

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

ENTERTAINMENT COMPLEX

941 ALBANY SHAKER ROAD

APPLICATION FOR CONCEPT ACCEPTANCE

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled matter
7 by NANCY L. STRANG, a Shorthand Reporter commencing on
8 October 30, 2018 at 7:59 p.m. at The Public Operations
9 Center, 347 Old Niskayuna Road, Latham, New York

8 BOARD MEMBERS:
9 PETER STUTO, CHAIRMAN
10 CRAIG SHAMLIAN
11 BRIAN AUSTIN
12 KATHLEEN DALTON
13 SUSAN MILSTEIN
14 LOU MION
15 STEVEN HEIDER

13 ALSO PRESENT:
14 Michael C. Magguilli, Esq., Town Attorney
15 Joseph LaCivita, Director, Planning and Economic
16 Daniel Hershberg, PE, Hershberg and Hershberg
17 Keith Ferraro
18 Charles Voss, PE, Barton and Loguidice

17
18
19
20
21
22
23
24
25

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRMAN STUTO: Next item on the agenda is Entertainment Complex, 941 Albany Shaker Road, application for concept acceptance, 26,250 square feet indoor amusement building with a 10,000 square feet outdoor use.

Joe LaCivita, would you like to give any comment before we turn it over to the developer?

MR. LACIVITA: Peter, this is in the airport business district which will be paying mitigation fees for development.

Before us tonight is Daniel Hirschberg. We saw this project at the DCC level back in February and then it went before us and may for sketch and tonight we are here for concept acceptance.

Dan?

MR. HERSHBERG: Thank you. Daniel Hershberg from the firm of Hershberg and Hershberg.

I'm here today with Keith Ferraro, the applicant. Since we have been here on sketch plan, one major change we made is the original plan had an exit coming out very close to the bus stop. Albany County recommended that we relocate it to improve sight distance and to not interfere with the operation of that bus stop. So, we relocated it to here

1 (Indicating) and had a sight distance analysis
2 repeated on the site and it did improve the site
3 distance.

4 Another issue was: We use to be retaining a
5 residential use here. We had a single-family
6 residential building that they were keeping on the
7 site. That's now gone away. That will open up the
8 visibility of the site and will actually help the
9 drainage system. We are proposing to put a bio
10 retention basin here. Unfortunately, the soil did not
11 have infiltration to be able to use my porous pavement
12 approach. It doesn't work here. So, we are using
13 another method which is a bio retention basin. We will
14 have to put a line on that because it is shallow - to
15 the groundwater. One change and what Joe introduced -
16 the 10,000 square feet is the entertainment area with
17 our 26,000 square foot building. That is the basis for
18 our computation of the parking spaces.

19 Parking spaces for this sort of facility is
20 based upon the area devoted to the entertainment. This
21 is for dining, restrooms and areas where people come
22 in and out. So, we have estimated 10,000 square feet
23 worth of entertainment space within that. On that, we
24 based our parking. We do propose to bank at the
25 parking here (Indicating). We have improved the

1 ingress and egress to the site by having a sidewalk go
2 right across there. The banked parking may be added at
3 a future date and will work quite well.

4 We circumnavigate the building with a fire
5 road. We also propose to use that for bus parking. So,
6 this will be ingress for buses and emergency purposes
7 only. It is a good place to park buses and buses are
8 used when school groups or camp groups come to the
9 site. We intend to use that.

10 We will need a waiver from the distance back
11 from Albany Shaker Road. We are also asking for waiver
12 on the 20 feet for parking space. We need a variance
13 from that to meet the need in there. It's either that
14 or we will lose about 10 additional parking spots.

15 The rest of the site, I think, complies with
16 the zoning.

17 CHAIRMAN STUTO: The most perplexing thing
18 about it is the 10,000 square feet inside the 26,000 and
19 whether the parking calculation is done accurately. If I
20 recall correctly, either I or somebody else on the Board
21 brought that up.

22 Do you agree with the analysis, Chuck? I
23 think we said let's take a closer look at that.

24 MR. VOSS: We did, Peter. Certainly in our
25 letter -

1 CHAIRMAN STUTO: If you're going to address it
2 in your comments, please pause on that one.

3 MR. VOSS: Sure.

4 A letter of August 3 - there was a concept
5 review letter. Let me just touch on a couple of things
6 and then I will hit that point quickly.

7 Just by way of the site layout, it is within
8 the airport area business district. Certainly there
9 will be mitigation impacts that will apply. I think it
10 is important for the Board to note that as we
11 discussed earlier, the relocation of the driveway, we
12 think, is appropriate.

13 We were not opposed to the original driving
14 location due to sight-lines. If you go there and you
15 take a look at both sides, the north/south view lines
16 - they were okay, but if the county was more concerned
17 with kind of shifting the driveway little bit further
18 to the south away from that, we have no objections to
19 that. We think that certainly will work.

20 The question that Peter raised - we looked at
21 Town Code 190.47b. I would just read it quickly. It
22 says:

23 Facilities containing a mixture of specific
24 uses shall provide parking in proportion to the
25 percentage of the facility devoted to each use.

1 So, we are asking that the applicant revisit
2 that square footage calculation of the amusement area
3 and certainly at appropriate parking calculations or
4 factor that in for the café area and party rooms,
5 etcerea. Certain common spaces like bathrooms and
6 things like that would not apply to that. There is
7 some other spaces within that facility, other than the
8 10,000 that we think interpret and merit that code
9 application. So, we would ask that the applicant look
10 at that.

11 CHAIRMAN STUTO: Is that more entertainment
12 than restaurant? What are you saying?

13 MR. VOSS: Yes. In other words, the restaurant
14 area - we would want factored in. There are some common
15 spaces in there. We would have to look at their floor
16 plan again, but there are some other additional spaces
17 that are public spaces that may attract a user outside
18 that 10,000 square feet entertainment piece. We feel it
19 is appropriate, certainly, to look at that. The
20 applicant can argue that with the Board, but that is our
21 position.

22 There is a wetland delineated on the south
23 side of the property site. Dan has done a particularly
24 nice job with his concept plan of avoiding that. There
25 is maybe one or two minor areas that will be affected

1 due to grading, so there will be some mitigation for
2 that. The site certainly is serviced by all utilities.

3 As Dan said, it is an allowed use in that
4 district. We would like to see the floor plan for
5 Shaker Creek on this plan. Again, I know the Board is
6 probably going to get into this but the actual façade
7 design of the building is fairly monolithic as
8 proposed right now. It is not readily available on all
9 sides from view from Albany Shaker Road, but we would
10 like to be able to see some architectural detail to
11 break up some of that large façade from the view site.

12 The other thing is we would like to have any
13 mature trees over 12 inches in diameter identified on
14 the plan. Other than that, that's really all we've
15 got.

16 CHAIRMAN STUTO: Would you like to respond to
17 any of that before we go to the next stage?

18 MR. HERSHBERG: We believe that the 10,000
19 square feet is accurate for the entertainment area.

20 Chuck is right, we never calculated for
21 restaurant use because this is not a typical
22 restaurant use. It is like a snack bar in an
23 entertainment venue. While you're waiting for your
24 children, you need a place to sit and the kids come
25 off and then they go away. So, we don't know what the

1 proper allowance is for parking. We will certainly
2 visit that. In any event, we based the parking in here
3 more closely on Keith's experience up in Glens Falls.
4 This is probably twice the amount of parking for the
5 area that he has up there. It works quite well.

6 CHAIRMAN STUTO: To have other room for
7 parking? We are all for banking parking. This is Colonie
8 and it's not Glens Falls. There's probably a higher
9 density of kids. We ran into trouble en route to with
10 that baseball facility where they don't have enough
11 parking. We are sensitive to that issue.

12 MR. HERSHBERG: I think the banked parking
13 would certainly help. We don't want to build it if we
14 don't have to, obviously and Keith doesn't think that he
15 has to build it now to meet the need.

16 CHAIRMAN STUTO: If we need to expand it, are
17 there other non-wet areas that we can expand to?

18 MR. HERSHBERG: Again, we would have to
19 redesign that facility and move it over here
20 (Indicating). We have moved it out of here because we
21 would have to build a wall in there. We do have some
22 space in there probably adding another 20 or 30 parking
23 spots that could be done there.

24 The only other potential is if we have
25 parking problems there - is to reduce the area for

1 this new edition and make some of that for parking. It
2 is not something that Keith proposes. This is not an
3 item where you pick up the IT manual and find
4 something to tell you this is how the traffic is
5 generated. Traffic generation figure was done and we
6 think that well exceeds the peak hour of traffic
7 there. Keith says the major use of this facility is
8 evenings and weekends where families come out on
9 weekends. A lot of families do not come from work but
10 come from home and come out for an evening here with
11 either children or adults. This facility is actually
12 used by young adults and even maybe some older adults.
13 Not me - I'm not going to climb the wall. Again, there
14 are a lot of uses for the site. We think that the
15 proof would be in the pudding when we operate the
16 thing. We are asking you with the traffic - why don't
17 we wait a year after it opens and then we would have
18 an actual traffic count and see what we actually had
19 there. We think the parking is adequate, but because
20 we are not proposing Phase II, if we had to and if the
21 parking went crazy and we didn't have enough parking,
22 we would have to go back to Keith and say the only
23 place to put it is to relocate the storm water or
24 build a wall here (Indicating), use 20 or 30 spots
25 here and maybe invade a portion of that. We have space

1 to add like hundred 20 spots if we needed to.

2 CHAIRMAN STUTO: Okay thank you.

3 MR. FERRARO: Can I make a comment, too?

4 CHAIRMAN STUTO: Sure.

5 MR. FERRARO: Everything that Dan said is
6 completely correct. To kind of clarify the café
7 scenario, let's face it, people are not going to go into
8 an entertainment center to have a relaxing dinner with
9 all the noise and activity going on around them. This is
10 purely to support the people that are inside the
11 facility.

12 I have been in business for 36 years up in
13 Queensbury. I have never had people come into my
14 establishment looking for dinner. I think we have the
15 parking lot figured out with the entertainment side
16 calculation. I think hopefully you will agree with us
17 there.

18 CHAIRMAN STUTO: Okay, I don't think any
19 members of the public have signed up.

20 Kathy, do you want to start?

21 MR. DALTON: The building is kind of boring. We
22 were thinking where maybe the party rooms are or
23 something - you could put windows on one side of the
24 building and then some caps on the roof or something
25 just to make it a little bit more visually interesting.

1 I don't have any specific questions.

2 MR. FERRARO: Thank you. We would like to put
3 the windows across the front, but that's really a
4 storage hallway behind the party rooms. So, they're not
5 really connected to the front of the building. We can
6 work on some more roof caps or something like that.

7 MR. HERSHBERG: And we can certainly work with
8 Cutler Architects - the architects for the building and
9 work on getting some more detail that breaks up this
10 large - - cream color façade. Again, the key element
11 will be - we want to emphasize the entrance. People will
12 know where it is anyway by the parking in front of it,
13 but again we think that it could be made a little more
14 beautiful.

15 MR. MION: I will speak for Brian. He likes
16 copulas. If you put them on the roof, he will be happy.

17 MR. AUSTIN: I agree that the façade of the
18 building is reminiscent of the other trampolinesque
19 facilities that we have in the area. The 10,000 - 26,000
20 - - can you explain that one more time? I'm a little
21 lost on that one. I did the square footage and it
22 doesn't add up.

23 MR. HERSHBERG: About 4% of the building is
24 actually occupied by the equipment, the rooms that are
25 designated for use. If you take a look at the floor

1 plan, we have certain areas to circulate to the site. We
2 have a big open space area. That's not really
3 entertainment area. The entertainment area is the
4 climbing along the side, the rooms set aside for
5 specialty events. It's not the party room. It's not the
6 bathrooms. If you figured out, it's about 40% of the
7 building. That's with a 10,000 square feet comes in.

8 MR. AUSTIN: So, the 10,000 is not outdoor
9 entertainment.

10 MR. HERSHBERG: No, that was a misstatement.
11 There is over 26,000 and 10,000 is entertainment. That
12 is how we based our parking. As it was pointed out, we
13 didn't include any parking for anything else but as
14 Keith said, we are not attracting additional people to
15 eat. They come to transport their children or go there
16 and want to take a break for entertainment and get a
17 bite.

18 MR. AUSTIN: And I am one of the people who
19 would be glad to go there.

20 CHAIRMAN STUTO: Are you giving zero to the
21 restaurant part, or are you giving some parking.

22 MR. HERSHBERG: Again, our analysis - we didn't
23 give it anything because as Keith said, the people are
24 there and came for the entertainment and so we thought
25 that would count. We can go back and revisit it. In any

1 event, we are going to ask this Board to let us reduce
2 it up to 25% if you can. We want to build as little
3 parking as we can. Ideally, we will build less than what
4 we need and if we have to add something later, we will
5 figure out a way to do it.

6 CHAIRMAN STUTO: If people can't park there,
7 where are they going to go?

8 MR. HERSHBERG: There is no other place for
9 them to legitimately park. Albany Shaker Road is not
10 suitable for parking.

11 CHAIRMAN STUTO: Susan?

12 MS. MILSTEIN: Just the design. It's kind of
13 warehouse looking. That's my only comment. Otherwise, I
14 like it.

15 CHAIRMAN STUTO: Craig?

16 MR. SHAMLIAN: It's all been said. I think it
17 is a great project, generally speaking.

18 CHAIRMAN STUTO: Chief?

19 MR. HEIDER: Just one thing. Does the dumpster
20 have to be facing Shaker Road?

21 MR. HERSHBERG: We tried other places to put
22 it. As a matter fact, we put it over in this quarter
23 here (Indicating) and we applied for the zoning
24 verification, there was a setback requirement for that
25 that we could not meet. We could put it over here, but

1 it's very inconvenient to get to now. It was green on
2 both sides and we realize that we haven't shown
3 additional screening in here. There are some existing
4 trees that remain. We don't think it's going to be that
5 big of a distraction.

6 MR. HEIDER: I prefer that they keep the banked
7 parking. I think 200 spaces is more than enough.

8 MR. SHAMLIAN: Could you temporarily put the
9 dumpster in the expansion area? And when you go to do
10 the expansion -

11 MR. HERSHBERG: We can think about that. Again,
12 it wasn't an ideal place. The way that the circulation
13 patter works is, the dumpster trucks come around here
14 and goes in there and turns around, picks it up and goes
15 out. The circulation pattern works pretty well for the
16 dumpster truck. We could put it over in that other area
17 and take it out for now as a temporary location.

18 CHAIRMAN STUTO: I think it's a great project.
19 I am all for banked parking. I just don't want to make a
20 mistake on that. I don't know the right answer.

21 MR. HERSHBERG: And we don't want to turn
22 people away because we have no parking spaces.

23 CHAIRMAN STUTO: So, if you could bank enough,
24 that's great with us.

25 It appears we have no comments.

1 This is up for concept acceptance, which is
2 not an approval. The applicant should understand that.
3 Subject to all the conditions and discussions we have
4 had today, departmental comments and comments from the
5 Town Designated Engineer, do we have a motion for
6 concept acceptance.

7 MR. MION: I will make the motion.

8 MS. DALTON: I'll second.

9 CHAIRMAN STUTO: Any discussion?

10 (There was no response.)

11 All those in favor, say aye.

12 (Ayes were recited.)

13 All those opposed, say nay.

14 (There were none opposed.)

15 The ayes have it.

16 MR. HERSHBERG: Thank you.

17 (Whereas the above entitled proceeding was
18 concluded at 8:15 p.m.)

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATION

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

