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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

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J. LUKE OFFICE  
767 TROY SCHENECTADY ROAD  
SKETCH PLAN REVIEW

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THE STENOGRAPHIC MINUTES of the above entitled matter  
by NANCY L. STRANG, a Shorthand Reporter Commencing  
on November 27, 2018 at 7:00 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  
KATHY DALTON

ALSO PRESENT:

Kathleen Marinelli, Esq., Counsel to the Plannin  
Board  
Joseph LaCivita, Director, Planning and Economic  
Development Department  
Victor Caponera, Esq.  
Joseph Grasso, RLA  
John Hodorowski  
Luigi Palleshi, PE,

1                   CHAIRMAN STUTO: Welcome to the Town of Colonie  
2 Planning Board. We have a lot of work to do tonight. We have  
3 several items on the agenda. We are going to call them up  
4 shortly.

5                   Joe LaCivita, do you have any business to talk  
6 about before we call up the items?

7                   MR. LACIVITA: The only important thing I want to  
8 mention is that we do have an upcoming date for our  
9 Comprehensive Plan meeting that is going to be December 13 at  
10 6:00 p.m. It is here in this room. We will be going over  
11 final recommendations that we can submit to the Town Board,  
12 so it will be an important meeting. I invite anyone that is  
13 interested in coming to attend that evening.

14                   CHAIRMAN STUTO: Thank you.

15                   The first item on the agenda is J. Luke office,  
16 767 Troy Schenectady Road, sketch plan review, construct a  
17 new three-story 50,000 square foot office with parking.

18                   Joe, do you have any introductory remarks before  
19 we turn it over to the applicant?

20                   MR. LACIVITA: This is only for a sketch this  
21 evening and it has been to our DCC which is the Development  
22 Coordination Committee meeting and they are here tonight to  
23 hear from the Planning Board in order to go forward with  
24 concept. I will turn it over to Victor Caponera.

25                   MR. CAPONERA: Mr. Chairman, honored guests, this

1 is property at 767 Troy Schenectady Road. Some of the Board  
2 Members may remember and some of the Board Members may not  
3 remember, but back in 2005 I was in front of the sport on this  
4 property looking to put a Green's Appliance Center at this  
5 location. Then, there was a moratorium that went on for a  
6 period of time and at the end of the day, Mr. Green bought  
7 the property, tore down the farmhouse that was on it and the  
8 adjacent garage, took out the oil tank and the property has  
9 set vacant ever since.

10 We went in front of the DCC meeting a few weeks  
11 ago and the site plan that you see that is glued to the board  
12 is what was presented to the DCC meeting for the proposed  
13 building which was 50,000 square feet. It is now 43,500 or,  
14 I'm sorry 49,500 square feet. You will notice that the  
15 entrance egress/ingress was on the west side. The site plan  
16 that is in front of me shows that it has been removed. The  
17 footprint of the buildings have been made smaller. The  
18 location of the egress has been made smaller.

19 My client entered into a contract to buy 5 Whitney  
20 which is shown on this plan which shows a proposal of left  
21 out only onto Whitney to get to the traffic light. It is at  
22 Whitney and Route 7.

23 This is a proposal, as you can see from the foam  
24 boards with the elevation for the headquarters for Northwest  
25 mutual. Northwest Mutual currently is in multiple locations

1 in the area; Saratoga, Albany in my building that I used to  
2 be at - 3 Atrium Drive - they have a pretty big presence  
3 there. They want to basically put their headquarters in one  
4 location. So, these offices on the outskirts, namely in other  
5 Towns like Saratoga, Albany and down where I am off of  
6 Everett would then be headquartered in this building. We have  
7 received and approved zoning verification for this project.  
8 It is approved. The use is approved. The history here shows  
9 it back in 1961 - the property was zoned Business E. Then, in  
10 1996 it was rezoned Business E1. Obviously, in January 2007  
11 when the Town rezoned it, it is now NCOR;  
12 neighborhood/commercial/office/residential.

13 Essentially, that's it we have for sketch plan at  
14 this time. We have the elevations of all sides of the  
15 proposed building. It is a three-story building. It is under  
16 the maximum 40 foot height limit. We believe that it meets  
17 most of the design criteria. That's a we are here for - to  
18 listen to the Board's comments and concerns.

19 CHAIRMAN STUTO: Thank you.

20 We have a Town Designated Engineer, CHA assigned  
21 to review this on behalf of the Town. There represented  
22 tonight by Joe Grasso.

23 Joe, I know you haven't completed any kind of  
24 formal review, but could you give us your initial  
25 impressions?

1                   MR. GRASSO: Sure. So, it puts us at a  
2                   disadvantage. Victor, I will say this to you because I have  
3                   worked with you a long time. It puts us at a disadvantage  
4                   when we don't have the plan that they are presenting tonight  
5                   in advance of the meeting. I have comments on the previous  
6                   plan and you are giving us a different plan with a lot of  
7                   different features. Nonetheless, I'm going to try to go  
8                   through it.

9                   MR. PALLESHI: Excuse me, Joe, I think it would be  
10                  kind of advantageous if I kind of walked through the site  
11                  plan from when we submitted at sketch plan to where we are  
12                  now which may give you a little bit more time to digest the  
13                  new plan. Is that okay?

14                 CHAIRMAN STUTO: It's up to the Chairman. In the  
15                 interest of time, I will do it either way. I can go right now  
16                 or -

17                 CHAIRMAN STUTO: What you think is the most  
18                 efficient, Joe?

19                 MR. GRASSO: In terms of time, for me just to go  
20                 right through it.

21                 CHAIRMAN STUTO: Okay, let's do that.

22                 MR. GRASSO: So, the access on the original plan  
23                 which is up on the white board on the wall had the access  
24                 only on Route 7. That was a concern. We thought that access  
25                 to Whitney Road and getting access to the signal would be

1 important. You are proposing it through a residential  
2 neighborhood - what appears to be a residential lot. So  
3 that's going to have some community character impacts that I  
4 think need to get addressed and fully understood.

5 I definitely think access to the signal is a good  
6 feature, but I'm just concerned about where it is located and  
7 its impact between two residential lots. Whether or not that  
8 changes status - because that is a SFR zone, I believe,  
9 there. Using it as a commercial use - I don't know how that  
10 is interpreted from a zoning standpoint. We will have to take  
11 a look at that. So, the parking area on both plans is the  
12 same. It is behind the building. It is right up against the  
13 residential development and the zoning, without a lot of  
14 buffer. I think that's something that needs to be closely  
15 looked at. We would recommend in this type of setting with  
16 this size parking lot significant screening, berming and  
17 having more physical separation between the backyards of the  
18 residential properties in your proposed parking lots - - to  
19 keep in mind. So, in terms of the project site area, the  
20 commercially zoned site is 2.52 acres which when you take a  
21 maximum density of 18,000 square feet per acre, you are  
22 allowed 45,360. The building is 49,500 square feet proposed.  
23 So, I think you are over the allowable density. I don't think  
24 you can count the area - the acreage of the residential  
25 parcel which put you up to 277. I don't think zoning allows

1 you to do that for density purposes. So, I think you are over  
2 the density. So, I don't think that's a waiver of the item. I  
3 think it is a variance item.

4 The green space is less than 35%. So, I think that  
5 is a waivable item, but incentive zoning provisions are  
6 going to kick in. So, we would have to compute what that  
7 incentive zoning fee would be. The previous plan showed 30.2%  
8 green space and it looks like the current plan tonight is  
9 33.4%. So, we are still less than 35%.

10 In terms of the design standards - the design  
11 standards say that the front of the building should be to the  
12 street, but also to try to screen the parking lot which would  
13 put the parking lot behind the building. It doesn't appear  
14 from the elevations that it looks like the front of the  
15 building is toward the street. So, I think that is something  
16 that the Planning Board could weigh in on as the project  
17 works through the review process. I do like that the other  
18 access onto Route 7 is kept further to the east. I think  
19 that's better. Obviously, we just got a look at the impacts  
20 on the adjacent landowners.

21 Also, you've got the storm water management area  
22 and it appears that the west side of the site is the best  
23 spot to do stormwater management. We will have to look at  
24 that adjacent residence to see if there's going to be impacts  
25 between stormwater management area in that residence because

1 that seems to be separated only by 10 or 20 feet or so.

2 The size of the parking lot - you are not  
3 providing the minimum interior landscaped island requirement.  
4 We see no reason why for this type of use that you shouldn't  
5 be able to satisfy that design standard. So, we would look  
6 for that to be built into the plan. Given the site setting  
7 being surrounded by SFR around the back, having that interior  
8 landscaped island in the parking lot is going to be an  
9 important feature.

10 I think that's where we stand.

11 CHAIRMAN STUTO: Okay. Will open it up to the  
12 Board. Who has a comment?

13 MR. SHAMLIAN: The building has a setback from the  
14 property line how far - that front property line?

15 MR. PALLESHI: That is 34 feet. The reason for  
16 that is there is a sanitary sewer easement along the front  
17 and one of the comments during DCC is to try to keep that  
18 building further back so that it's further away from their  
19 sanitary lines.

20 MR. SHAMLIAN: I have no problem with it being  
21 further back. I'm not a fan of it being up close to the road.  
22 If anything, I would like the building back as far as  
23 possible.

24 It looks like there is a 5 foot setback on the  
25 side - landscaping buffer?



1                   MR. HODOROWSKI: It is actually 10 feet. So, the  
2 parking lot is 10 feet from the rear and side setback lines  
3 which is permissible by the code in NCOR.

4                   CHAIRMAN STUTO: So, you have one waiver that you  
5 have identified which is pushing the building back. Are there  
6 any other waivers?

7                   MR. PALLESHI: The other waiver would be number of  
8 parking spaces. The required parking is 220 spaces. We are  
9 proposing 202 for this plan. So, that is an 18-space waiver.  
10 We can go back to the tenant to see what their program is to  
11 further reduce the parking and increase the green space and  
12 buffers. We can certainly take another look at that.

13                   MR. SHAMLIAN: At first blush, it seems like  
14 you're trying to do too much on the site.

15                   MR. PALLESHI: The other thing that we are doing,  
16 too, is Victor mentioned that we are putting underground  
17 parking in. There is roughly 28 parking spaces underneath  
18 this building. Again, that's within the footprint that we are  
19 showing here. That is less surface parking that you would  
20 have on any other site. We are putting it in underneath the  
21 building and trying to reduce the amount of pavement not only  
22 on this site but even if this were to go on another site, we  
23 are designing everything we can within the confines. Just  
24 recently they have a contract to purchase 5 Whitney and that  
25 provides emergency access for exit only. It also adds

1 additional green space because the driveway would outweigh  
2 the building - the existing home and the driveway in that  
3 area.

4 I was involved in the 2015 sketch plan for the  
5 Crisafulli's. That was a medical office building and the  
6 reason why we didn't proceed with that was because they  
7 couldn't get access to the light. Here, we can get access to  
8 the light so I think that helps us. Then, the fact that we  
9 are not doing medical. This is an office building. It is a  
10 very strong tenant in this Town. They are looking to  
11 consolidate and make this their home base here. So, with a  
12 few waivers, we have taken a lot into consideration from the  
13 DCC meeting and that's why we have changed it to what is  
14 before you and what I have revised. I feel that we can make  
15 this work with buffering.

16 I know another waiver that I am requesting is an  
17 island waiver. However, if you recall Colonie Center, they  
18 have trees within the entire parking lot with little diamond  
19 shapes. That's what I would propose here. I would propose  
20 more of them so that we can get the treat coverage for the  
21 parking spaces here.

22 MR. LACIVITA: I would caution you on the use of  
23 the potential green space in the SFR zone for the calculation  
24 in the commercial. Remember, Victor, when we did Audi on  
25 Route 9, the same thing happened with that property. It had

1 the abutting SFR zone and we cannot calculate that. So,  
2 you're going to want to make sure those calculations are  
3 separate and distinct.

4 MR. PALLESHI: I know other projects that there is  
5 that incentive zoning - - if this is where Northwestern wants  
6 to be and they want to pay those incentive fees, I think we  
7 can make it work. That driveway exit to Whitney Road is  
8 important because it gets you to the light. Whether we can  
9 use it within a calculation or not, it is important to us  
10 either way to have that exit out to the light.

11 As far as the residential neighborhood, again, we  
12 were involved in the Crisafulli's on Albany Shaker Road where  
13 we had a similar situation with several residents on the  
14 backside.

15 The way that the lay of the land sits here is very  
16 similar to that where we will have a retaining wall along the  
17 back so a lot of the parking lot lights will shine into the  
18 retaining wall.

19 Then, we are also proposing a 6 foot high solid  
20 vinyl fencing. It is 10 feet from the property line to the  
21 parking and we can get a double staggered row of pine trees  
22 through there. Within three or four years, those pine trees  
23 are going to grow and you're going to get that buffer. Also,  
24 the residents currently have trees on their side. So, as far  
25 as buffering - we think that's covered but we can certainly

1 add to it.

2 MR. HEIDER: How many employees? Do you know?

3 MR. HODOROWSKI: They figure about 100 to 110.

4 MR. HEIDER: So, you may not need that parking.  
5 You're not going to be doing a lot of customer related stuff,  
6 right?

7 MR. HODOROWSKI: Correct.

8 MR. HEIDER: Are there back office operations?

9 MR. HODOROWSKI: My name is John Hodorowski, the  
10 applicant.

11 Exactly. This is really for agents. Nine times out  
12 of 10, they are meeting with their clients in their homes and  
13 not here at the office. The parking could come down quite a  
14 bit. They don't need this amount of parking.

15 MR. HEIDER: That is my issue. That's where you're  
16 going to pick up your buffer. Even if you bank the parking in  
17 the event of something in the future.

18 MR. PALLESHI: Just to spin off of that, the  
19 square footage is basically - these employees - they have  
20 office suites. So, those suites are a lot bigger. It's not  
21 like you have this office building with a bunch of cubicles  
22 and several employees. These are agents who have fairly large  
23 office suites.

24 MR. HODOROWSKI: Just to speak to the square  
25 footage a little bit, also because the idea here is -

1 Northwestern has one of their locations in Latham right now,  
2 if you are familiar with it. Then, they have one in Albany  
3 and they have one in Saratoga. They want to combine  
4 everything and put everything here. The 50,000 or 49,000  
5 square feet is a stipulation from Northwestern Mutual  
6 corporate. It allows them for future growth. It is a single  
7 tenant use. They will have the whole building from day one.  
8 In essence, they won't be occupying the whole building, but  
9 that square footage is a calculation that they want based on  
10 this region and what their growth has been. So, that gives  
11 them growth for the future. So, maybe they are at 100 to 120  
12 employees to start, but they are figuring for over the years  
13 to come that there may be 150.

14 MR. MION: Has the Zoning Board done the variance  
15 on the square Footage? is that who they would have to go  
16 before?

17 MR. LACIVITA: They would, yes. It sounds like you  
18 already got a zoning verification.

19 MR. PALLESHI: Yes, we got the zoning  
20 verification.

21 CHAIRMAN STUTO: For this size building?

22 MR. PALLESHI: On November 19, yes.

23 MR. LACIVITA: You are in front of the ZBA?

24 MR. PALLESHI: We were not in front of the ZBA. We  
25 submitted for a zoning verification and we received approved

1 a zoning verification on November 19.

2 CHAIRMAN STUTO: For this size building.

3 MR. PALLESHI: For this plan here that you see  
4 before you tonight. Also, it included 5 Whitney.

5 MR. LACIVITA: We will have to take a look at  
6 that.

7 MR. GRASSO: So, five Whitney was included in the  
8 area of the project site? If you included, your maximum  
9 allowable would be 49,860.

10 MR. CAPONERA: Luigi prepared that.

11 From an observer of Northwest operations at 3  
12 Atrium Drive for the last 22 years of which I was a tenant, I  
13 would agree with what John indicated in that is rarely do you  
14 see people going to the office. It's vice a versa. The folks  
15 that are working there are going outside. There was never a  
16 parking issue there. If you want to talk about the doctor's  
17 office in my building at 3 Atrium Drive that's where there  
18 was a problem and not from these guys.

19 MR. PALLESHI: It looks like the form here that  
20 they signed was the original zoning verification form that we  
21 submitted but the map they attached to the form is this plan  
22 here (Indicating). So, that is something that we will have to  
23 double check, as well.

24 MR. GRASSO: Okay.

25 CHAIRMAN STUTO: Who has comments?

1                   MR. MION: Realistically, what you think your  
2 parking requirements will be?

3                   MR. PALLESHI: Probably around 180.

4                   MR. MION: Well, back to what the Chief said, you  
5 could probably bank those.

6                   MR. HODOROWSKI: Yes, we can certainly look at  
7 banking this back row - absolutely. That is something that we  
8 will study a little further with Northwestern to understand  
9 their program a little. Also, we would be providing for  
10 future expansion a little bit better so that we can get that  
11 number of parking spaces built on-site to the bare minimum.

12                   MS. DALTON: I agree with the comments on the  
13 other side. It is a lot to put in that space. Also, given  
14 exactly where it is, these neighborhoods that you are talking  
15 about - I would not be inclined to approve a reduced green  
16 space because you're going to need a better buffer. I am  
17 especially concerned about the traffic and the number of cars  
18 and the number of parking spaces that you need because we all  
19 know that intersection is unbelievable from about three in  
20 the afternoon to about 6:00. You've got NYSUT, you've got the  
21 insurance agency, you've got the bank, you've got the police  
22 station and you've got all the people trying to get to the  
23 Northway from British Columbia and all those other places. It  
24 is a nightmare.

25                   At that light what frequently happens is anybody

1 who knows the area will already go down Whitney to Audrey and  
2 go around the back, even if it's to come back to Route 7  
3 further so that you get through that one piece of Route 7. I  
4 know this for a fact because I do it and that's where I live.

5 I am going on record as saying I would not be in  
6 favor of getting those kinds of variances, but I would  
7 suggest that you bring it down to the lowest possible number  
8 of cars and spaces that you can and also that you make a  
9 point in your narrative. I think it says 78 vehicles in the  
10 a.m. peak hour. I am assuming that is an engineering formula  
11 that you used.

12 MR. PALLESHI: Yes, that is the number of trips  
13 that would be added.

14 MS. DALTON: My question is: Is it really? Given  
15 what Victor is saying with people coming and going and one of  
16 my closest friends who Victor knows well is a financial agent  
17 and she doesn't go into the office at 9:00 in the morning.  
18 Sometimes she doesn't go in at all. When she does go in, it  
19 can be 10:00 or 11:00 after she has an appointment. If that  
20 is the case with the professionals and the employees that  
21 you're speaking about for this building, I suggest you put  
22 that in the narrative.

23 MR. PALLESHI: That would only help our case.

24 MS. DALTON: Exactly. It would make me feel a lot  
25 more comfortable with the number of people who are going in



1 and out of there because even though this says 78, I'm going  
2 to tell you right now that intersection adding 78 more cars  
3 during the peak hour is a nightmare. If you say traffic  
4 studies suggest 78, but given the use that we are talking  
5 about here, realistically speaking at Atrium Drive during the  
6 rush hour, out of this many people this is how many come in  
7 at 9:00 in the morning. I think anything you give us in terms  
8 of actual hard data for the places that you are already  
9 dealing with, it would only be to your advantage.

10 CHAIRMAN STUTO: Since I have the mic, I will make  
11 my comments.

12 It does seem like you're trying to do a little bit  
13 more than maybe that property can handle. The driveway going  
14 through the residential - - I'm going to wait and see what  
15 the neighbors say, but I have to reserve judgment on that.

16 If somebody knocked down the house right next to  
17 me and said there's going to be a lot of traffic in the  
18 morning and a lot of traffic at night, it's just not fair.

19 I understand the reason you want it. You want to  
20 get to that light. I'm going to reserve judgment on that, as  
21 well. Obviously, we want to protect the impact on the  
22 neighbors as much as possible. Any green space that can be  
23 added is great. Reduced parking is great. You also have to  
24 keep in mind that you have a pretty big building here in this  
25 tenant is not going to be there forever or potentially may

1 not be there forever. The next tenant may use it for regular  
2 office space. So, all the green space that you built in from  
3 the bank parking could go away. So, those are my preliminary  
4 comments for the sketch plan.

5 MS. MILSTEIN: My concern is the parking lot that  
6 is along the residential. There is just so much pavement  
7 against that. What I was also thinking is the use right now -  
8 they are basically going to be coming and going, but not at  
9 regular times. Maybe you don't have such a great need for  
10 access to the light because it's not a typical 9 to 5, 8:30  
11 to 4:30. Those are some of my initial thoughts.

12 MR. SHAMLIAN: I have one last comment. A couple  
13 times you referred to Crisafulli's medical building and if  
14 memory serves, we had very similar comments to that. I think  
15 that only got to sketch, I believe, as well.

16 MR. PALLESHI: You're talking about this project  
17 site.

18 MR. SHAMLIAN: Yes. I believe we thought they were  
19 being aggressive about what they were trying to do on that  
20 property.

21 MR. PALLESHI: Yes, but being a medical use, code  
22 requires more parking demands.

23 CHAIRMAN STUTO: Any final comments, Joe?

24 MR. GRASSO: No, were good.

25 CHAIRMAN STUTO: Okay, thank you.

1                   (Whereas the above entitled proceeding was  
2           concluded at 7:19 p.m.)

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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

