

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 AND 6 AUTO PARK DRIVE
4 SITE PLAN REVIEW
5 TO RECONFIGURE

6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY L. STRANG, a Shorthand Reporter
9 commencing on June 9, 2020 at 6:45 p.m. via ZOOM
10 Video Conferencing

11 BOARD MEMBERS:

- 12 PETER STUTO, CHAIRMAN
- 13 CRAIG SHAMLIAN
- 14 PAUL ROSANO
- 15 LOU MION
- 16 CHIP ASHWORTH
- 17 SUSAN MILSTEIN
- 18 STEVEN HEIDER

19

20 ALSO PRESENT:

- 21 Kathleen Marinelli, Esq., Counsel to the Board
- 22 Sean Maguire, AICP,CEcD, Director, Department of
- 23 Planning and Economic Development
- 24 Zachery Harrison, Planning and Economic Development
- 25 Michael Tengeler, Planning and Economic Development
- Charles Voss, PE, Barton and Loguidice
- Daniel Hershberg, PE, Hershberg and Hershberg
- Richard Rosen

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1 CHAIRMAN STUTO: Next item on the agenda is 4
2 and 6 Auto Park Drive. This is a major site plan
3 review to reconfigure. Lots 4 and 6 Lot 6 would
4 include a 240,000 plus or minus square-foot medical
5 office building with parking, loading and drop-off
6 areas. Waivers are requested for maximum setback and
7 parking in the front yard.

8 I will turn this over to the Planning
9 Department Director for any introductory comments,
10 in addition to that.

11 MR. MAGUIRE: I'm going to defer and impose
12 upon Zach to introduce this while I pull the files
13 up.

14 MR. HARRISON: Of course. We had a DCC meeting
15 in late May and all the departments gave comments to
16 the applicant. There are just a couple things that
17 are going to come up. An ODA is going to be required
18 for Auto Park due to the front yard setback and not
19 having access off of that.

20 The other waivers are -- typically there's a
21 parking waiver of 96 spaces. I think they proposed
22 1,276 and the requirement is 1,372. So, a parking
23 waiver will be required, as well.

24 We had conversations with the applicant about
25 the orientation of the building because the Land

1 Use Law requires it to where the main facade and
2 the entrance of the building faces the front yard.
3 Currently it's on the eastern side of the
4 property. So, that would also require another
5 waiver as well.

6 I will let the applicant go ahead and do the
7 presentation.

8 CHAIRMAN STUTO: Okay, who is speaking on
9 behalf of the applicant?

10 MR. HERSHBERG: Daniel Hershberg, Hershberg and
11 Hershberg and with me is Bill Mafrici and Rich Rosen
12 representing the applicants.

13 At the DCC meeting some discussion was made.
14 The major question was the orientation of the
15 building. The feeling was that and why we wanted
16 it this way is the main entrance is right here
17 (Indicating). The visibility of the main entrance
18 coming down Auto Park Drive -- would really open
19 up -- you know exactly where you're going.

20 This secondary entrance is at the rear. It
21 has to keep -- walking distance from other parking
22 spots to being excessive. The main entrance is
23 here - - with an attractive entrance and the goal
24 would be to make this visible from Auto Park Drive
25 (Indicating). The thought was that we could

1 change it so that this side faces the road. We
2 think that would make it less attractive for
3 people to see where they're going although
4 obviously the first one or two times you go there
5 after that, you should be able to find your way
6 around fairly easily. Still, you'd make a much
7 better presentation for the front entrance. If you
8 can visualize, the front entrance is up here and
9 you won't be able to see it from there because it
10 will be blocked by the parking field. So, we think
11 that the orientation is fine. We are willing to
12 discuss that further.

13 There was a question regarding -- we do show
14 a transformer and generator and a small loading
15 dock at this point here.

16 CHAIRMAN STUTO: Can you show us where he is
17 pointing to because I think Dan thinks he's pointing
18 at something, but were not seeing it.

19 MR. MAGUIRE: Dan, I'm going to switch to your
20 PDF because I can zoom in on that.

21 MR. HARRISON: And you will see the elevations
22 for what Dan is talking about. It makes a little bit
23 more clear of the orientation of the building and
24 what he proposes when we go to that elevations and
25 from that point, we understood it.

1 MR. HERSHBERG: There is on the side closest to
2 Auto Park Drive -- we show a transformer and
3 generator and a loading dock. This is primarily a
4 secondary loading dock. There's another loading dock
5 on the other end of the building. There was a
6 concern about that, but we would certainly plan on
7 screening it. We could do some decorative fencing
8 and landscaping to screen it off and we can
9 certainly work on that. We don't intend it to look
10 like a commercial end of the building.

11 The goal would be to have handicap parking
12 proximate to this entrance here (Indicating) and
13 this entrance we currently show 24. The question
14 is how much handicap parking to allow. A lot of
15 people don't have handicap parking tags, but they
16 would like to be close to the building. So, the
17 question is: Is that enough? It's always a
18 toss-up. We know we made the Code, but the
19 question is: Is that enough? We think it is and
20 we're comfortable with that.

21 The site is 40 some odd percent green. I do
22 have a slide on that presentation that shows the
23 green space requirement. There is currently a
24 drainage easement and a stormwater easement that
25 handles Auto Park Drive and actually takes some

1 drainage off the other site. The parking
2 analysis -- the Code is one per 175 which requires
3 1,371. We are providing 1,276 because based upon
4 the medical office need of the typical clients
5 that our client rents to when they rent them, in a
6 medical office building is one per 200 feet. So,
7 the requirement is 1,200. We are providing 1,276.
8 We may be willing to bank some of that because it
9 will exceed what we will need. Our goal there
10 would be to ask for the waiver to have less
11 parking. It is 6% below the parking spot Code at
12 175 square feet.

13 The green area is 43%. Some of that is taken
14 up with our new SWPPP area or existing SWPPP area.
15 The goal here would be to do nice landscaping and
16 build some large islands to landscape. We will not
17 need a variance for the amount of green space in
18 the parking lot. We will meet that section of the
19 Code. I think it would be necessary with the
20 building this size to request parking the front
21 yard, otherwise if all your parking was to the
22 rear side of the project, people would have to
23 walk 800 or 900 feet to get to the entrance from
24 the far end of the parking lot. Invariably a
25 building like this would have to be more centered

1 on the site. We think that variance for parking in
2 the front yard would be needed. Again, we didn't
3 change it since we went to the DCC since we wanted
4 to hear what the Planning Board had to say at the
5 sketch plan. We made changes to the plan, the
6 orientation and whatever else you wanted to do.

7 Can you go to the elevation so I can show
8 them what the building looks like?

9 This is the front elevation (Indicating).
10 You can see if you're over on Auto Park Drive
11 that's your view coming down Auto Park Drive. We
12 think that is a very attractive elevation and
13 identifies the entrance quite well. The higher
14 roofline is put over the entrance to identify it.
15 We think it's an attractive view.

16 We also have an elevation from the Northway.
17 This is the rear of the building and that is a
18 secondary entrance that I pointed out before
19 (Indicating). I think the need for waivers for
20 the parking in the front yard is needed and
21 obviously moving this building 20 foot back from
22 the right-of-way line will be a disaster on a site
23 like this because then we would have the entire
24 building at the front and parking way away from
25 the building. So, I think those explain our

1 request for the waivers. If the third waiver is
2 needed for the orientation of the building, I
3 don't know if that can be done by waiver but we
4 would request that if it has to be a variance. I
5 think it's important enough to the applicant to
6 have the front entrance oriented pretty much as we
7 have it now although we could fool around with the
8 orientation and make it possibly at an angle to
9 make it closer to the front side. Like I said,
10 having the front entrance all the way up at the
11 Northway just doesn't work.

12 We're prepared to answer any questions. I
13 don't know whether or not Chuck Voss has comments.

14 CHAIRMAN STUTO: We will start out with the
15 Board. We will go to the other end of our virtual
16 table. We will start with Paul.

17 MR. ROSANO: Thank you, Peter.

18 First of all, I am in favor of the building
19 orientation just the way it's sitting. I'm having
20 kind of a flashback. Is this the former almost
21 Walmart project?

22 MR. HERSHBERG: It is.

23 MR. ROSANO: And did we spend a lot of time
24 talking about building orientations and that?

25 MR. HERSHBERG: I wasn't involved in that, but

1 I think we spent a lot of time talking about a lot
2 of things.

3 MR. ROSANO: Okay, so to your point -- the
4 building orientation -- you're coming down Auto Park
5 Drive and you're going to notice the flagpole.
6 You're going to notice the facade. You're going to
7 know that's the main entrance.

8 As far as the Northway is concerned, I'm not
9 interested in what people see from the Northway.
10 As long as you're not going to put a big sign up.

11 As it stands, Dan, I am in favor of the way
12 you have it set up now.

13 Thank you, Peter.

14 CHAIRMAN STUTO: Chip?

15 MR. ASHWORTH: I like the way it sits. I agree
16 with Dan that it gives a better view when you're
17 traveling west on Auto Park Drive.

18 CHAIRMAN STUTO: Lou?

19 MR. MION: Dan, you said you may be able to
20 bank some parking. How many spaces were you
21 considering banking?

22 MR. HERSHBERG: The applicant has found that 5
23 per 1,000 per 200 feet works on all medical office
24 buildings that they occupy or lease. That would take
25 us down to 1,200. Currently we show 1,276. We could

1 bank 76 parking spots and I think it would make a
2 significant change in the layout.

3 MR. MION: And that whole area over there where
4 the other buildings are, you've got a lot of asphalt
5 and not a lot of cars on top of it. That's what I
6 was concerned about there.

7 I like the location of the building and the
8 way you have the building oriented. Whereabouts
9 would you think that you would bank those spaces?

10 MR. HERSHBERG: I think we might take the last
11 ones on the south - that whole row on the south end
12 and then at the front area we could probably take
13 some away from the east side of the parking lot so
14 we would take a row away from the east side and a
15 row away from the south end. Those are the furthest
16 from the building. It would give us more space to do
17 some landscaping and that could be removed if we
18 ever had to do the banked parking. With that, that's
19 pretty close to the 76 spots. Again, my client's
20 experience has been that five per 1,000 or one per
21 200 feet is the magic number.

22 MR. MION: I'm in favor of the banking.

23 That's it, Pete.

24 CHAIRMAN STUTO: I think I made a mistake. We
25 usually go to the TDE first to get their comments.

1 So, if everybody's okay, before we go to the other
2 side of the table - Chuck, I know you haven't
3 formally reviewed this, but you have heard some of
4 the thrust of what everybody is saying. If you could
5 offer your comments - preliminarily then maybe
6 could you tell us what you think so far?

7 MR. VOSS: Sure, Peter. We attended the DCC
8 meeting back in May and we heard the initial
9 presentation by the applicant.

10 Just the basics initially - the site
11 certainly is serviced by sewer and serviced by
12 water. Both facilities exist on Auto Park Drive
13 and certainly at the end of Plaza Drive. As the
14 Board knows, the site -- Auto Park Drive itself at
15 the top where it meets Route 9 -- there's a
16 brand-new intersection, so to speak -- new
17 signalized control device and a light there which
18 certainly helps I think alleviate some of the
19 traffic that was done as mitigation as part of the
20 Ayco project across the road. It certainly
21 benefits the site in this project, as well.

22 I think just as a consistency standpoint
23 because I know was an issue that was raised at the
24 DCC was the size and scale of the building. It is
25 certainly a large building. However, it is not

1 inconsistent with what the Board approved
2 immediately to the north of the site at the Empire
3 Blue Cross Blue Shield building which again, it's
4 a very large structure. It's technically two
5 structures right next to each other, but again
6 with almost as much parking if not actually a
7 little more and we did the review that. That
8 building itself faces basically west. It faces
9 Auto Park Drive. Then, the Anjio Dynamics building
10 across the road faces the east. So, there is some
11 variation certainly in the existing neighborhood
12 of where the buildings are oriented and how they
13 face. Granted, Plaza Drive is technically a
14 private road but still those buildings were cited
15 to meet that front face setback.

16 I think I certainly agree in principle with
17 how the building was cited and the rationale for
18 that. If you have a chance to come down Auto Park
19 Drive from Route 9, you will notice that basically
20 towards the top right by Goldstein's rear parking
21 area, Auto Park Drive is relatively high in
22 elevation. It then drops down towards the west as
23 you further progress down Auto Park Drive. You
24 will notice there is certainly an elevation change
25 on the site itself looking south. In other words,

1 Auto Park Drive kind of drops into a berm area, if
2 you will. It's almost like a low-lying road.

3 One of the questions I was going to ask Dan
4 is: In the final grading analysis, will that kind
5 of berm go away when you basically grade down to
6 Auto Park Drive? Or will that elevation change
7 that is there now remain in place? It's just a
8 question for later.

9 Other than that, as Dan said in the DCC
10 meeting, the medical building itself -- the front
11 facade will be two stories, technically. However
12 with the green changes on the site, the western
13 exposure will be basically three stories just due
14 to the topography. So, the building kind of sits
15 in a perfect orientation to take advantage of that
16 slope change we think.

17 Again, as far as utilities go, the site
18 certainly will work and meet the requirements that
19 are necessary.

20 CHAIRMAN STUTO: Okay, we will continue with
21 comments from the Board.

22 Susan?

23 MS. MILSTEIN: After seeing the elevations, the
24 orientation is fine with me and I am in favor of the
25 20 foot setback and also the parking in front of the

1 building. I'm fine.

2 CHAIRMAN STUTO: Craig?

3 MR. SHAMLIAN: Do you have an elevation of that
4 loading area that's going to be facing Auto Park?

5 MR. HERSHBERG: It's going to be at the upper
6 level. There will be one at the back end and one at
7 the south end is going to be at the lower level. So,
8 we are taking advantage of the grade difference.

9 MR. SHAMLIAN: I didn't mean elevation height
10 wise. I meant the view elevation

11 MR. HERSHBERG: No. You can sort of see it at
12 the outer edges of the elevation.

13 MR. HARRISON: Sean, if you pull up the one
14 that's from the highway, you will see it. You kind of
15 can see it right there.

16 MR. SHAMLIAN: Is that the one facing south, or
17 the one facing north?

18 MR. HARRISON: This portion right here should
19 be facing west and then you will see the shorter
20 area of the elevation is actually the one facing
21 Auto Park (Indicating). It's where Sean's cursor is
22 (Indicating).

23 MR. SHAMLIAN: Okay. I'm not unhappy with the
24 orientation of the building. Before I say I'm in
25 favor of it, I would like to see a shot of that

1 because that is what directly faces Auto Park. If
2 you move out to the site plan, you don't have an
3 awful lot of green space in between the building and
4 Auto Park. It's a pretty thin strip of green space
5 in there that you actually own. Again, I'm not
6 saying I'm unhappy with the orientation, but I would
7 like to see what that is going to look like.

8 I guess the only other thing is parking.
9 Unlike the last project, if there is any rationale
10 for going below 1,200 and banking even more than
11 76 - I don't know about anybody else, but it seems
12 like you drive by all these medical office
13 buildings and I think Lou kind of talked about it
14 in relation to other buildings in this area.
15 There's an awful lot of unused parking, it seems
16 like, as you drive by these buildings. If we can
17 bank more than 76, I would be very much in favor
18 of that, as well.

19 MR. HERSHBERG: We can do that with Rich Rosen.
20 He really is the expert on this. He's worked with so
21 many buildings where he had problems with not
22 providing enough parking and then people want less
23 parking. So, again, I'm going to bow to Rich Rosen's
24 opinion as to whether or not they can meet the
25 client's needs.

1 MR. SHAMLIAN: That's it, Pete.

2 CHAIRMAN STUTO: Chief Heider?

3 MR. HEIDER: I have just a couple things. I
4 would be curious to know the square footage of 711
5 and 713 Troy Road. Then, in relation to that, their
6 parking lots because their parking lots - you can't
7 even walk through because are so crowded. So, I
8 would love to know how many they've got compared to
9 this with the same square footage. There's one
10 building that is jam-packed all the time.

11 MR. ASHWORTH: It's the same way over on
12 Everett with the orthopedic building.

13 MR. HEIDER: Those two buildings are same-day
14 surgery buildings and depending on the day is
15 depending how crowded they are. The 713-711 are
16 crowded all the time.

17 I appreciate Dan's candor with the generator
18 and transformer out front. I am working on a
19 project now where they're building one-third the
20 size and those things take up almost the side of a
21 two-car garage. So, I would be curious to see,
22 like Craig does, how that actually looks from the
23 building because I think they're going to be two
24 pretty big objects that stick out like a sore
25 thumb.

1 The other thing I am curious about is: Who
2 owns number four? What kind of building is that?
3 What kind of occupation building is that? That
4 sort of stuck in the back and they are landlocked
5 between all these parcels. I'm just curious as to
6 what the use of that is, compared to the
7 neighbors.

8 MR. HERSHBERG: Rich might have to help me with
9 that but Amedore retains ownership of 4 Auto Park
10 Drive and I don't think he has any potential use for
11 it.

12 MR. HEIDER: The lot is full of construction
13 equipment.

14 MR. HERSHBERG: I think essentially if there's
15 an adaptive use -- I think is what Amedore would
16 like to do and that's why we set up a separate
17 parcel with enough parking spaces so whatever use he
18 has there, it gives him some space to modify that
19 building.

20 The key element is: Do we have to provide for
21 an ODA? Right now they use the easement over the
22 property right out to Loudon Road. Going through
23 an easement doesn't satisfy an ODA.

24 MR. HEIDER: That's it, Pete.

25 CHAIRMAN STUTO: My personal opinion is the

1 orientation is fine. I am interested in how the
2 building looks from all sides.

3 Parking, I guess, is an open issue. If it
4 makes sense to bank, I'm in favor. If it doesn't,
5 please educate us on that and do a little more
6 studying, if you could.

7 Chuck, we have a ways to go on this, right?
8 What is our environmental review?

9 MR. VOSS: It is a Type I SEQRA action. So, Dan
10 is going to submit a long EAF. We will take a look
11 at that and will think a traffic analysis will be
12 necessary. A full SWPPP and everything else that
13 goes with it - a typically large project like this.

14 CHAIRMAN STUTO: Can you go back to the big
15 picture again? The landlocked parcel -- I just want
16 to make sure that I understand it a little bit
17 better. I don't know if landlocked is the right
18 word. I don't know what the current configuration
19 is. Are we creating this landlocked parcel, or is it
20 already landlocked?

21 MR. MAGUIRE: It seems pre-existing. The access
22 is off of Route 9 to the east.

23 MR. HARRISON: And there is a dirt road path
24 that is off Auto Park.

25 MR. MAGUIRE: That's the access from Auto Park

1 is -- it is an unimproved -

2 MR. HARRISON: Sean, could you zoom in to the
3 building? I think that's where the existing lot line
4 is.

5 Dan, correct me, if I am wrong.

6 MR. MAGUIRE: They are right here. You can see
7 this line here.

8 MR. HARRISON: That's the driveway access. The
9 actual parcel -- the existing parcel runs through
10 the proposed building right now. So, it would be a
11 lot line adjustment, but due to not having the
12 frontage and access off of Auto Park, that's where
13 the ODA will come into play.

14 CHAIRMAN STUTO: Okay, when we say reputed, is
15 there a legal dispute about that, or do we know why
16 it only says reputed egress and ingress?

17 MR. HERSHBERG: I think at the time they did
18 not have the deed of record in hand. That's why they
19 normally call it reputed. I think essentially that
20 easement did appear sometime after the map was made
21 up.

22 CHAIRMAN STUTO: If you could clarify that,
23 that would be good. What is the size of the
24 landlocked parcel?

25 MR. HERSHBERG: I think Zach might be able to

1 pull it up for my PowerPoint.

2 MR. HARRISON: Sean is in control.

3 MR. MAGUIRE: I'm getting to that.

4 To answer your question, Troy Schenectady

5 Road is 260,000 square feet.

6 MR. HEIDER: How many parking spots?

7 MR. MAGUIRE: Looks like 1,144.

8 CHAIRMAN STUTO: So, that is less than what is

9 proposed here.

10 MR. ASHWORTH: What about the parcel that is

11 set aside? What is the green space for that?

12 MR. HERSHBERG: The proposed building four - we

13 have it as 43.1%.

14 MR. ASHWORTH: Dan's warehouse is closer than

15 this property, right?

16 MR. HERSHBERG: No, we separated it into two

17 pieces -- our proposed pieces.

18 MR. ASHWORTH: I don't see where you have any

19 green space left.

20 MR. HARRISON: It's actually along the strip

21 the narrow section of the parcel is the green space.

22 MR. HERSHBERG: There is some green space and

23 there's a strip between that and the parking lot.

24 MR. ASHWORTH: I thought that was going to be a

25 means of egress.

1 MR. HARRISON: And that's why the ODA is going
2 to be required.

3 MR. HERSHBERG: It is an odd shaped green
4 space.

5 MR. HEIDER: Sean, does this take care of all
6 the land up there now? Will this finalize the end of
7 Plaza and the end of Auto Park Drive?

8 MR. MAGUIRE: I believe there's one more site
9 left. We are pretty close to the end of the
10 build-out now.

11 MR. HARRISON: Sean, did you ever have a
12 conversation with Jack about the roundabout?

13 MR. MAGUIRE: No, I didn't.

14 MR. SHAMLIAN: Can you go back to the site plan
15 for second? I just want to clarify something.

16 What is the access to for Auto Park?

17 MR. HARRISON: The south side -- right there
18 (Indicating).

19 MR. HERSHBERG: I think their intent is still
20 to use their easement out to Loudon Road.

21 MR. ROSEN: There's only a gravel driveway.
22 They don't plow it during the winter. Nobody goes
23 over it really.

24 MR. VOSS: Behind 950 is active. I was down
25 there again today and it is paved. Vehicles come and

1 go up that side road -- the front of that building.

2 CHAIRMAN STUTO: Well, doesn't it make sense to
3 keep that? We have to ask ourselves whether it makes
4 sense to keep that, before we can figure this in
5 granting an ODA. We want this to come out in the
6 end, the best.

7 MR. SHAMLIAN: What they are doing here is
8 creating for Auto Park with a grass strip -- I don't
9 know how wide it is but essentially from the
10 building to Auto Park Drive. Is that correct?

11 MR. HERSHBERG: Yes.

12 MR. SHAMLIAN: Essentially, that is the only
13 green space on this property and they are relying on
14 the easement to get out to anywhere.

15 MR. HARRISON: Correct.

16 MR. SHAMLIAN: That just seems like -- as we
17 get into this, it seems like a convoluted thing to
18 do. The number of uses that we as a Board would
19 approve for that parcel are virtually none.

20 MR. MAGUIRE: Craig, I think that has been our
21 concern, too. It is the creation of a flag lot or
22 really the only purposes to create access to that
23 right now -- they are calculating as green space and
24 it will probably never get used because of the
25 conflict that exists there with the parking lot

1 access.

2 MR. SHAMLIAN: It would seem to me as that
3 strip at some point is going to need to be paved so
4 that they can get access to that property and then
5 there is no green space on this property. So, a year
6 from now, or two years from now or five years from
7 now when they come before us and/or the ZBA to get a
8 variance because they don't have enough green space,
9 somebody's going to look at this and say: They have
10 a hardship and they should get it. The reality is
11 they created it.

12 CHAIRMAN STUTO: I agree a 1,000%. We've got to
13 solve the problem now.

14 MR. HERSHBERG: That building is actually
15 oriented to take advantage of that. The front
16 entrance is off of that driveway -- not that is much
17 of a concern, but given the current state of the
18 tenancy

19 MR. SHAMLIAN: It would seem to me as though
20 the parcel itself needs to be larger so that when
21 that driveway is created at some point in the
22 future, that there is then ample green space still
23 existing on this property.

24 MR. MAGUIRE: We discussed this at DCC about
25 changing -- widening that lot or to be able to

1 create a drive and a connection down to that
2 property.

3 MR. SHAMLIAN: Or taking that line where you
4 have the cursor right now -- the red line and moving
5 it north so there's actually green space around the
6 building -- because the building that is there now
7 isn't going to be there. It's a warehouse building.
8 That building may not be there forever and the
9 ability to have some green space around whatever
10 ultimately gets built in its place would be, I
11 think, more beneficial than widening the flagpole,
12 if you will.

13 MR. ASHWORTH: The secondary purpose of green
14 space is to beautify the property and that needs all
15 it can get.

16 MR. SHAMLIAN: Agreed, but right around the
17 building and not the driveway.

18 MR. ASHWORTH: I think this is just a means of
19 egress.

20 MR. HERSHBERG: But actually if you take a look
21 at the parking count for that building, we have 95
22 parking spots which exceeds the requirement for
23 virtually any use there. So, a portion of that
24 parking lot could theoretically become green. Since
25 we have no idea as to what the eventual use will be,

1 it's like shooting in the dark, but we can take a
2 crack at laying out some of the uses of the building
3 and see whether or not we can make a layout that
4 looks better for you folks to satisfy some of your
5 concerns.

6 CHAIRMAN STUTO: I believe it is our ability to
7 make that condition of the ODA. We can set forth
8 conditions. We want to do it right and we want to do
9 it right for that back lot.

10 MR. HERSHBERG: Okay, so do we.

11 MR. MAGUIRE: So, is there a consensus from the
12 Board to look for a shift in those lot lines on the
13 smaller parcel or to condition the ODA?

14 CHAIRMAN STUTO: Well, I think we want the
15 applicant to propose some things that might satisfy
16 the objections that we are raising now. I don't
17 think we're making a final decision. I think that's
18 what we are saying.

19 MR. ROSEN: I would agree as the applicant - -
20 we have heard what the Board's comments are.
21 Obviously, when I asked Dan to do this layout I gave
22 him parameters and he did the best he could with
23 those parameters. Now that we are thinking about the
24 future and redevelopment which was not a
25 consideration in what we laid out here, it gives us

1 an opportunity to go back and take a look at this
2 lot again hearing your concerns.

3 Also, we have the potential of land banking
4 some parking. We have a stormwater design to do.
5 Give us an opportunity to come back to the
6 Planning Board with a better solution on how we
7 can carve out Auto Park number 4 for its existing
8 use and future use to address the concerns that
9 the Board has raised.

10 I agree you have one shot at this and you
11 don't want somebody in five years coming back with
12 a hardship on something that they just created.
13 Give us an opportunity to work on that.

14 MR. SHAMLIAN: Just a couple of quick questions
15 here.

16 I think this was mentioned. What is being
17 done there right now in that building? Is it more
18 or less just vacant?

19 MR. ROSEN: I think it is in transition. I
20 don't think there is a full-time occupant there. I
21 think that once in a while you might have the owner
22 with a seasonal use or use it for staging for
23 something, but I do not believe that there is a
24 full-time occupant there.

25 MR. SHAMLIAN: And is that parcel going to be

1 under your control ultimately, or no?

2 MR. ROSEN: No, it is not.

3 MR. SHAMLIAN: Okay. Where I was heading with
4 all of those questions is: If it was under your
5 control, maybe the thing to do is to reposition the
6 medical office building and take advantage of that
7 parcel which would then give you a potential for an
8 actual out parcel out on Auto Park that would
9 actually have more value.

10 MR. ROSEN: Understood, but the way the
11 situation is right now is the seller wants to retain
12 that parcel.

13 MR. SHAMLIAN: Okay.

14 MR. HARRISON: Rich, the one thing that I
15 forgot to ask you is: For the main building, is that
16 proposed for multi-tenants or will you have just one
17 tenant for that area?

18 MR. ROSEN: We are assuming right now based on
19 our design in the multiple entrances that it's going
20 to be multi-tenanted. With the way healthcare is,
21 things are changing. We want to be able to react to
22 the market, so that is why we are not really showing
23 and cannot really explain exactly is going outside
24 the building. Having done enough medical products,
25 we are anticipating where the market is going and we

1 are really excited about this design. So, as soon as
2 we get more information -- we could get site plan
3 and then maybe have to come back for some slight
4 modifications based on tenant-based need. For right
5 now, the occupants are conceptual.

6 CHAIRMAN STUTO: Okay, anything else?

7 (There was no response.).

8 Okay, stay healthy. Thank you. It's good to
9 see everybody.

10 Do we have a meeting next week?

11 MR. MAGUIRE: We do have an agenda next week.
12 Next week will be the last time that we plan to meet
13 weekly. We're going to go back to our regular
14 schedule.

15 MR. SHAMLIAN: We are staying with Zoom for the
16 foreseeable future, Sean?

17 MR. MAGUIRE: We are staying with Zoom until we
18 can do a public assembly and then we need to talk
19 more about the time because I know there is interest
20 in the Board to discuss the 6:00 or 7:00 start.

21 CHAIRMAN STUTO: Thank you.

22 (Whereas the above entitled proceeding was
23 concluded at 7:15 PM)

24 (Whereas the above referenced proceeding was
concluded
25 at 6:40 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
CERTIFIES 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
and belief.

Dated: _____

NANCY L. STRANG

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