

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

ROSSETTI WAREHOUSE  
2 LEARJET LANE  
SKETCH PLAN REVIEW

5

\*\*\*\*\*

6 THE STENOGRAPHIC MINUTES of the above entitled matter  
7 by NANCY L. STRANG, a Shorthand Reporter commencing  
8 on January 8, 2019 at 7:22 p.m. at The Public  
Operations Center, 347 Old Niskayuna Road, Latham,  
New York

9

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

10

11

12

13

14

ALSO PRESENT:

15

Joseph LaCivita, Director, Planning and Economic  
Development Department

16

Michael Tengeler, Planning and Economic Development  
Department

17

Adam Leonardo

18

Nia Cholakis, Esq.

19

Nicholas Costa, PE, Advance Engineering and  
Surveying

20

21

22

23

24

25

1                   CHAIRMAN STUTO: Next project is Rossetti  
2 Warehouse, 2 Learjet Lane, sketch plan review, one-story  
3 45,500 square foot warehouse.

4                   We will let the applicant get set up.

5                   Joe Grasso, you are reviewing this project. I  
6 know that we had some extensive discussions on this  
7 last time.

8                   Before the applicant goes, can you summarize  
9 where we were at the end of the last meeting?

10                  MR. GRASSO: So, at the last meeting I think  
11 the plan remained the same from what was reviewed. I  
12 have the minutes here. It was February 13.

13                  So, there were some concerns raised by the  
14 Planning Board that were pretty significant regarding  
15 the plan. It is the same plan that we have before us  
16 tonight. There was a concern about the building size  
17 that is over 500 feet long. There was a request to  
18 shift the building away from Wade Road. There was a  
19 request to make the building smaller in size and maybe  
20 consider an L-shaped building so that the building  
21 itself could provide a better buffer to the lower  
22 truck maneuvering area located behind the building and  
23 visible from the Wade Road corridor. There were  
24 concerns about the tractor-trailer movements using the  
25 cul-de-sac on Learjet Lane.

1                   Right now when you get to the end of Learjet,  
2                   there is a landscaped island in the center and when a  
3                   tractor-trailer is trying to get through that island,  
4                   we saw some problems with that.

5                   There were concerns about access management.  
6                   They are proposing full access off of Learjet Lane.  
7                   There was an employee entrance in the front and then  
8                   the truck entrance would have to be in the back. They  
9                   were also proposing a right-out only on Wade Road for  
10                  trucks behind the building to make a right-hand turn  
11                  onto Wade Road.

12                  There were concerns about the site distance  
13                  on Wade Road as you come down the hill. There were  
14                  concerns with the use. It is proposed as a  
15                  warehouse/distribution use and right now the other  
16                  uses on Learjet Lane are only office buildings. So,  
17                  there were concerns about the compatibility of the use  
18                  and how this site is being laid out is going to be so  
19                  visible from the uses on Learjet Lane as well as the  
20                  Wade Road corridor.

21                  So, some of the things that we had also  
22                  mentioned - this site is restricted by airspace  
23                  because the airport flight paths. So, as part of the  
24                  concept site plan application they would need to  
25                  provide us elevations of the top of their building so

1           that we can review those against the air restrictions.  
2           It is subject to a special use permit by the Planning  
3           Board because of the warehouse use being proposed in a  
4           COR district.

5                         There was a question at the last meeting  
6           regarding whether or not a variance was going to be  
7           required because the footprint exceeds 30,000 square  
8           feet. There is actually an exception in the zoning  
9           that allows the footprint up to 60,000 square feet. I  
10          think this building is at 45,500. So, a variance was  
11          determined by the Building Department to not be  
12          required. We raise concerns about the need to screen  
13          the truck parking areas and maybe have berming and  
14          landscaping along the Wade Road corridor. We raise  
15          concern regarding pedestrian accessibility and a  
16          strong pedestrian connection from the site up Wade  
17          Road to the north to connect to the existing sidewalk.  
18          We raise concern about the disjointed employee parking  
19          area which is located behind the site and along the  
20          Wade Road corridor.

21                        We also were concerned about the corridor or  
22          access management. We also raised concern about - they  
23          are showing stormwater management areas in the  
24          100-foot buffer area. They are DEC wetlands on the  
25          site and along with those DEC wetlands there is a

1 100-foot buffer. Generally, you should try to restrict  
2 your land disturbance at least within the buffer. They  
3 are there for a reason.

4 The plan had proposed stormwater management  
5 areas within the buffer I think on three different  
6 locations on the plan.

7 CHAIRMAN STUTO: Is it fair to say that we  
8 raised a lot of issues and it appears they have not been  
9 addressed - at least most of them?

10 MR. GRASSO: I agree.

11 CHAIRMAN STUTO: I will turn it over to the  
12 applicant.

13 MR. COSTA: Good evening. I am Nick Costa from  
14 Advance Engineering and Surveying. We have prepared the  
15 plan that is shown that Joe kind of summarized as far as  
16 what has been changed from the previous times that the  
17 Board has looked at this plan.

18 There has been a change in the elimination of  
19 the driveway to Wade Road. We show that on this plan.  
20 The one that is on the screen as the previous plan.

21 This is the revised plan that has been  
22 submitted that does show that being changed.

23 We also changed the access for trucks. We  
24 opened up the area due to the comment that was made.

25 CHAIRMAN STUTO: Hold on for one second. There

1 was a question about whether we received a new plan.

2 Joe Grasso, have you received a new plan?

3 MR. GRASSO: The plan that was submitted was  
4 the plan that is on the screen?

5 MR. COSTA: No. Is the plan that is over here  
6 (Indicating). This is the plan that was submitted in  
7 November.

8 MR. GRASSO: The plan that was submitted  
9 November 29 still shows the access onto Wade Road. Just  
10 come over and look at the plan that was submitted.

11 MR. COSTA: If you say it is, it is.

12 MR. GRASSO: I'm just trying to understand.

13 MR. COSTA: The intent was to submit this  
14 (Indicating). Somehow, the wrong plan was submitted,  
15 which is the previous one.

16 CHAIRMAN STUTO: That is a major problem, from  
17 my perspective. We are reviewing the wrong plans? In  
18 some sense, it is a waste of people's time. It's not  
19 that you can't say what you have to say. It doesn't give  
20 us a chance to review it.

21 MR. COSTA: Again, there has been several plans  
22 generated for the site. The intent was to eliminate that  
23 driveway. The comment was made and we were able to do  
24 that.

25 I take full responsibility for that

1 iteration. The intent was to submit this plan.

2 MR. SHAMLIAN: Why don't you just give us the  
3 highlights then - the top couple things that have  
4 changed. Let's start with that.

5 MR. COSTA: So, as I mentioned, the driveway  
6 was changed. Also, this driveway was changed for trucks  
7 to maneuver. So, we open that driveway up.

8 I think there may have been some landscaping  
9 changes made.

10 With regards to the stormwater areas, those  
11 stormwater areas - we have done those type of storm  
12 water management areas with DEC previously. The other  
13 thing is that those are not sized. They are shown, but  
14 they are not engineered yet. This area rate here is  
15 quite large. So, we may be able to stay out of the  
16 buffer area. We can also do some underground detention  
17 in the pavement areas.

18 We did do some some test pits on the site and  
19 there are some sandy soils. Those were witnessed by  
20 the stormwater office.

21 So, those are just the highlights.

22 I wanted to start going through some of the  
23 other slides in the presentation because it will show  
24 that the neighborhood is not just office buildings  
25 because there is a mix of uses.

1                   MR. HEIDER: The comment wasn't just about the  
2 neighbors. That street is all office buildings.

3                   MR. COSTA: There are two buildings that are  
4 office buildings, yes.

5                   As we made the earlier proposal, our office  
6 with the office use - there were two stories and we  
7 couldn't get the FAA sign off. We ran into an issue  
8 with the FAA. That's why we came up with the warehouse  
9 which is substantially lower.

10                  So, this is frontage along Wade Road  
11 (Indicating). This a very large building here. It is  
12 Saratoga Spa Pools. That's just up the road from  
13 Learjet. As you come up Wade Road toward Learjet, this  
14 is what the existing treeline is. That would be along  
15 here (Indicating). This is just a general area of the  
16 site. We show the airport business area, the office  
17 residential zone in the proposed building which sits  
18 right here (Indicating).

19                  You can see that this is the Saratoga Spa  
20 Pools. Then, Avis Drive is over on the side right here  
21 (Indicating). A lot of that area is used for  
22 warehousing.

23                  There are some aerial photos that show the  
24 general area along with the proposed building. These  
25 are some renderings of what the building will look





1 removing the trees and that cul-de-sac? That's like  
2 admitting that you don't have room to get a  
3 tractor-trailer in there.

4 MR. COSTA: I think that when we did the  
5 movement, depending upon how went in, the trees would  
6 stay. That's why we opened up this area.

7 MR. GRASSO: It was not bad. What we had looked  
8 at was when a tractor-trailer comes down Learjet and  
9 comes down here and is trying to get in this curb cut,  
10 if you go on this side of the island, the trailer is  
11 going to come right through here (Indicating). If you  
12 model a tractor-trailer through here to try to get into  
13 here, they would come right to the middle of the island.  
14 So, what we had said before was it would force this to  
15 be removed and paved and that may change the context of  
16 the cul-de-sac as it relates to the other spaces.

17 MR. HEIDER: Who owns the island?

18 MR. GRASSO: The Town. This is all Town Road.  
19 So, the Town controls it. I am just saying that if we  
20 wipe out the island and paves it to accommodate  
21 tractor-trailers, it may have an impact on how it is  
22 perceived by the office building tenants but it is not a  
23 nice landscaped island.

24 One of the thoughts at the last meeting was  
25 maybe change the circulation patterns around where you

1 would either come in off of Wade Road and make it a  
2 one-way out here, or come in someplace else on the  
3 site and have this be a one-way out if it had to still  
4 be in out for a tractor-trailer. There is no way to  
5 get a tractor-trailer in here without a trailer having  
6 to go on the left-hand side of the cul-de-sac and  
7 retain the island. It is kind of a complex issue.

8 CHAIRMAN STUTO: Board comments?

9 MS. MILSTEIN: I just have one question. You  
10 are looking for a special use permit, correct?

11 MR. COSTA: Because of the way the use was put  
12 into the Code, for the warehouse use, we are requiring  
13 special use permit. That is correct.

14 CHAIRMAN STUTO: Is that a super majority vote  
15 that we need?

16 MS. MILSTEIN: I guess what I'm getting at is:  
17 You're going to have to convince me that a special use  
18 permit is going to be needed and that we should change  
19 things in order to accommodate your project. You have to  
20 give me a good argument on why that should occur. You  
21 don't have to give it to me right now.

22 MR. COSTA: I understand. It is in the Code -

23 MS. MILSTEIN: Understood.

24 MR. COSTA: - that for us to use it as a  
25 warehouse, we have to get a special use permit, by the

1 Zoning Board of Appeals, or by us?

2 MR. LACIVITA: By the Planning Board. I can  
3 read the enforcement if you want to hear about that.

4 MR. COSTA: Is it 190.22, Joe?

5 MR. LACIVITA: Yes. It says wholesale business  
6 warehouse storage/distribution and COR zone district a  
7 wholesale business and use, the warehouse storage  
8 distribution use shall be permitted pursuant to a  
9 special use permit whereby a building is 60,000 square  
10 feet in size or less. That is driven by the Planning  
11 Board on specific projects. You have to meet the  
12 criteria under 190.22 and how to go through that  
13 process.

14 CHAIRMAN STUTO: They think it is the ZBA and I  
15 do remember - and I have been here over 10 years as  
16 counsel in the beginning that we used to have all the  
17 special use permit. There was a change in the Land Use  
18 Law that shifted some of the special use permit  
19 authority to the Zoning Board. I just want to make sure  
20 we are on the same page.

21 MR. LACIVITA: Yes, they do that on  
22 telecommunications and things like that, Peter. The way  
23 that the Building Department grants it, they say  
24 approved via a special use permit. The special use  
25 permit is here. I will find the specific language that

1 talks about it. I was talking to Joe about it today.

2 CHAIRMAN STUTO: Nia, I don't know if you have  
3 anything to add on that, but let's continue to discuss  
4 that.

5 MR. SHAMLIAN: I think at the end of the day I  
6 think we made it fairly clear when you were here before  
7 that without the building was too big for the site. I  
8 don't think you have change the size of the building.  
9 What you have on that sketch rate here -

10 MR. COSTA: This is the same.

11 MR. LACIVITA: Peter, to your point, the  
12 findings that are required is granted in denying special  
13 use permit and special uses permit. The Zoning Board of  
14 Appeals and the Planning Board respectively shall take  
15 into consideration the scale - - and it just goes to the  
16 various findings

17 CHAIRMAN STUTO: Okay. So, they will have to  
18 make that demonstration and we will have to agree with  
19 that.

20 MR. LACIVITA: Correct.

21 CHAIRMAN STUTO: Is there a super majority  
22 required?

23 MR. LACIVITA: I just wrote that as a note to  
24 look into that.

25 MR. COSTA: So, it is the Planning Board?

1                   CHAIRMAN STUTO: We're not 100% sure. He is  
2 saying that there are criteria that we have to take into  
3 consideration. You should get it on the record if you  
4 want a special use permit.

5                   MR. MION: I, myself, would like to see the  
6 actual project in front of me.

7                   MR. COSTA: Understood.

8                   MR. MION: Relating to what you're talking  
9 about.

10                  Also, the stormwater areas and what have you  
11 - just to see where they're going to lay. I really  
12 think we need that to look at it.

13                  CHAIRMAN STUTO: My comment is: I think the  
14 scale is too big in terms of the footprint. That is  
15 causing other pressures on the site including ingress  
16 and egress, potentially the parking and potentially  
17 where you're going to put the stormwater. I am kind of  
18 repeating the same things that we said last time. I  
19 guess I will just leave it at that.

20                  Plus, there is the variable that you don't  
21 know if you are doing retail. That kinda makes it hard  
22 to really give it any real hard analysis as well.

23                  Anybody else?

24                  (There was no response.)

25                  MR. GRASSO: It was up for sketch plan and this

1 was a second time. It is basically the same plan with a  
2 couple of very minor tweaks. The applicant has the  
3 option to either come back for additional sketch plan  
4 review or proceed to concept. The Board has nothing to  
5 render a decision on yet until it gets a complete  
6 concept application.

7 CHAIRMAN STUTO: Right. And we have given them  
8 feedback.

9 MR. COSTA: That's fine.

10 CHAIRMAN STUTO: Thank you.

11 (Where is the above entitled proceeding was  
12 concluded at 7:37 p.m.)

13

14

15

16

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

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



