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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

LATHAM FARMS RESTAURANT/RETAIL
579 TROY SCHENECTADY ROAD
APPLICATION FOR ENVIRONMENTAL SEQR APPROVAL
AND FINAL APPROVAL

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on March 20, 2018 at 7:11 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- LOU MION
- CRAIG SHAMLIAN
- SUSAN MILSTEIN
- KATHLEEN DALTON
- STEVEN HEIDER
- BRIAN AUSTIN

ALSO PRESENT:

- Kathleen Marinelli, Esq., Counsel to the Planning Board
- Joseph LaCivita, Director, Planning and Economic Development
- Michael Tengeler, Planning and Economic Development Department
- Christopher Ciminello, Kimco Realty
- Michael Tucker, PE, VHB
- Joseph Grasso, PE, CHA
- Don Allard, Conservation Advisory Council

1 CHAIRMAN STUTO: Next item on the agenda is
2 Latham Farms Restaurant/Retail, 579 Troy Schenectady
3 Road, application for environmental SEQR approval and
4 final approval, one-story 9,000 mixed tenant building
5 restaurant/retail space.

6 Mike, any preliminary remarks on this one?

7 MR. TENGELER: There is not much on this. The
8 Board has seen this before. Chris Ciminello from Kimco
9 Realty did all the designing.

10 MR. CIMINELLO: Good evening. I'm Chris
11 Ciminello from Kimco Realty. It's nice seeing everybody
12 again. It's been about three months since we have been
13 here, so I'll just re-introduce the project very briefly
14 before handing everything over to Mike Tucker from VHB.

15 We are here tonight to present the 90,000
16 square foot expansion of Latham Farms Shopping
17 Centers to the Planning Board for preliminary final
18 approval.

19 Latham Farms is 618,000 square foot shopping
20 center that Kimco purchased in December of 1999. As
21 everybody is aware, I'm sure, the site is located off
22 the Northway and is surrounded by Sparrowbush Road to
23 the north, Route 9 to the east and Troy Schenectady
24 Road to the south.

25 Our anchor tenant line-up includes Sam's,

1 Michael's, All Star Wine, Hannaford, Home Depot,
2 Party City, Dick's Sporting Goods and Field and
3 Stream.

4 As part of the Dick's and Field and Stream
5 that was completed in 2016, Kimco demolished
6 Walmart's outdoor garden center with a strategic plan
7 in doing so in order to attract and entice a tenant
8 for this attractive handicap location.

9 This is a current snapshot of what the
10 property looks like right now (Indicating).

11 With that mindset, we signed a lease with
12 Core Life Eatery to build a 4,000 square foot food
13 service casual restaurant with an outdoor patio. The
14 plan also calls for an additional 5,000 square feet
15 of proposed retail and/or restaurant bringing the
16 total project gross leasable area to 9,000 square
17 feet.

18 Core Life will have 170 seats; 120 inside and
19 50 outside.

20 Currently they have 23 locations in eight
21 states; one in Illinois, one in Indiana, two in
22 Kentucky, two in Michigan, nine in New York, four in
23 Ohio, three in Pennsylvania. In New York their
24 locations are in Amherst, Clarence, Greece,
25 Henrietta, Ithaca, New Hartford, Syracuse, Vestal and

1 Webster.

2 They opened their first eatery in Syracuse in
3 May of 2015 and like I said before their featured
4 items are their bowls that are complete meals that
5 include greens, grains, bone and broth. They plan to
6 have 12 employees at this location and operate from
7 11:00 a.m. to 9:00 p.m.

8 As shown before, this is our proposed concept
9 plan. We're looking to promote fluid circulation,
10 pedestrian connectivity with cross walks, benches, a
11 screened dumpster enclosure a decorative fence that
12 is consistent with the fence on the Brick House
13 Tavern property, clear pavement markings on Erin
14 Street reinforcing that this is, indeed, a right-in
15 turn only drive aisle lane and inviting landscaping.

16 Landscaping is very important to Kimco. It's
17 part of our new retail strategy. Gone are the days of
18 just building a shopping center and expecting people
19 to come and patron there. We are actually replacing
20 11 trees that are clustered on Erin Street with 14
21 well-disbursed trees; six along Erin and eight within
22 the parking lot. The new tree types are eight Maple
23 trees and six Green Pillar Oaks.

24 I have shown the before and here is the
25 after. Again, in line with our new retail concept,

1 there is very inviting architecture. Overall, the
2 building height is approximately 27 feet, including
3 the parapet. To the roof deck it is approximately 21
4 feet and the parapet itself is approximately six feet
5 tall.

6 As far as materials, we are using metal
7 siding that appears like wood, wood trellis, stone
8 masonry venire, efus, cornis, perforated metal
9 panels, metal fabric awnings and like I stated
10 before, all mechanicals would be blocked or moved far
11 enough away on the roof to be screened from view.

12 In closing, our plan is to make Latham Farms
13 even more inviting by converting a former outdoor
14 garden center into an attractive 9,000 square foot
15 expansion that will include a hip, casual and healthy
16 dining experience for local residents, employees and
17 passer-by traffic.

18 With that, I will hand the presentation over
19 to Mike Tucker from VHB. Thank you.

20 MR. TUCKER: Good evening. Mike Tucker from
21 VHB.

22 Chris already kind of ran through the site
23 plans in quite a bit of detail, so I don't know that
24 I have a lot to add other than some of the updates
25 that have been made to the plan since the last time

1 that you saw them, including the landscaping which
2 Chris touched on.

3 The addition of crosswalks - the new pavement
4 markings for the right-turn only lane on Erin - and
5 there is a right turn only sign being placed here
6 just for that right turn into the plaza itself.

7 Since we were before you last, we have
8 submitted a full set of plans. We are in receipt of
9 Clough Harbour's review comments on the preliminary
10 final submission which are relatively minor in detail
11 that we can work out with the departments, I think.

12 I think that the one comment that we just
13 wanted to bring to the Board's attention for your
14 consideration has to do with the internal parking lot
15 lighting that is proposed for the site. It's very
16 clear on this.

17 Again, this is the existing Dick's space here
18 (Indicating) and this is our proposed addition. This
19 is also in the set of site plans. These are existing
20 40-foot light poles that are in front of Dick's and
21 Field and Stream. This is an existing light that is
22 located behind the Brick House Tavern. There is an
23 existing 40-foot pole that is along Erin Street that
24 we are relocating slightly to get it out of the way
25 of the new curb line. So, it will be a new 40-foot

1 pole with new fixtures on it. Basically, we are
2 proposing one additional 40-foot high pole.

3 Joe had pointed out that the HCOR Code is
4 pushing for lower level lighting - like 18-foot
5 lights. The Code does say that no higher than the
6 greater of 18 feet - the existing height of area
7 light already on the premises or the building light
8 for area lighting. So, we're looking at it from a
9 consistency standpoint in the sense that existing
10 lighting is currently 40 feet high. The one new pole
11 that we are proposing is what we are showing at 40
12 feet now. This new pole is one that is being
13 relocated and that is important to keep it that
14 height to provide the necessary lighting on Erin
15 Street, as we get closer to that.

16 That's all I wanted to speak about.

17 CHAIRMAN STUTO: Thank you.

18 This has been reviewed by our Town Designated
19 Engineer, CHA.

20 Joe Grasso, do you want to go through your
21 comments, please?

22 MR. GRASSO: Sure. There is a comment letter in
23 your packet dated March 14th. Our letter includes waiver
24 findings and it includes the SEQOR documentation.

25 Just going through our letter, the first one

1 is regarding the waiver from the design standards.
2 The waiver that is required is parking within the
3 front yard. There is an existing public right-of-way
4 of Erin Street that extends north of the Erin Street
5 and the access to Dick's Sporting Goods. That's where
6 the right-of-way extends into the site. So, there is
7 a portion of the parking spaces that are located
8 within the front yard, obviously, between the
9 existing building and Erin Street. So, based on the
10 configuration of that right-of-way and the
11 orientation of the building and the parking areas and
12 the fact that the building expansion is obviously
13 being built right along the existing Dick's store, we
14 feel like the requested waiver is justified.

15 We have prepared a Draft Resolution that is
16 in support of that waiver for the Planning Board's
17 consideration.

18 Regarding the traffic - Mike talked on this -
19 that was something that we had focused a lot on
20 during the sketch plan and the concept plan review
21 and they have done a detailed traffic study to
22 support the traffic impacts. We both went into this
23 understanding the traffic that used to occur when the
24 Walmart was where the Dick's is now. What we found
25 through that analysis is that there is a lot less

1 traffic using that intersection. So, the queues are
2 not as significant.

3 Their analysis addressed our concerns that
4 there is going to be a lot of conflicts between
5 vehicles and pedestrians.

6 They have made some accommodations for
7 pedestrian movement from the parking lot in front of
8 the Dick's which is going to be needed to support
9 some of the parking demands for this project. They
10 have addressed that in response to our previous
11 concerns.

12 Mike did talk about the additional lane
13 markings that would be on Erin Street which is
14 something that they identified as being recommended
15 through their traffic study.

16 Regarding the parking - they did do a very
17 detailed parking evaluation, which demonstrated that
18 there is adequate parking on the site in front of the
19 Dick's which will help support the uses that are
20 proposed as part of this expansion. So, we think that
21 the parking plan is adequate.

22 We made some minor comments regarding the
23 utilities on the site that should be addressed as
24 they prepare their subsequent plan submissions. That
25 will be important for the Town Departments.

1 The last thing that I wanted to mention was
2 the lighting that might get brought up. In the Code
3 it does state that the maximum allowable light
4 fixture is 18 feet or the height of the roof lines,
5 whichever is less. That is something that we have
6 never known that the Planning Board has granted
7 relief to.

8 We took a look at this because we understand
9 that there is a lot of 40 foot high lights through
10 this site. We feel like the context of this
11 development is at a different scale than the large
12 parking lots that serve the BJ's the Dick's and the
13 Home Depot. The scale of this is actually a much
14 smaller scale. They are really designing for a much
15 more pedestrian oriented environment. So, I think
16 that producing the lights on this side of the
17 building - as you approach the site from Erin Street
18 down to 18 feet - we're not dealing with lights that
19 need to cover three or more bays of parking. We're
20 only talking about one bay, or at the most two bays
21 of parking. We've seen that adequately done in other
22 areas of the site - that you've seen 18 foot high
23 poles.

24 CHAIRMAN STUTO: Where does the applicant stand
25 on that?

1 MR. GRASSO: They would like to be consistent
2 with 40 foot high fixtures that are used elsewhere
3 throughout the site. They feel that the 18 foot high
4 fixtures are more appropriate, given the scale of where
5 it is that the proposed development is going to occur
6 and being distinctly separate from the other large
7 parking lots.

8 CHAIRMAN STUTO: Any Board Members want to
9 express themselves or ask any questions on that?

10 MR. AUSTIN: I think that the consistency - is
11 that an issue?

12 MR. GRASSO: Yes, it is. So, as you look at
13 that building, you're going to be looking at 18 foot
14 high fixtures whereas in the backdrop if you're looking
15 out toward the front of Dick's, you're going to see that
16 large parking lot with 40 foot high fixtures.

17 CHAIRMAN STUTO: Can you show us on the
18 drawings exactly where they are?

19 MR. TUCKER: So, there is an existing 40-foot
20 pole that falls right in there somewhere that we are
21 replacing with a new one, probably within five feet of
22 that.

23 MR. MION: You say that has to be there in
24 order to hook up -

25 MR. TUCKER: This has to be a 40-foot pole to

1 really shed the light on it on Erin Street because it's
2 so far away but it's consistent - when you drive into
3 Latham Farms from Troy Schenectady Road and look up
4 here, all of the poles coming in along Erin Street are
5 40 feet. So, dropping this one would be pretty glaring -
6 maybe the wrong choice of words. It would be pretty
7 obvious that it doesn't match what is there.

8 The other lights that are shown -- there is a
9 pole on this island and this island (Indicating) -
10 two alternative islands that are both 40 feet tall
11 right now. There is an existing pole on this corner
12 and then we are proposing one new 40-foot pole there.
13 So, if we had to drop to 18, we would still push to
14 keep this one 40.

15 CHAIRMAN STUTO: Which one is Clough suggesting
16 you drop?

17 MR. GRASSO: I think that you showed the one to
18 the south.

19 MR. TUCKER: No, that's an existing pole.

20 MR. GRASSO: It's on the other side of road,
21 based on your plan.

22 MR. TUCKER: Yes, it's on the opposite side.

23 MR. GRASSO: It's on the north side of the
24 road.

25 MR. TUCKER: This is the curb line on the back

1 entrance of the Brick House Tavern.

2 MR. GRASSO: I'm looking at a site plan that
3 shows it on the other side.

4 MR. TUCKER: This is the only new pole. We are
5 proposing to be 40 feet and also we have to only put one
6 in - one new pole, but also to match what's here and
7 here (Indicating). If we drop these to 18, we will
8 probably need to do another two there and maybe two more
9 along that edge of parking. It was really just done to
10 be consistent. Joe is right that it's 18 or the height
11 of the building, but then the HCOR design standards say
12 the greater of 18 feet - the existing height of aerial
13 lighting already on premises, which we took to be 40
14 feet, or the building height.

15 MR. AUSTIN: So, Joe, you're just going with
16 the Code then.

17 MR. GRASSO: No, the Code allows the Planning
18 Board to grant relief and go with the higher lights -
19 the 40 foot lights that are there. I'm just saying that
20 the Board or the Code gives you different design
21 parameters to use.

22 MR. AUSTIN: But you're recommending the 18
23 foot.

24 MR. GRASSO: We are recommending the 18 foot
25 high poles within this whole area that Mike is talking

1 about because we think that the scale of this area and
2 the fact that we are dealing with restaurants and we're
3 dealing with outside patios is different than a
4 commercial road coming into the site - the large
5 parking lots that serve the big box retail uses. We
6 think that this is an appropriate place to drop down to
7 an 18 foot high pole, which is what we would typically -

8 CHAIRMAN STUTO: What about safety on that one
9 particular pole? Do you agree with that, or no?

10 MR. GRASSO: No. We still think that it can be
11 adequately lit with 18 foot high poles.

12 MR. AUSTIN: Well, you have the 18 foot high
13 pole in the parking lot or a number of them, but you
14 still have the 40-foot pole in front of the other patio
15 on the island.

16 MR. GRASSO: So, I wouldn't recommend changing
17 the lighting within the parking lot in front of Dick's
18 because those lights are set up to provide a certain
19 uniformity across that large parking lot. That's a
20 parking lot with hundreds of parking spaces.

21 MR. MION: How do you feel about the one on
22 Erin Street at 40 foot and then lower ones in the
23 parking lots?

24 MR. GRASSO: Yeah, if you had a concern about
25 the intersection at Erin and - that one that you're

1 pointing to -

2 MR. TUCKER: We are not touching this one. This
3 one is staying as is (Indicating). This is the one that
4 we were concerned about.

5 MR. GRASSO: The plan that we have is an old
6 plan and it's updated based on what Mike was describing,
7 but I would say leave the existing 40 foot high pole
8 that's existing to the south and use 18 foot high poles
9 within the parking area.

10 MR. AUSTIN: How many are they going to use in
11 the parking area?

12 MR. GRASSO: I would say that there is probably
13 going to be probably four. One will be in that center
14 island and then three up along the edge of the parking.

15 MR. AUSTIN: How many if there were 40-foot
16 poles?

17 MR. GRASSO: Well, it's basically two poles
18 that you are using to light that space, right?

19 MR. TUCKER: Right.

20 MR. AUSTIN: So, there would be just one there.

21 MR. GRASSO: Yes.

22 MR. AUSTIN: And then if he dropped to the 18
23 it would be three.

24 MR. GRASSO: Yes.

25 MR. TUCKER: I would say that we would split it

1 and put one on there.

2 MR. GRASSO: And then two other ones up above.

3 MR. TUCKER: This is just the street view
4 looking at the area (Indicating). We are just trying to
5 provide some consistency.

6 MR. SHAMLIAN: I'm okay with 40. I think that
7 it is consistent.

8 MR. AUSTIN: I think 40 is consistent and fewer
9 poles. Keep it 40 on Erin Street, for sure. I don't know
10 about the parking lot. I guess it's up to the Board. I'm
11 either way on the parking lot part of it, but on Erin
12 Street, keep it 40 feet.

13 MR. SHAMLIAN: The thing is, if I understand
14 things correctly, if we try to drop down to 18, we're
15 going to end up with two 18-footers on Erin Street.

16 MR. GRASSO: Probably three.

17 MS. DALTON: Let's leave it.

18 MR. MION: Then leave it at 40.

19 CHAIRMAN STUTO: I think that we have more
20 saying leave it at 40.

21 MR. GRASSO: So, the last comment was regarding
22 the SEQR review. They did provide a full Environmental
23 Assessment that we have gone through and evaluated the
24 impacts based on the information in the project file and
25 the responses to the full EAF. We don't expect that the

1 project is going to result in significant environmental
2 impacts. So, we have drafted a neg dec for the Planning
3 Board's consideration.

4 CHAIRMAN STUTO: Okay, thank you.

5 We have one person signed up.

6 Don Allard, Conservation Advisory Council.

7 MR. ALLARD: I'm Don Allard, 92 New Shaker
8 Road, Conservation Advisory Council.

9 You submitted comments to the Planning Board
10 on October 5th. At that time the concept plan did not
11 have landscaping proposal. I see now that they've
12 added the proposal to replace the 11 trees with 14;
13 eight Maples, six Pillar Oaks. The concern that we
14 have is just that they are the same height of the
15 trees that are being replaced.

16 CHAIRMAN STUTO: Okay, I'll ask the applicant
17 to address that.

18 MR. TUCKER: That's fine. We don't have any
19 issues with replacing the trees to match the existing
20 height.

21 CHAIRMAN STUTO: Anybody else from the public
22 looking to speak on this?

23 (There was no response.)

24 Craig, you have something?

25 MR. SHAMLIAN: With landscaping, I wanted to

1 ask that in addition to the trees -- because you guys
2 have done a nice job with the landscaping at Latham
3 Farms. It looks really nice. Are you planning to do
4 anything in addition to just grass along that strip?

5 MR. TUCKER: Part of our stormwater management
6 system - this lighter green area is a bioretention area,
7 so it has a layer of mulch and will be planted with kind
8 of low water plants. So, it will be planted and it will
9 look kind of garden like.

10 MR. SHAMLIAN: Is that the entire strip?

11 MR. TUCKER: That's almost the entire strip.

12 MR. SHAMLIAN: Is there any possibly of doing
13 some landscaping?

14 MR. TUCKER: Not on the pavement side of it.
15 We're talking early on right now. They're showing some
16 benches in front. I'm sure there will be more.

17 CHAIRMAN STUTO: Anybody else from the Board?

18 (There was no response.)

19 Can you walk us through the environmental
20 review, Joe?

21 MR. GRASSO: So, they did provide a full
22 Environmental Assessment Form and there is a lot of
23 information there.

24 Part I is the completed by the applicant.

25 Part II is the identification of potential project

1 impacts. There are 18 major questions that you can
2 answer either no or yes to. Four out of the 18 we
3 marked yes, that there could be an impact and I will
4 go through those.

5 The first one is an impact on land. They
6 answered that question as yes and then we drilled
7 down to all of the sub questions under the impact on
8 land. We have identified that either no or small
9 impact would occur.

10 The second one was flagged yes and that was
11 the impact on energy, which also resulted in no or
12 small impact.

13 The third was no impact on noise, odor or
14 light. All of those sub questions were responded to
15 with a no or small impact would occur.

16 So, Part III of the EAF goes through the
17 evaluation of the magnitude and the importance of the
18 project impacts and based on that we have determined
19 that - we've checked answer A which this project
20 would result in no significant adverse impacts on the
21 environment and therefore no Environmental Impact
22 Statement need be prepared. Accordingly, this
23 negative declaration is issued.

24 CHAIRMAN STUTO: Do we have any discussion
25 questions for the Board?

1 (There was no response.)

2 You're proposing a negative declaration. Do
3 we have a motion?

4 MS. DALTON: I'll make a motion.

5 CHAIRMAN STUTO: Do we have a second?

6 MR. AUSTIN: Second.

7 CHAIRMAN STUTO: Do we have any discussion?

8 (There was no response.)

9 All those in favor, say aye.

10 (Ayes were recited.)

11 All those opposed, say nay.

12 (There were none opposed.)

13 The ayes have it.

14 On the Waiver Resolution - can you read the
15 title and all the resolves?

16 MR. GRASSO: Sure, so there is a Resolution for
17 Latham Farms regarding the waiver of findings and I will
18 paraphrase.

19 Whereas the applicant is requesting one
20 waiver from the Town of Colonie Land Use Law relating
21 to parking located within the front yard; and whereas
22 the shape and location of the project site in
23 relation of Erin Street right-of-way results in the
24 front yard and the parking has been located to
25 maximize the number of parking spaces in close

1 proximity to the new structures. Now therefore be it
2 resolved that the Board hereby finds that the extent
3 of the requesting waiver is not considered
4 substantial; and be it further resolved that the
5 Board hereby issues a waiver from the requirement
6 restricting parking within the front yard and be it
7 further resolved that this waiver of findings be a
8 condition of site plan approval of the application
9 and be kept in the project file in the Office of
10 Planning and Economic Development Department.

11 CHAIRMAN STUTO: I will ask that the
12 Stenographer put the entire Resolution into the record.

13 Do we have any discussion on this Resolution.

14 (There was no response.)

15 Do we have a motion?

16 MR. MION: I'll make a motion.

17 CHAIRMAN STUTO: Do we have a second?

18 MR. AUSTIN: I'll second.

19 CHAIRMAN STUTO: Any discussion?

20 (There was no response.)

21 All those in favor, say aye.

22 (Ayes were recited.)

23 All those opposed, say nay.

24 (There were none opposed.)

25 The ayes have it.

1 With respect to the main question before the
2 Board which is for final approval subject to all the
3 conditions placed upon it by the Planning Board, the
4 Town Departments and the Town Designated Engineer -

5 MR. GRASSO: Excepting the comment about the
6 lighting.

7 CHAIRMAN STUTO: Correct, excepting the
8 commenting about the lighting, do we have a motion?

9 MR. MION: I'll make a motion.

10 CHAIRMAN STUTO: Do we have a second?

11 MR. AUSTIN: I'll second.

12 CHAIRMAN STUTO: Is there any discussion?

13 (There was no response.)

14 All those in favor, say aye.

15 (Ayes were recited.)

16 All those opposed, say nay.

17 (There were none opposed.)

18 The ayes have it.

19 Thank you.

20

21 (Whereas the above entitled proceeding was concluded
22 at 7:34 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: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

