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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

GAS STATION REDEVELOPMENT
736 LOUDON ROAD

APPLICATION FOR WAIVER REQUEST

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on December 5, 2017 at 8:16 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
BRIAN AUSTIN
LOU MION
CRAIG SHAMLIAN
STEVEN HEIDER
SUSAN MILSTEIN

ALSO PRESENT:

Kathleen Marinelli, Esq., Counsel to the Planning
Board
Joseph LaCivita, Director, Planning and Economic
Development Department
Michael Tengeler, Planning and Economic Development
Department
Tom Andres, PE, ABD Engineers
Susan Quine Laurillard

1 CHAIRMAN STUTO: Next on the agenda is Gas
2 Station Redevelopment, 736 Loudon Road, application for
3 waiver request. Redevelopment of former Getty gas
4 station into new gas store with six gas pumps.

5 MR. TENGELER: Before we start I just want to
6 hand this out. This is from ABD. This is with respect to
7 one of the waivers.

8 CHAIRMAN STUTO: Is this eight pumps?

9 MR. ANDRES: It is.

10 CHAIRMAN STUTO: The agenda says six on the
11 agenda.

12 MR. ANDRES: It's four pumps, but it's eight
13 positions.

14 MR. TENGELER: Very quickly, the Board has seen
15 this before as a sketch plan review. It's the former
16 Getty on Route 9, 736 Loudon Road. It has since been
17 demolished. I believe that every structure as of now has
18 been removed from the site. It's a parcel that is being
19 reviewed as a redevelopment project. It's being reviewed
20 administratively.

21 It's has gone to all the agencies. Albany
22 County DOT has reviewed it. SEQR has been signed-off
23 on by Rebekah Kennedy in our Attorney's office. It's
24 gone through every phase of review. In fact, I believe
25 that we're basically ready to stamp plans with two

1 waivers that are being requested. One is for
2 greenspace under 35% and another one is for -

3 MR. ANDRES: I think that the other one was for
4 a setback for the canopy, but we actually moved that
5 back so I'm not sure that is required anymore.

6 MR. LACIVITA: The building that is going to be
7 built actually takes your frontage.

8 MR. ANDRES: Right and we are behind the
9 setback anyway.

10 MR. TENGELER: So, initially we thought that
11 there would be a waiver needed to have a pump with a
12 front yard setback. The building, as it's situated, is
13 closer to Route 9 and the pump is actually behind that
14 setback. So, it's considered a side yard setback.

15 CHAIRMAN STUTO: So, what waiver are we
16 considering?

17 MR. TENGELER: The incentive zoning.

18 CHAIRMAN STUTO: That's it?

19 MR. TENGELER: Tom can go through it.

20 MR. ANDRES: As Mike had said, this is a .43
21 acre parcel. It's a pretty small parcel. It has, until
22 just recently, the Getty canopy on it. That canopy was
23 just actually a foot or so off the property line. You
24 can see from this pink that the right of way is very
25 large here. So, you have a lot of right of way before

1 our property line on Verner Drive. The pavement is
2 actually right up to the property line.

3 The proposal is to rip down that canopy.
4 Originally it was not and that's why the waiver was
5 being requested because a canopy was still out at the
6 property line. With the quality of the building that
7 Keith put together, it just didn't make any sense to
8 keep that canopy. So, we decided to take that down. As
9 a part of that, we moved it back. It actually conforms
10 to the front yard setback.

11 As Mike had said, it is behind where the
12 building is in the front. The building that is
13 approximately a 2,000 square foot convenience store -
14 that was moved forward and we did receive variance for
15 14 feet and for 10 feet from the Zoning Board of
16 Appeals. Part of that process and why we moved it to
17 there was that we actually had the original design
18 sideways meeting the setbacks, but it didn't allow
19 access to Verner Road. One of the review comments
20 under the DCC was to provide that secondary access.
21 So, that ended up pushing this building a little bit
22 forward. It did provide this access. We were able to
23 take this paved area, which there was a small island
24 and bring it down to a regular standard DOT access in
25 the front and grade the rest of this as greenspace.

1 It is COR zoning so we did go and have the
2 fencing set up with the landscaping along the property
3 line. This does, again, have all this green that is
4 out in front of the right of way so we still have to
5 do some landscaping out there.

6 CHAIRMAN STUTO: Are you reconstituting all of
7 that?

8 MR. ANDRES: We are; yes.

9 There is a sidewalk that's along the edge of
10 Loudon Road that we are ripping out and putting in a
11 new sidewalk that will go through and meet handicap
12 standards. We are also bringing that sidewalk along.
13 Unfortunately, in this instance it's on our property
14 so that helps to add impervious area which obviously
15 reduces the amount of greenspace. We do have a double
16 sidewalk here too.

17 Actually, when I was out at the site one time
18 one of the residents in the park behind us asked if we
19 were putting in a Stewarts because he wants to be able
20 to walk and buy some products there. We said no, not
21 quite but you will still be able to buy some things
22 there.

23 We added a sidewalk so that they would be
24 able to not have to walk around like this and could
25 walk internally closer to it. of course, that took

1 away some of the greenspace. So, the long and short of
2 it is that we had 29.3% greenspace and we're down to
3 16.7%.

4 CHAIRMAN STUTO: So, the front doesn't count
5 for you?

6 MR. ANDRES: That's right and that's the
7 problem. Even though everything now is green in the
8 front, it doesn't count for us. The only space that we
9 have is up at the top, which we have very similar to
10 where we had it, but once we put this connection in, we
11 lost that. So, we have the greenspace around that and of
12 course the sidewalks are aside from that.

13 CHAIRMAN STUTO: Okay, do we have to vote on
14 the incentive? This is permitted under incentive zoning,
15 right?

16 MR. TENGELER: Yes.

17 CHAIRMAN STUTO: But you still need a vote from
18 us on that?

19 MR. TENGELER: Yes, because technically the
20 greenspace on the site is already below 35% which is the
21 standard. So, it's grandfathered in at 29.3%.

22 CHAIRMAN STUTO: They do have to pay a fee?

23 MR. TENGELER: They do have to pay a fee. Here
24 is where the discussion point comes in with the
25 documents that are submitted.

1 I'll ask Joe to kind of weigh in on this as
2 well. For this site, a lot of the work is going to be
3 within the DOT right of way. DOT endorses it and is in
4 favor of it.

5 As such, the incentive zoning - they can get
6 a credit for - as far as the incentive zoning is
7 concerned. They do not get a credit as far as where
8 their sites greenspace is, but in the past we have
9 entertained when there is work maintained within the
10 DOT right of way that DOT is in favor of, they could
11 receive a credit towards the incentive zoning fee due
12 to the intent. The intent is to keep that manicured
13 lawn and that greenspace - green on your site. It's
14 contiguous with the site. It's going to be maintained.

15 CHAIRMAN STUTO: So, let's talk about the
16 dollars.

17 MR. TENGELER: The amount if you did not take
18 into account in the right of way, it comes to about
19 \$40,092. That is at a 16.7% greenspace statistic.

20 CHAIRMAN STUTO: You want to credit them -

21 MR. ANDRES: What we did, just to help Mike out
22 there - Mike had a calculation based upon the percentage
23 of green starting at the 9.3 or whatever it was and
24 going down. It is a sliding scale. As you have
25 decreasing green, you are asking to pay for a higher

1 fee. We just felt that it really should start for the
2 first 1,000 square feet -- those increments should start
3 at the 35% range because the 29.6% in this instance that
4 is the 35%, more or less. So, we're just reducing it
5 down.

6 CHAIRMAN STUTO: So, you want to start higher
7 up on the scale or a higher starting point.

8 MR. ANDRES: Correct.

9 CHAIRMAN STUTO: How much does it go down?

10 MR. ANDRES: It would be \$30,000 as opposed to
11 \$40,000.

12 MR. TENGELER: Specifically, \$29,864.

13 CHAIRMAN STUTO: As opposed to the \$40,000.
14 So, we'll save him \$10,000 or \$11,000.

15 MR. LACIVITA: And that's calculating some of
16 the green back in.

17 MR. ANDRES: No, that was just keeping the
18 green, but it was just starting at the scale at the top
19 as opposed to starting at the top.

20 CHAIRMAN STUTO: What is the department's
21 recommendation?

22 MR. TENGELER: Generally a credit is what -

23 CHAIRMAN STUTO: No, do you agree with his
24 analysis? Do you recommend that we approve what he is
25 proposing?

1 MR. TENGELER: I agree with his logic. As far
2 as how to apply it, I would prefer to be consistent with
3 Latham Circle. Take the count in the site, give a credit
4 for the square footage outside the site in the right of
5 way and take the difference of the two.

6 CHAIRMAN STUTO: How does that affect the
7 calculation?

8 MR. TENGELER: I don't have that figure.

9 CHAIRMAN STUTO: Can you work it out quick?

10 MR. TENGELER: Absolutely; yes.

11 CHAIRMAN STUTO: Let's take a break and let you
12 do that.

13 (There was a break in the proceedings.)

14 MR. TENGELER: What I would like to do is since
15 we have memorialized the conversation with DOT, I'd like
16 to put on the record that the applicant will maintain
17 the greenspace within the right of way.

18 MR. ANDRES: We can certainly maintain it as
19 the same lawn so it looks like it's part of the same
20 lawn.

21 CHAIRMAN STUTO: Okay, that will be a
22 condition.

23 Thank you.

24 Anything else?

25 MS. LAURILLIARD: I'm Susan Quine Laurilliard.

1 I have a quick question on incentive zoning.

2 Are you looking at 190-27?

3 MR. LACIVITA: Is that what you're looking at?

4 MS. LAURILLIARD: Yes.

5 MR. LACIVITA: Yes, that is the Incentive
6 Zoning Law.

7 MS. LAURILLIARD: I'm just curious and maybe
8 the Board attorney can help with this.

9 I'm trying to see in here where it's allowed
10 credits. I just don't see where that is written. The
11 purpose of the incentive zoning fees is supposed to go
12 towards an open space fund.

13 MR. LACIVITA: Aren't they coming in higher
14 than what they proposed originally?

15 MS. LAURILLIARD: I'm asking -- you're talking
16 credits.

17 MR. LACIVITA: There are no credits here. What
18 we are doing here is adding the greenspace back in from
19 where it wasn't existing.

20 MS. LAURILLIARD: Where does that say that?

21 MR. LACIVITA: If you look at the redevelopment
22 law, based on the provision 430 of 2009 which was then -

23 MS. LAURILLIARD: Which section is that?

24 MR. LACIVITA: I'm in the same section that you
25 are in; 190-27. It says here with redevelopment

1 practice, you look at what exists. If you're coming in
2 higher -

3 MS. LAURILLIARD: I'm sorry, Joe. I'm not that
4 familiar with this. Where does it say about
5 redevelopment sites and what you just said? I don't see
6 that.

7 MR. LACIVITA: Look at mine. It says
8 redevelopment regulations. They're coming in at 26% that
9 is existing and they are coming in at 29%, so they are
10 higher. So, there is no incentive zoning. it's a moot
11 point.

12 MS. LAURILLIARD: Thank you.

13 (There was a brief break in the proceedings.)

14 CHAIRMAN STUTO: Is there any further official
15 business?

16 MR. LACIVITA: No.

17 (Whereas the above entitled proceeding was concluded
18 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.

Dated: _____

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