

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 USHU, LLC.  
611 TROY SCHENECTADY ROAD  
5 OPEN DEVELOPMENT AREA RECOMMENDATION  
TO TOWN BOARD

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7 THE STENOGRAPHIC MINUTES of the above entitled  
8 matter by NANCY L. STRANG, a Shorthand Reporter,  
commencing on October 17, 2017 at 7:02 p.m. at The  
9 Public Operations Center, 347 Old Niskayuna Road,  
Latham, New York.

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11 BOARD MEMBERS:  
PETER STUTO, CHAIRMAN  
12 LOU MION  
CRAIG SHAMLIAN  
13 SUSAN MILSTEIN  
KATHY DALTON  
14 STEVEN HEIDER

15 ALSO PRESENT:

16 Joseph LaCivita, Planning and Economic Development  
17 Department  
Michael Tengeler, Planning and Economic Development  
18 Department  
Michael C. Magguilli, Esq., Town Attorney's Office  
19 Kathleen Marinelli, Esq., Special Counsel to the  
Planning Board  
20 Nick Costa, PE, Advance Engineering & Surveying  
Robert Cordell, Cordell Consulting Services  
21 Chuck Atkins

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1           CHAIRMAN STUTO: Welcome everybody. Welcome to  
2 the Town of Colonie Planning Board. I see that we have  
3 a lot of residents here, which we always welcome.

4           There are four items on the agenda. We will  
5 take public comments for the voting items which are  
6 first, second and fourth. If we are not voting, we  
7 will not take public comments because there will be  
8 ample opportunity in the future for public hearings  
9 and public comment. These are substantial projects, so  
10 we will try to get straight to business and get all of  
11 the valuable information and input that we need.

12           Joe, do you have any introductory remarks  
13 before we call the agenda?

14           MR. LACIVITA: No, we can go right into the  
15 agenda, Peter.

16           CHAIRMAN STUTO: Okay, the first item is USHU,  
17 LLC, open development area, 611 Troy Schenectady Road,  
18 open development area recommendation to Town Board.

19           Joe?

20           MR. LACIVITA: This project at 611 Troy  
21 Schenectady Road came to us from Resolution 288 of  
22 June 2017. The applicant is looking for an open  
23 development area because what is he planning on this  
24 6.76 acres is a subdivision of the parcels. The  
25 parcels already exist. The projects that had been

1 built are two hotels and a restaurant that are there.  
2 This is for financing purposes.

3 You have everything in your packet in front of  
4 you today. We are working with the applicant. He was  
5 complying with everything that we asked. We are  
6 hopefully looking for a favorable recommendation.

7 We have a Resolution in your packet as well,  
8 should the Board feel ready to move forward with it.

9 In front of us is Bob Cordell representing the  
10 applicant.

11 MR. CORDELL: Good evening, my name is Bob  
12 Cordell with Cordell Consulting Services. I am  
13 representing the applicant.

14 The engineer is Nick Costa. Nick is on his way  
15 here. He had another Planning Board meeting in Troy,  
16 so he will be here very shortly.

17 As Director LaCivita said, the project isn't  
18 going to change from what it is now. The buildings are  
19 existing.

20 CHAIRMAN STUTO: You don't have a board for the  
21 public to see?

22 MR. CORDELL: I do not. I will have one when  
23 Nick Costa comes. He says that he is right around the  
24 corner.

25 CHAIRMAN STUTO: Should we take a breather

1           until he arrives?

2                     Joe, what do you think?

3                     MR. LACIVITA: I can put up mine, if you like.

4                     CHAIRMAN STUTO: Okay, we will give it a try.

5                     MR. LACIVITA: Bob, would you mind just kind of  
6 walking through the project just to show what exists  
7 today and why the need for the ODA?

8                     MR. CORDELL: The project is located at the  
9 corner of the Northway southbound and Troy Schenectady  
10 Road. This being the Northway ramp southbound and this  
11 being Troy Schenectady Road (Indicating).

12                     What currently exists are hotel buildings that  
13 used to be the old Howard Johnson's and they are still  
14 motels and hotels. There is a restaurant - a  
15 freestanding restaurant in the front -

16                     CHAIRMAN STUTO: To give the actual names, if  
17 you have them?

18                     MR. CORDELL: The Quality Inn Suites and it's a  
19 Sake restaurant.

20                     So, the proposal is to subdivide the parcels  
21 into three parcels only one of which has the required  
22 road frontage on Troy Schenectady Road. In order to  
23 subdivide a parcel it needs 100 feet of frontage on a  
24 public road. We cannot get that because the grade  
25 can't get access on the Northway. The grades at the

1 top of the hill on the east side of the property are  
2 very steep grades down and access is not permitted  
3 here. New York State will not grant us access. The  
4 only access that we have is the existing access from a  
5 public street that serves as a driveway to the Sake  
6 restaurant.

7 There is another way, and for firefighting and  
8 emergency purposes, through the parcel connecting to  
9 the west that shows the Carrabba's restaurant and the  
10 shopping center. So, we can get through there.  
11 Firefighters can get through there. It's not like it  
12 is a dead-end.

13 We are proposing to subdivide the properties  
14 into three properties for financial purposes so that  
15 the current owner is able to develop the properties.

16 CHAIRMAN STUTO: Okay, I see that Nick Costa is  
17 here.

18 Nick, do you want to participate in this?

19 MR. LACIVITA: Nick, could you clarify the use  
20 of the term development? The parcel has already been  
21 developed and there won't be any future development in  
22 the future. This is purely a financing purpose. That  
23 is why the ODA is before us. I just want to clarify  
24 the use of the word development or proposed  
25 development.

1           MR. COSTA: It is part of the open development  
2 area. So, this is a parcel that is 6.76 acres that the  
3 current owner would like to subdivide into three  
4 parcels. Because they don't have the frontage as  
5 required for the three parcels -

6           CHAIRMAN STUTO: Okay, Bob has told us that.  
7 Can you tell us how you are going to get access?

8           MR. COSTA: Sure. There will be cross  
9 easements across the access road that will serve all  
10 three parcels.

11          CHAIRMAN STUTO: Can you trace the road?

12          MR. COSTA: Sure. The current access road is  
13 right here (Indicating). There is a very large  
14 vertical wall so that the elevation from here to here  
15 is substantial. The entrance is right here. This is  
16 the Sake restaurant (Indicating). There is a road that  
17 goes along here. It keeps going and accesses the  
18 hotel. This access road also goes back here and  
19 accesses the two buildings that are also used for  
20 hotel purposes.

21          CHAIRMAN STUTO: In your locking that all in  
22 with cross easements.

23          MR. COSTA: That's correct - and utilities.

24          CHAIRMAN STUTO: Are the roads adequate to  
25 handle fire and safety equipment?

1 MR. COSTA: Yes.

2 CHAIRMAN STUTO: Did Fire Safety make a comment  
3 on this?

4 MR. COSTA: I believe that they did. I believe  
5 that there were no issues.

6 CHAIRMAN STUTO: Joe, do you know?

7 MR. LACIVITA: All Town Department comments are  
8 with your packets as well.

9 CHAIRMAN STUTO: Joe, do you have any comments?  
10 The Department recommends approval, right?

11 MR. LACIVITA: Yes, we do. We worked with the  
12 applicant on several different comments. They were  
13 compliant on all and we recommend a favorable  
14 recommendation. That's why you have a Resolution  
15 before you this evening.

16 CHAIRMAN STUTO: Are there any comments or  
17 questions from the Board Members?

18 MS. DALTON: Nick, I just had a question about  
19 why the lines were drawn the way that they are with  
20 the Sake property and that they are kind of an odd  
21 shape.

22 MR. COSTA: It's really because of what is left  
23 over for Sake. It is a good question. As you can see,  
24 the parking for this hotel is all in here and it is  
25 also the same for here (Indicating). The parking is

1 along the front and the side and the front of this  
2 building, actually. So, what is really left is that  
3 piece.

4 MS. DALTON: So, what does it do in terms of  
5 green space? I mean the green space as it is now --  
6 what does it do to the three parcels?

7 MR. COSTA: There is a site statistic for each  
8 lot that is summarized here. I think they all meet the  
9 minimum of 35% with the lot number three being 35%.

10 MS. DALTON: So, there would be no benefit to  
11 bringing that piece down -

12 MR. COSTA: That is correct.

13 CHAIRMAN STUTO: Anybody else on the Board?

14 MR. HEIDER: I have just one question. You talk  
15 about the easements within the parcel?

16 MR. COSTA: Yes.

17 MR. HEIDER: What about that road that curves  
18 across in front of the restaurant? is that a permanent  
19 easement in? That is your secondary access required,  
20 right?

21 MR. COSTA: Yes, it would be part of the  
22 easement.

23 MR. LACIVITA: All those easement and drawings  
24 - all the meets and bounds to those have been provided  
25 to the department and they will be taken care of



1 during the minor subdivision process, once the ODA is  
2 acted on by the Town Board.

3 CHAIRMAN STUTO: The Resolution says the Town  
4 Attorney's office approves the easements.

5 MR. LACIVITA: Yes.

6 CHAIRMAN STUTO: Is there anybody from the  
7 public who would like to speak on this project?

8 MR. ATKINS: Hi, my name is Chuck Atkins and I  
9 am a lifelong resident. I just had a question.

10 The property is divided up this way  
11 (Indicating). How does that impact the existing  
12 businesses' ability to use the properties? Does it  
13 change it at all?

14 MR. COSTA: Done, whatsoever.

15 CHAIRMAN STUTO: Anybody else from the public?

16 (There was no response.)

17 MS. MILSTEIN: Is there sufficient parking once  
18 things are subdivided in each of the parcels?

19 MR. COSTA: There is shared parking. So, there  
20 will be easements for that also. There is also people  
21 that frequent the hotel and they may walk over to the  
22 Sake restaurant. They may not necessarily take their  
23 vehicle.

24 CHAIRMAN STUTO: We have a Resolution before  
25 us. I will ask the stenographer to put the entire

1 Resolution into the record.

2 Kathleen, would you mind reading the title?

3 MS. MARINELLI: Special rule of Planning Board  
4 setting conditions and limitations and recommending  
5 establishment of an open development area for 611 Troy  
6 Schenectady Road, Town of Colonie, pursuant to Town  
7 Law Section 280-a.

8 CHAIRMAN STUTO: Are there any comments or  
9 questions from the Board?

10 (There was no response.)

11 Do we have a motion?

12 MR. MION: I'll make a motion?

13 MR. AUSTIN: I will second it.

14 CHAIRMAN STUTO: Any discussion?

15 (There was no response.)

16 All those in favor say aye.

17 (Ayes were recited.)

18 All those opposed, say nay.

19 (There were none opposed)

20 The ayes have it.

21 Thank you.

22 MR. COSTA: Thank you.

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24 (Whereas the above referenced proceeding was concluded  
25 at 7:10 p.m.)

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.

Dated: \_\_\_\_\_

Nancy L. Strang  
legal transcription.  
2420 Troy Schenectady Rd.  
Niskayuna, NY 12309

