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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

P&L WAREHOUSE
80 LOCKROW ROAD
APPLICATION FOR FINAL APPROVAL

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on April 24, 2018 at 7:12 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
LOUIS MION
KATHLEEN DALTON
SUSAN MILSTEIN
BRIAN AUSTIN
STEVEN HEIDER

ALSO PRESENT:

Michael C. Magguilli, Esq., Town Attorney
Joseph LaCivita, Director, Planning and Economic
Development
Nicholas Costa, Advanced Engineering and Surveying
Audrey Evans
Thomas Hoffman, Junior
David Glass
Victor Caponera, Esq.
Chuck Voss, PE, Barton and Loguidice

1 CHAIRMAN STUTO: Next item on the agenda, P&L
2 Warehouse, 80 Lockrow Road, application for final
3 approval.

4 Joe LaCivita, do you have any comments on
5 this before we turn it over to the applicant?

6 MR. LACIVITA: Yes, this project here you may
7 remember is in the industrial zone off of Railroad
8 Avenue. It started out as a storage yard facility with
9 Mr. Luizzi. When it came to this Board for concept
10 initially, there was some public concern to that use.
11 The applicant turned to a warehousing distribution
12 component, which he is fully ready to prepare to receive
13 final with 71,250 square feet with three buildings.

14 Here we have the Honorable Mr. Caponera.

15 MR. CAPONERA: That's pretty much saved for Mr.
16 Hershberg.

17 Joe took the words right out of my mouth. As
18 most of the Board Members know this isn't our maiden
19 voyage here. We started back in 2016 and converted it
20 into this project. We have been in front of the Board
21 a few times. The last time when we got concept was on
22 September 12th and some of the neighbors appeared and
23 basically were happy with the way that we modified it
24 and changed the plan substantially from our initial
25 iteration.

1 Ultimately, as you may recall there were some
2 roadways back here that we got rid of because the
3 neighbors wanted to build it this way. We added an
4 eight-foot stockade fence, a lot more green area.

5 Effectively speaking, we have three separate
6 lots which is what we are working to final approval
7 on.

8 This proposed warehouse would merge with this
9 lot (Indicating) and it's a piece of property that is
10 owned by the Hoffman family and Mr. Hoffman,
11 notwithstanding him being on Lake George last week -
12 he is here and he's looking to buy this property from
13 my client and then my client will have these two.

14 We meet all of the setbacks. The green space
15 is going to be close to 50% on this.

16 If you have any questions, we'll be happy to
17 answer them, but I'm here with Mr. Costa, who soon
18 will be honorable but for now we'll just leave it with
19 Mr. Hershberg.

20 CHAIRMAN STUTO: Does he want to make a
21 presentation now or no?

22 MR. CAPONERA: Unless anyone has a -

23 CHAIRMAN STUTO: We're going to turn it over to
24 our Town Designated Engineer for the review.

25 This has been reviewed by our Town Designated

1 Engineer, Barton and Loguidice. Chuck Voss is here
2 from that company.

3 Chuck, can you tell us what you found in your
4 review?

5 MR. VOSS: Sure, Peter; thank you.

6 The applicant basically came in for their
7 second review back in early March. At that time, we
8 looked at some additional issues that we had. We also
9 looked at the Town comments that were basically coming
10 forward at that time and we had asked Nick to
11 basically address most of those, which he has since
12 done. Really at that time and the only issue that we
13 had was just a question about some of the storm water
14 design - some of the technical issues associated with
15 that. And just the location of one of the storm drains
16 that was crossing through the site. Nick was able to
17 address all of our comments. He went through
18 methodically and addressed all the comments from the
19 Town departments. We verified those. Nick did resubmit
20 those not too long ago and we looked at those plans as
21 well. We are certainly satisfied at this point, Peter,
22 that he has addressed virtually all of our comments.
23 He did a nice job in kind of pulling it all together
24 and addressing everything that we had. At this point,
25 we have no technical outstanding comments associated

1 with the project.

2 CHAIRMAN STUTO: Okay, we reviewed this several
3 times and I know they have refined it quite a bit to the
4 better. It seemed responsive to the neighbors. We will
5 just open it up to the Board with any comments or
6 questions.

7 (There was no response.)

8 Any members of the public looking to speak on
9 this one?

10 MR. GLASS: My name is David Glass. I live at
11 45 Lockrow Boulevard. The project is going to be taking
12 place right behind my house. I did have a couple of
13 questions. I do see that they moved the roadway on the
14 front of their property away from our backyard. I just
15 had a couple of questions.

16 During the construction of the facility, what
17 are the permitted hours that they are allowed to do
18 the construction? Myself and my neighbors have
19 concerns about if this is going to be taking place
20 early on the weekend mornings and stuff. So, I had a
21 question about that. What hours of operation is the
22 warehouse going to be operating at once it is
23 completed? Is that five days a week or seven days a
24 week operation? If these are violated, who is the
25 enforcement for this?

1 CHAIRMAN STUTO: Is that it for now?

2 MR. GLASS: Yes.

3 CHAIRMAN STUTO: We will get those answered.
4 During construction, what are the hours?

5 MR. LACIVITA: Typically we go 7:00 a.m. to
6 6:00 p.m. during the construction.

7 CHAIRMAN STUTO: Is that five days a week?

8 MR. LACIVITA: Typically, and we allow
9 Saturdays with the same time frame.

10 CHAIRMAN STUTO: Then it's six days a week?

11 MR. LACIVITA: I know we had a project recently
12 where it was actually written into the SEQR
13 documentation and it was much more enforceable. I did
14 not see that in here as two hours of construction. So,
15 the Board certainly can, if it wanted to, adopt those
16 hours into SEQR which would become part of the
17 documentation.

18 CHAIRMAN STUTO: Where do you live, sir? Can
19 you point to your house?

20 MR. GLASS: I am at 45.

21 CHAIRMAN STUTO: So, you are behind what is
22 going to be the Hoffman property, right?

23 MR. GLASS: Yes.

24 CHAIRMAN STUTO: Well, I will turn it over to
25 the applicant or Mr. Hoffman about the hours of

1 operation there.

2 MR. LACIVITA: I was talking specifically on
3 hours of construction and not operation.

4 CHAIRMAN STUTO: Correct. We understood that.

5 MR. GLASS: I did have one more question while
6 I'm up here.

7 Do we know what is going to be going in the
8 building?

9 CHAIRMAN STUTO: Okay, we will talk about that,
10 too. We will ask the applicant to talk about that.

11 MR. HOFFMAN: My name is Tom Hoffman Junior.

12 So, our hours of operation are seven days a
13 week. We are just coming in and out with some minor
14 light supplies at the moment at our current facility
15 which is right in front of the proposed facility.

16 As far as the construction hours, we are just
17 complying with the Town rules and I suppose a
18 contractor would typically be Monday through Friday
19 from 7:00 a.m. to probably 4:00 p.m.

20 CHAIRMAN STUTO: So, what are you going to be
21 doing there? Tell your new neighbor.

22 MR. HOFFMAN: It's really the same operation.
23 We have a small parts and supplies -- our maintenance
24 construction and landscape crew are in there. We are
25 considering moving our corporate offices from the

1 Village of Colonie location to this location.

2 Assembling of some car wash parts -- it is a
3 pretty minor operation. It is all done inside.

4 CHAIRMAN STUTO: Thank you.

5 Didn't answer your questions, sir?

6 MR. GLASS: Yes, but what about enforcement?

7 MR. MAGGUILLI: As far as enforcement goes, the
8 enforcement is through my office, the Town Attorney's
9 office. So, if there is ever a time when you believe
10 they have violated the Code - they start construction
11 early at 6 o'clock or go late and you want to complain
12 about it, you can call the Town Attorney's office. We
13 will send out the Building Department and try to get
14 voluntary compliance. If that doesn't work, the Town
15 will issue a notice of violation and prosecuted in
16 court.

17 CHAIRMAN STUTO: Any other questions?

18 MR. EVANS: My name is Audrey Evans and I live
19 at 47 Lockrow Boulivard next to Dave. He pretty much
20 asked the questions that me and some of our neighbors
21 had.

22 We are pleased with the placement of the road
23 where it is, what's going in and hours of operation.

24 I guess the other question that we would like
25 to ask is the lighting situation. How is that going to

1 impact our backyards, our bedrooms and that kind of
2 stuff?

3 CHAIRMAN STUTO: Mr. Hershberg, would you like
4 to talk about the lighting?

5 MR. CAPONERA: This is not his project.

6 MR. COSTA: As far as the lighting, all of the
7 lighting will be contained on-site. There won't be any
8 spillover of lighting be on the property line. With the
9 landscaping and the eight-foot stockade fence, there
10 won't be any spillage. All of the lighting will be down
11 lighting - what is referred to as shoe box type. It will
12 be fixed and throwing the light down. It will not throw
13 it towards your backyard.

14 CHAIRMAN STUTO: Any comments or questions from
15 the Board?

16 (There was no response.)

17 Okay, we have seen this a number of times.

18 Can you walk us through the environmental
19 review, Chuck?

20 MR. VOSS: The Board should have in their
21 packets the short environmental assessment form which
22 the Town Attorney's office has prepared and I have a
23 copy here.

24 Essentially, part one talks about the action
25 and goes through a series of 20 questions on the short

1 form. It did not identify any environmental impacts
2 but the additional questions on the Part III
3 determination basically rendered a determination that
4 no significant environmental impact will occur.

5 If you would like, I can walk to those
6 questions before we get to the negative declaration.

7 CHAIRMAN STUTO: Yes, quickly.

8 MR. VOSS: The first one is: Will the proposed
9 action create immaterial conflict with the adopted
10 land-use plan or zoning regulations? The answer is no.

11 Will the proposed action result in a change
12 in the use or intensity of land? The answer is no.

13 Will the proposed action impair the character
14 or quality of the existing community? Again, the
15 answer is no, or small impact.

16 Will the proposed action have an impact on
17 the environmental characteristics that cause the
18 establishment of a critical environmental area? The
19 answer is no.

20 Will the proposed action result in an adverse
21 change in the existing level of traffic or affect
22 existing infrastructure for mass transit, biking or
23 walkway? The answer is no.

24 Will the proposed action cause an increase in
25 the use of energy and fail to incorporate reasonably

1 available energy conservation or renewable energy
2 opportunities? The answer is no.

3 Will the proposed action impact existing
4 public or private water supplies, or public or private
5 wastewater treatment facilities? The answer is no.

6 Will the proposed action impair the character
7 or quality of historical or archaeological or
8 architecture or aesthetic resources? The answer is no.

9 Will the proposed action create an adverse
10 change to natural resources? The answer is no.

11 Will the proposed action result in an
12 increase in the potential for erosion, flooding or
13 drainage problems? The answer is no.

14 Will the proposed action create a hazard to
15 environmental resources or human health? The answer is
16 no.

17 Associated with that is the negative
18 declaration attached to it and we also have the SEQOR
19 Resolution. If you want me to just kind of jump the
20 whereas clauses?

21 CHAIRMAN STUTO: Yes.

22 MR. VOSS: The title is: Resolution adopting
23 and issuing a negative declaration. There is a notice of
24 determination of non-significance under SEQOR for the P&L
25 Warehouse Project.

1 CHAIRMAN STUTO: I will ask the stenographer to
2 put the entire Resolution into the record.

3 MR. VOSS: Now therefore be it resolved that
4 pursuant to 6NYCRR Part 617.7, 617.20 and 617.21 of the
5 regulations of Article 8 of the Environmental
6 Conservation Law of New York State, SEQR Law, the Town
7 of Colonie Planning Board is the lead agency and hereby
8 adopts the annexed negative declaration notice of
9 determination of non significance under SEQR upon vote
10 thereupon and signature of the Chairman herewith; and be
11 it further resolved that the Town of Colonie Planning
12 Board as lead agency hereby issues the annexed negative
13 declaration and notice of determination of non
14 significance under SEQR upon the vote thereupon and the
15 signature of the Chairman herewith. Be it further
16 resolved that this Resolution shall take effect
17 immediately.

18 CHAIRMAN STUTO: Do we have any discussion on
19 that?

20 (There was no response.)

21 Do we have a motion on that Resolution?

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

23 CHAIRMAN STUTO: Second?

24 MS. DALTON: Second.

25 CHAIRMAN STUTO: Any discussion?

1 (There was no response.)

2 All those in favor, say aye.

3 (Ayes were recited.)

4 All those opposed, saying nay.

5 (There were none opposed.)

6 The ayes have it.

7 With respect to the main question which is
8 for final acceptance, subject to all the conditions in
9 the Town Designated Engineer's letter and conditions
10 set forth in the record by the Planning Board and
11 conditions of the Town departments, do we have a
12 motion?

13 MR. HEIDER: I'll make a motion.

14 CHAIRMAN STUTO: The Chief makes a motion.

15 MR. MION: Second.

16 CHAIRMAN STUTO: Any discussion.

17 (There was no response.)

18 (All those in favor, say aye.)

19 (Ayes were recited.)

20 (All those opposed, say nay.)

21 (There were none opposed.)

22 The ayes have it. Thank you.

23 I would like to make one comment. Joe, I
24 don't know how the rest of the Board feels, but I
25 think this drawing is superb. Rather than waste the

1 paper on a larger drawing that are done in color, I
2 would love to get this.

3 MR. LACIVITA: That's what we are going to.
4 Everyone has been making commentary toward it.

5 CHAIRMAN STUTO: Does the Board agree?

6 MS. DALTON: Yes.

7 MR. MION: Yes.

8 (Whereas the above entitled proceeding was concluded
9 at 7:26 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