb.

16 The site has about 40% greenspace. There is
17 much more than the 35% that is required.

18 Like I said before, there is construction of
19 the New Comer Funeral Home here (Indicating). There
20 will be, in the future, a driveway that will be
21 constructed that will serve 179, the parcel in the
22 rear. That is the parcel that about 10 years ago
23 there was a proposal to build some condominiums back
24 there. That access road would provide a connection to
25 the parcel to the rear and it would loop around and

1 come out onto Swatling Road. That proposal obviously
2 is not in front of the Board any longer but there will
3 be a Town road -- at least that was the proposal -- at
4 the time that is developed.

5 CHAIRMAN STUTO: The funeral home is using that
6 map and we'll be using that under the current
7 proposal, if I'm remembering right.

8 MR. COSTA: I believe that there is an
9 agreement between the funeral home and the realty
10 company that owns it. We don't have any rights
11 currently to that or anything that gives us rights to
12 connect to that. The applicant doesn't have an issue
13 with connecting to it. We just have to find a method
14 to be able to do that.

15 CHAIRMAN STUTO: Did you talk to them?

16 MR. COSTA: I haven't, but I think that he has.
17 I believe that he has approached him.

18 CHAIRMAN STUTO: Is there something in the
19 works?

20 MR. COSTA: There are discussions.

21 MR. LACIVITA: Ronny did say that he was trying
22 to connect.

23 CHAIRMAN STUTO: That might change then.

24 MR. COSTA: Yes, if there is an agreement, we
25 have made a provision to connect to that future drive

1 on a temporary basis - an easement.

2 CHAIRMAN STUTO: Can you talk about how that
3 will change the flow of traffic? You currently have
4 just one curb cut, right?

5 MR. COSTA: That's correct.

6 CHAIRMAN STUTO: And what will that connection
7 give cause to happen?

8 MR. COSTA: This would become limited entrance
9 and exit and then a full-functioning driveway would -

10 CHAIRMAN STUTO: Okay, that sounds great.

11 MR. COSTA: Like I said, we're working on that.
12 Hopefully, there will be an agreement in place.

13 The building, as you can see, there is a mix of
14 materials being proposed. I think that there are some
15 floor plans too. The apartments are large.

16 CHAIRMAN STUTO: Any studios in there?

17 MR. COSTA: No, there are no studios.

18 MS. MILSTEIN: How many bedrooms?

19 MR. COSTA: I believe that they're all
20 two-bedrooms. They are quite large. The only
21 occupant that is known at the time is RJ Valente.
22 They would move their offices here. They would occupy
23 the rear portion of it and then the front portion
24 would be left for retail space. At this time, that is
25 speculative.

1 MR. SHAMLIAN: What's the total square footage
2 of the building?

3 MR. COSTA: In total with both floors, I think
4 that it's 18,000.

5 CHAIRMAN STUTO: It says 18,855. That's what it
6 says on our agenda.

7 MR. COSTA: The footprint is 9,300.

8 MR. SHAMLIAN: How much of that is residential?

9 MR. COSTA: The entire second floor and 160
10 square feet on the first floor. That's the ADA
11 compliant apartment.

12 CHAIRMAN STUTO: Any comments?

13 MR. SHAMLIAN: I know that to some extent that
14 we have to allow it, but I don't like these uses. I
15 think that long-term, I don't think that it's very
16 good.

17 CHAIRMAN STUTO: I don't want to speak for
18 Craig, but I voiced objections about the mix of
19 commercial office with apartments on top when there
20 are no amenities for the people, if they have kids.
21 Are there amenities for the residents?

22 MR. COSTA: We've added some area. We've
23 turned that into a greenspace and we have a gazebo
24 back there and tables.

25 MR. SHAMLIAN: When the car wash gets

1 developed, it's another commercial property behind it
2 and those amenities don't mean a whole heck of a lot
3 and there are two-bedrooms. There are going to be
4 kids here.

5 MR. LACIVITA: I know that the applicant tried
6 to acquire the former carwash. They talked to him
7 about it and he wanted to shift the building. The
8 unfortunate thing is that \$485,000.00 is owed in back
9 taxes for that parcel. I don't think that you're
10 going to see that go away any time soon but I know
11 that the applicant is very interested in acquiring
12 that.

13 CHAIRMAN STUTO: Don't they go to auction by
14 that point?

15 MR. COSTA: Eventually, yes.

16 MR. LACIVITA: We'll have to wait and see what
17 the county does on it.

18 MR. SHAMLIAN: So, you have an abandoned car
19 wash. You're still not in the greatest situation.

20 MS. MILSTEIN: What are the proposed rents?

21 MR. COSTA: I don't think those have been
22 developed but I would say in the upper \$1,800's plus.

23 CHAIRMAN STUTO: Do you know what the interior
24 finishes are going to be?

25 MR. COSTA: They are going to be luxury type

1 finishes. This is not something that Rodney is
2 looking to rent out to -- he's looking for high-end
3 users.

4 MR. LACIVITA: He's been successful in his one
5 over in the Brunswick area as well. He wanted to
6 bring that same quality here to it. Also, he is going
7 to be here during the day, just like Mr. Marini is on
8 his site. He'll be here occupying his headquarters.
9 I think that you'll see a different level of
10 undertaking.

11 CHAIRMAN STUTO: The question is long-term
12 liability. That's really the question.

13 MR. LACIVITA: I think that when you find that
14 realm of being an apartment landlord, depends on how
15 you treat your tenants and how long they stay. I
16 don't typically see the turnover in the apartments
17 that I have because it's how you treat your tenants.
18 I think that Rodney is that type of a person as well.
19 So, your viability, I think, is -

20 CHAIRMAN STUTO: He might not be the owner
21 forever.

22 MR. LACIVITA: I understand about ownership but
23 I understand that you guys have a fundamental problem
24 with the whole idea of COR and mixed uses and so on.
25 I don't think that you're going to find developers

1 willing to spend that level of money to do these type
2 of things with the idea that this is going to be
3 flip-flopped and not viable.

4 MR. COSTA: He would like to put his offices
5 here, long-term. He's making the move from Halfmoon
6 to this location. He selected this location because
7 it's close by to where he lives.

8 MR. LACIVITA: He's a Colonie resident.

9 MR. COSTA: He's given this a lot of analysis
10 and time to make that decision.

11 CHAIRMAN STUTO: Maybe there are some
12 differences of opinion.

13 MS. MILSTEIN: The one in Brunswick - is that
14 also a COR?

15 MR. COSTA: The zoning there is a little bit
16 different than Colonie.

17 MS. MILSTEIN: If you are comparing, what are
18 you comparing to - that he has at this point?

19 MR. COSTA: It's an apartment complex. It's
20 along a major route.

21 MS. MILSTEIN: Are they all apartments or is
22 there retail on the bottom and apartments on top?

23 MR. LACIVITA: I think that he's spattered
24 around retail.

25 MR. COSTA: Yes.

1 MS. MILSTEIN: Do you know the address?

2 MR. COSTA: I can find that out.

3 CHAIRMAN STUTO: We have a Town Designated
4 Engineer, Barton and Loguidice. Brad Grant is here
5 representing them.

6 Brad, you have looked at this project. Can you
7 give us your comments?

8 MR. GRANT: Yes, we have done a review and the
9 main issue was the ingress/egress out of the road.
10 DOT at the DCC level looked at this and the additional
11 curb cut near where it's shown was amenable to them.
12 They since have become privy to the Town's comments
13 and our comments. They are interested in perhaps
14 access to the existing road there. This is the first
15 time that I've heard tonight that they didn't have the
16 access rights. As Nick had said, if something happens
17 in the back portion or whoever ultimately develops
18 that property, there is the opportunity that would
19 become a Town road and you could do away with the curb
20 cut out onto the state highway.

21 MR. SHAMLIAN: Does the funeral home have
22 deeded rights to that road, or were they able to
23 obtain it?

24 MR. COSTA: I think that they were able to
25 obtain it because they purchased the parcel from the

1 realty company.

2 CHAIRMAN STUTO: So, it was part of the overall
3 acquisition.

4 MR. COSTA: Yes, and this was too (Indicating).
5 Since that, like I said, Dennis Deeb had purchased it.
6 Once he purchased it, he didn't have anything in his
7 agreement.

8 MR. LACIVITA: I'll pull the file from Dennis'
9 because I think that we've talked about that in the
10 past on this site too. Everything was coming out to
11 that road and now it's going to be built.

12 CHAIRMAN STUTO: There is currently an approved
13 plan on that.

14 MR. LACIVITA: Actually, the approval sunsetted
15 because he never went forward. The only thing that he
16 kept in was the stormwater permit that he kept active.

17 MR. COSTA: There were actually two driveways.
18 There was a driveway here and one here (Indicating).

19 MR. LACIVITA: Yes, because the circulation had
20 a drive-thru and everything else around it. I'll pull
21 that for the next meeting.

22 MR. COSTA: At this time, we can't show that
23 connection physically.

24 CHAIRMAN STUTO: Can they show reserving it?

25 MR. COSTA: Yes, we have done that. We've

1 shown a future connection.

2 CHAIRMAN STUTO: Do you have more comments?

3 MR. GRANT: Just picking up where you were
4 talking about the midst of residential and commercial
5 here - we do see those once in awhile. Not so much in
6 Colonie. Rodney's office would generally close in the
7 afternoon and not be a considerable noise maker
8 underneath an apartment. Maybe that's where to put
9 the one-bedroom or two-bedroom first floor apartment
10 next to that.

11 The retail space - retail can be almost
12 anything. The hours of operation and the noise levels
13 that it might create are wide. Living above that in
14 an upscale situation may or may not be sustainable. I
15 don't know. He doesn't have any tenants in mind, at
16 this point?

17 MR. COSTA: He's hoping that some of the
18 employees that he has may want to live here. If this
19 gets developed in the future - originally the proposal
20 was condominiums, so you would have some additional
21 residential development next to it.

22 MR. GRANT: We authored our comment letter
23 dated July 14th. It has many of the typical comments
24 in there - statements of what has been proposed.

25 The utilities are fairly straight forward.

1 They exist in the neighborhood for water and sanitary
2 sewer. This is in what we call the dry creek water
3 shed. This is tributary to the dry river dam at the
4 end of Eastern and ultimately goes through the City of
5 Watervliet system.

6 CHAIRMAN STUTO: During storms, does it fill?

7 MR. GRANT: Yes. It's epic.

8 CHAIRMAN STUTO: And then it turns dry?

9 MR. GRANT: It does. It's a dry river today;
10 we can say that. It's not always going to stay that
11 way. We'll see about tomorrow, but there is a
12 credible amount of water that is detained by that.

13 CHAIRMAN STUTO: And it's a big ravine as you
14 get closer to Watervliet, right? I've heard it
15 described.

16 MR. GRANT: It's been bailed out a few times
17 but that was something that was built in 1911. It's
18 somewhat foreseen development that was going to happen
19 upstream. They were pretty clairvoyant back then.
20 It's an important piece of infrastructure.
21 Essentially you'd be looking at something under the
22 old permit because it had formal approval and that MS4
23 acknowledgement form in 2010 or 2011 under the old
24 permit so there is not a lot of green infrastructure.
25 We would be looking for any practices that you can do,

1 even on a small scale that perhaps there is an
2 extended amenity. It's nice to see that the pavement
3 that would be the east side is now green, but
4 particularly the comments - water amenities for kids
5 -- could there be some playground equipment and
6 perhaps more towards Rodney's back end of the
7 building than the retail up front where we're trying
8 to send a different message.

9 MR. COSTA: Yes, there is room there.

10 MR. GRANT: When he's 16 years old, he's going
11 to take his dirt bike all through the trails, but
12 before that we wanted to be on a swing.

13 MR. COSTA: That can be added, too.

14 MR. GRANT: I like the pavilion and the
15 barbeque areas. Perhaps put some roof drainage over
16 there and some rain gardens and some amenities is a
17 possibility.

18 MR. COSTA: We can do that. Like I said, the
19 plan already has an open SPEDES permit. We didn't
20 really spend a lot of time with the stormwater but we
21 can take some of those comments that Brad has and
22 incorporate them into the plan.

23 MR. GRANT: That's pretty much what I have,
24 Peter. I think that the fact that DOT has had a jump
25 onto perhaps access to the side road there - if it's

1 required, we would recommend a meeting with Kevin
2 Novak or whomever is taking over and just hash that
3 out with them one way or another. Essentially, the
4 entrance moved a little. They have moved the building
5 up, taking some of the pavement out of the front,
6 along the east side so that it is a little closer
7 towards the funeral home, which is very intermittent
8 as to when you'll see traffic there.

9 MR. COSTA: Right, and we moved the building
10 forward because that's more in-line with the design
11 standards. That was one of the comments. The reason
12 why they didn't have that before was because it was a
13 driveway.

14 MR. GRANT: Nick, do you have any waivers on
15 this project?

16 MR. COSTA: We would have if the plan had
17 stayed before the DCC where we had parking in the
18 front in the building setback. I think that Mike was
19 happy with the changes.

20 CHAIRMAN STUTO: Lou, do you have a question?

21 MR. MION: I do have a question. Between the
22 carwash and where you are -- can you put up a fence or
23 something?

24 MR. COSTA: Yes. We would try to even do a
25 berm with a fence to provide screening, especially

1 with the current situation. If that goes away,
2 obviously and Rodney buys that parcel, that would be
3 different. For this proposal, there would be some
4 kind of fencing and berm.

5 MR. MION: Especially when you start talking
6 about the kids.

7 MR. COSTA: Yes.

8 CHAIRMAN STUTO: Any other comments or
9 questions from the Board?

10 MR. LACIVITA: I know the CAC was out on the
11 site. They do describe the site to be grassy with
12 bushy vegetation and treed areas. One of the comments
13 here says that they do not see any of the trees to be
14 considered for preservation.

15 CHAIRMAN STUTO: Okay.

16 MR. COSTA: Most of the trees are in the back
17 area here (Indicating). They are mostly poplars.

18 CHAIRMAN STUTO: Does that depict what the
19 actual planting plan is?

20 MR. COSTA: No. We'll have a landscaping plan.
21 This is just for concept. The next set of documents
22 that will be presented will have a lot more detail.

23 CHAIRMAN STUTO: I think that we've heard some
24 reservations and Joe has made some good points on the
25 whole COR and NCOR idea of mixing the office and the

1 retail with the residential on top. Just for the
2 record, that obviously occurred tonight. I have some
3 reservations as well.

4 I want to ask Joe LaCivita: Can we do some kind
5 of presentation for the Board on those areas? Maybe
6 we could highlight the corridors in Town where that is
7 and have some kind of educational discussion about
8 that? Maybe which lots are in the corridors which are
9 not yet developed. Obviously, you can redevelop as
10 well. Do you know which corridors that applies to
11 now?

12 MR. LACIVITA: You have the HCOR,
13 highway/commercial/office/residential; you have the
14 NCOR, neighborhood/commercial/office/residential; you
15 have COR, which is commercial/office/residential.
16 Those are the three and they are typically Route 2,
17 Route 7, Route 9 and Central Avenue. Those are the
18 ones that have those depicted in it.

19 CHAIRMAN STUTO: I remember that we did some
20 apartments over the building on Everett.

21 MR. LACIVITA: Yes. Everett Road had a small
22 component of it. I thought that they did that by
23 variance, though. That was Crisafulli. He got a
24 variance.

25 CHAIRMAN STUTO: It was a long time ago.

1 MR. LACIVITA: We can look at that one too. I
2 know that there are certain areas of it. I can
3 definitely give -

4 CHAIRMAN STUTO: Can we set aside a half hour
5 to talk that through? The Town Board Members may be
6 interested too. I think that's something that needs
7 to be closely looked at and maybe tweaked a little
8 bit.

9 MR. LACIVITA: That is one of the things
10 through our Comprehensive Plan as you get into the
11 rezoning component of it - to look at the next level
12 of that. I know that we have always struggled with
13 that where it gets put. Around the plaza that Mike
14 did over there by the circle. We can definitely look
15 at that, Peter.

16 MS. MILSTEIN: Is there anyway that you would
17 know about occupancy versus vacancy in the ones that
18 have been developed before? Do you know?

19 MR. LACIVITA: I would have to pull that
20 information from the realtor.

21 MS. MILSTEIN: I'm just curious to know if you
22 had that kind of information.

23 MR. GRANT: That might be something that CDRPC
24 might have?

25 MR. LACIVITA: Yes. That's a possibility to

1 see if they would have some occupancy information for
2 us.

3 CHAIRMAN STUTO: I don't know how big our
4 inventory is now. I drive by the one on Everett and I
5 look at it every time trying to figure out whether
6 somebody is in the apartments or not. I'm not sure.

7 MR. LACIVITA: Honestly, Peter, I think in my
8 mind that is a different look and feel of what you are
9 going to get here. That's more linear type that is
10 truly commercial where I think that this has got that
11 look of what we are trying to do in the Village of New
12 Loudon. I know that you showed the elevations down
13 there. It's a much higher look, in comparison.

14 MR. SHAMLIAN: By the same token, this one has
15 700 units within three-quarters of a mile.

16 MR. LACIVITA: You're talking about what is
17 behind him on the other side.

18 MR. SHAMLIAN: There are apartments down
19 Delatour. There are more toward Watervliet. There
20 are a lot of apartments in that area.

21 CHAIRMAN STUTO: With a lot of amenities and so
22 forth.

23 MR. SHAMLIAN: I'm not somebody that says,
24 there are already apartments. That's not the point.
25 This is a different kind of a use that I think is

1 challenging anyway and then in this particular spot,
2 even more so.

3 MR. LACIVITA: I think that when you hear the
4 applicant talk a little bit more about the bigger
5 picture, he's got his eye set on that back PDD that
6 was previously approved to try to reinvigorate that
7 whole condominium complex that is going on there.
8 That's where RSS is currently under litigation with
9 the Town. He definitely wants to look at improving
10 this area. I see him being here awhile. He's got
11 some other things in mind for the area. I think that
12 it would be a good opportunity and at least a good
13 start.

14 CHAIRMAN STUTO: You're saying that he's
15 looking at the property in the back; is that what
16 you're saying?

17 MR. LACIVITA: Yes.

18 MR. SHAMLIAN: Would he be the landlord in this
19 building? He would own it?

20 MR. LACIVITA: He would own the building. His
21 headquarters would be here.

22 MR. SHAMLIAN: But he would also own and lease
23 the retail.

24 MR. LACIVITA: Correct.

25 MR. COSTA: There is a lot of fill back there

1 and that's one of the challenges of the site.

2 CHAIRMAN STUTO: Any other discussion?

3 (There was no response.)

4 Did you want to say something, ma'am, from the
5 CAC?

6 (There was no response.)

7 Do we have a motion?

8 MR. LANE: I will make a motion.

9 MR. MION: Second.

10 CHAIRMAN STUTO: Any discussion?

11 MS. MILSTEIN: What is the motion?

12 MR. LANE: For concept acceptance.

13 CHAIRMAN STUTO: Any discussion?

14 (There was no response.)

15 I am going to reluctantly vote in favor of the
16 concept acceptance. I think that you've heard what
17 our reservations are. Based on what I have heard and
18 Joe LaCivita's recommendation, which I value and
19 asking Joe to make a presentation on that COR, NCOR,
20 HCOR and all of that before Thanksgiving. Is that
21 possible?

22 MR. LACIVITA: We'll keep it in mind;
23 absolutely, we will.

24 CHAIRMAN STUTO: I know you're very busy.

25 MR. LACIVITA: I think, Peter, part of that

1 will come out in the Comprehensive Plan and I'll try
2 to bring that right here, as well.

3 CHAIRMAN STUTO: I don't know what the
4 timetable is for that. I think that it's good to
5 educate us about it, too. We have members of the
6 public and then members of the Town Board. It's
7 always good to talk it through.

8 MR. SHAMLIAN: I am going to reluctantly vote
9 against the project in hopes that by the time that you
10 get to final, there has been more presentation about
11 how this is really going to work and how this really
12 fits on that particular site.

13 CHAIRMAN STUTO: Any other comments?

14 (There was no response.)

15 We'll take a vote. All those in favor?

16 MR. MION: Aye.

17 MR. AUSTIN: Aye.

18 MS. MILSTEIN: Aye.

19 MR. LANE: Aye.

20 CHAIRMAN STUTO: All those opposed, say nay.

21 MR. SHAMLIAN: Nay.

22 CHAIRMAN STUTO: We have one negative; Mr.
23 Shamlan.

24 The ayes have it.

25 MS. MILSTEIN: I want the applicant to know

1 that I'm very, very reluctant -- it's going to have to
2 be a big sell job for me. I'm letting it go forward
3 to see if this can be properly developed. It's going
4 to be a big sell job to get this approved, in my
5 opinion.

6 MR. COSTA: Thank you.

7 CHAIRMAN STUTO: Thank you.

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9 (Whereas the above entitled proceeding was
10 concluded at 8:31 p.m.)

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CERTIFICATION

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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 _____

