

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 THE GLEN APARTMENTS

5 1 RESIDENCE INN DRIVE

6 A/K/A AS 1070 TROY SCHENECTADY ROAD

7 \*\*\*\*\*

8 THE STENOGRAPHIC MINUTES of the above entitled  
9 matter by NANCY L. STRANG, a Shorthand Reporter  
10 commencing on June 16, 2020 at 6:00 p.m. via  
11 ZOOM Video conferencing

12  
13 BOARD MEMBERS:

14 PETER STUTO, CHAIRMAN

15 CRAIG SHAMLIAN

16 PAUL ROSANO

17 SUSAN MILSTEIN

18 STEVEN HEIDER

19 LOU MION

20 FREDERICK ASHWORTH

21

22 ALSO PRESENT:

23 KATHLEEN MARINELLI, ESQ. COUNSEL TO THE BOARD

24 SEAN MAGUIRE, AICP, CEcD, DIRECTOR, DEPARTMENT  
25 OF PLANNING AND ECONOMIC DEVELOPMENT

1 (cont.)

2 ZACHERY HARRISON, PLANNING AND ECONOMIC  
3 DEVELOPMENT

4  
5 LUIGI PALLESHI, PE, ABD ENGINEERING  
6 CURT SMITH

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1           CHAIRMAN STUTO: Welcome to the Town of  
2           Colonie Planning Board. The meeting is hereby  
3           called to order.

4           With respect to the roll call, I will  
5           say for the record that all seven members of  
6           the Planning Board are in attendance.

7           The third item on the agenda is the  
8           report of the Planning and Economic  
9           Development Director. That would be Sean  
10          Maguire.

11          MR. MAGUIRE: There is nothing to report  
12          today. We're just moving along with the  
13          temporary outdoor seating permits. That is  
14          working out fine.

15          Then, I let folks know that there is  
16          going to be a training from DEC - another  
17          webinar and that will be tomorrow.

18          CHAIRMAN STUTO: What is the webinar  
19          about?

20          MR. MAGUIRE: It's about the environment  
21          and planning for the environment.

22          CHAIRMAN STUTO: Okay, thank you.

23          Onto the actual items on the agenda.

24          The first item is a waiver request. One  
25          Residence Inn Drive, also known as 1070

1 Troy Schenectady Road -- referred to as the  
2 Glen Apartments. A waiver request for parking  
3 regarding change of use and conversion of  
4 existing hotel units into apartment units.

5 I will ask the department if they have  
6 any words to say before we turn it over to  
7 the applicant.

8 MR. MAGUIRE: No, this is what you saw  
9 last week. The applicant turned this around  
10 quickly to address the parking concerns. So, I  
11 will let them discuss that here.

12 CHAIRMAN STUTO: Thank you.

13 MR. PALLESHI: Hi, this is Luigi Palleshi  
14 with ABD Engineers. Can everyone hear me okay?

15 CHAIRMAN STUTO: Yes.

16 MR. PALLESHI: I'm not on the actual call.  
17 I just called in here, so I apologize.

18 Anyway, we did turn things around as  
19 per our last meeting we had with this Board  
20 last week. I think the topic of concern was  
21 adding additional parking spaces off the  
22 gate, as well as what to do and when to do  
23 the banked parking spaces. So, we have  
24 revised the plan to include an additional  
25 parking spaces right off the rip from what

1       you saw which would get us to 167 parking  
2       spaces.

3               Then, we're going to bank an additional  
4       21 parking spaces. If you take the 167  
5       parking spaces that will be constructed as  
6       what I call Phase 1, it will get you to a  
7       parking ratio of 1.49. So, it is closer to  
8       what I stated at the last meeting where 1  
9       1/2 seems to be the norm for a lot of  
10      municipalities in this type of development.

11              Then, I know with the Planning  
12      Department and the applicant we had  
13      discussed certain language as to when the 21  
14      banked parking spaces would be needed and  
15      that also has been added to our site plan;  
16      note number seven.

17              Basically, the first warning -- and I'm  
18      sure Mike Tengeler can go over it. I saw  
19      that it was part of the Resolution which we  
20      reviewed and agreed to. Basically, the first  
21      complaint would go to the Town Planning  
22      Department. They would review it and see  
23      what could be done. After the second  
24      complaint, there would be a different  
25      trigger that would require or may require

1 the additional parking spaces. Other than  
2 that, I think from what we heard at the last  
3 Planning Board meeting, I believe we have  
4 addressed -

5 CHAIRMAN STUTO: Can I interrupt you for  
6 second?

7 MR. PALLESHI: Sure, if you want to read  
8 the Resolution.

9 CHAIRMAN STUTO: No, I'm sorry. I was  
10 still reading the note, Sean -- the last note  
11 they talked about. Note 7 - I just wanted to  
12 keep that on the screen. I'm sorry. Thank you.

13 MR. PALLESHI: So, what we had proposed  
14 was basically the conversation we had with the  
15 Planning Department and Mike Tengeler adjusted  
16 it slightly to what you see in the Resolution.  
17 It's basically the same thing. Obviously, we  
18 are okay with the one that's in the Resolution.  
19 When we submit our final site plan, we can  
20 certainly update the note to match the  
21 Resolution and pending any other comments that  
22 the Board may have at this time.

23 CHAIRMAN STUTO: Do we have any pictures  
24 of the insides of the units? I think I asked  
25 the square footage on the studios.

1 MR. PALLESHI: Yes, pictures were shown at  
2 the last meeting, I believe.

3 Then, as far as square footages, I  
4 believe they were added in the revised  
5 narrative. We do have Curt and Robert on the  
6 line here from F Street Boulder.

7 CHAIRMAN STUTO: I saw some pictures, but  
8 they may be muted. I saw some gentlemen  
9 maybe --

10 MR. PALLESHI: The square footages are on  
11 the revised narrative.

12 MR. SMITH: On page three or four there is  
13 a unit mix. The space and square footage of  
14 units, the studios are 440 square feet. The  
15 traditional one-bedroom unit is 505. The  
16 one-bedroom bi-level is 780 and the two-bedroom  
17 unit is 780, as well. So, the square footages  
18 are there and noted in the project narrative.

19 CHAIRMAN STUTO: I appreciate you getting  
20 us that information. I think 440 is a petty  
21 small place to live on a permanent basis. I  
22 will just say that for the record.

23 Is the applicant done with their  
24 presentation?

25 MR. PALLESHI: Yes.

1           CHAIRMAN STUTO: We will go to the  
2           Planning Board and I will start down the  
3           virtual row of members that we have.

4           Paul Rosano, do you have any comments  
5           on this?

6           MR. ROSANO: No, Peter, I am satisfied  
7           with the revision; thank you.

8           CHAIRMAN STUTO: Okay, Chip?

9           MR. ASHWORTH: Same here.

10          CHAIRMAN STUTO: Lou.

11          MR. MION: Just so there's no  
12          misunderstanding, Luigi, you said if there is a  
13          second complaint you may have to add the 21.  
14          It's not May, it's you will.

15          CHAIRMAN STUTO: Let's read the note. Why  
16          don't we read the note, so we can understand.

17          MR. MAGUIRE: You want to read Note 7  
18          here?

19          CHAIRMAN STUTO: Yes.

20          MR. MAGUIRE: It says if the Town of  
21          Colonie receives complaints about off-site  
22          parking due to insufficient on-site parking at  
23          the Glen Apartments, the Town of Colonie will  
24          issue a warning on the first complaint.

25          On the second complaint, if it occurs



1 in the same calendar year, the Town of  
2 Colonie will issue a citation and it may  
3 require construction of the banked spaces.

4 MR. TENGELER: I will compare that with  
5 the Resolution that I wrote and see if it's  
6 more amenable to the Board.

7 MR. MION: You've got a lot of places  
8 where it says they will.

9 MR. TENGELER: It's language in their  
10 Resolution.

11 CHAIRMAN STUTO: Lou, if you don't mind,  
12 as Board Members, let's talk about what we  
13 think we really want the way we want the Town  
14 to act. How do the other Board Members feel  
15 about that? If you don't mind, because this is  
16 an important point for the Board, let's just  
17 talk in non-lawyer-like terms. What do we want?  
18 If there is a second complaint, do we want the  
19 Town to have the power to open up the banked  
20 parking? Is that what we want?

21 MR. MION: That's what we were looking at  
22 from last week, yes.

23 MS. MILSTEIN: I also think that we could  
24 make it up to 24 banked parking spots. So, it  
25 doesn't have to be all or nothing. So, there

1 would be some flexibility.

2 CHAIRMAN STUTO: I will ask Kathleen --  
3 the way the language is there -- I appreciate  
4 the up to point. That's a good thing. When they  
5 say the Town may require the 24 banked parking  
6 spots be developed, should we be more specific  
7 as to who in the Town should do that?

8 MS. MARINELLI: I think it's fine the way  
9 it is. Any department of the Town - it  
10 encompasses any department of the Town. We  
11 could, but we would limit ourselves - whether  
12 it's the Town Attorney or Sean's office or  
13 whatever - I think we should leave it the way  
14 it is.

15 MS. MILSTEIN: The only problem that I  
16 have with that is they could potentially have  
17 one department say one thing and that another  
18 department say another.

19 MR. TENGELER: Generally, it is the  
20 Planning Department's jurisdiction on matters  
21 like this. We would be the ones doing whatever  
22 enforcement is in place and it is consistent  
23 with our general policy. If there's a  
24 violation, we put them on notice the first  
25 time. If within a year, we get another

1 violation -

2 MS. MILSTEIN: I think it would be better  
3 specifying.

4 CHAIRMAN STUTO: Okay, let's talk about  
5 that, if everybody agrees.

6 Chief, did you want to say something?

7 MR. HEIDER: Yes.

8 Sean, could you scroll down so you can  
9 show the road going in, please? I think  
10 everybody has to understand one thing.  
11 Residents Inn Drive is a Town Road, is that  
12 correct?

13 MR. PALLESHI: That is correct.

14 MR. HEIDER: There aren't parking  
15 restrictions on that road to begin with. So,  
16 you're not going to be able to issue citations  
17 for parking in the road, unless you asked the  
18 Town Board to limit parking there on an  
19 everyday basis. So, you can't issue citations  
20 on an interior road because it's private  
21 property and the Police Department will do it.  
22 You may want to go by the complaints, but to  
23 say there would be citations is a misnomer  
24 without the addition of the parking restriction  
25 for the entire Residence Inn Drive.

1           The other thing, just as a comment --  
2           as much as I'm glad they're still banking  
3           the parking, you have to realize that if we  
4           ever make them pave that bank parking, it  
5           will totally destroy the extremely dense  
6           wooded buffer between them and the neighbor.  
7           I think we should be aware of that. I think  
8           we have to hope that they can get by with  
9           the parking that they've got. If nothing  
10          else, keep the problems on their own  
11          property. If not, the next step would be to  
12          establish a no parking zone and then you'd  
13          have to go to the complaint stage.

14                CHAIRMAN STUTO: Understood. That makes a  
15          lot of sense.

16                That all being the case, we could say  
17          either the Director of PEDD or the Town  
18          Attorney or we could say both of them have  
19          to direct that we get into the banked  
20          parking.

21                Do the Board Members have any feeling  
22          on that?

23                MS. MILSTEIN: We can do the Planning  
24          Department in consultation with the Town  
25          Attorney's office.

1 CHAIRMAN STUTO: That's okay with me.

2 MR. HEIDER: Okay with me.

3 MR. ROSANO: I'm good.

4 MR. MION: I'm fine with it.

5 CHAIRMAN STUTO: So, we are agreeing with  
6 that on principle.

7 Kathleen, or somebody, can you look at  
8 the Resolution while we continue to discuss  
9 this to make sure the Resolution conforms  
10 with that? We will ask that note be revised,  
11 as well.

12 MS. MARINELLI: I'm going to ask Sean to  
13 do that, because I don't have the Resolution in  
14 front of me.

15 CHAIRMAN STUTO: Okay Sean, or Mike  
16 Tengeler or, or whoever from the department.

17 Lou, do you have any other questions or  
18 comments?

19 MR. MION: That was the big one right  
20 there.

21 CHAIRMAN STUTO: So, it will be up to the  
22 Town Board. The Town Board will have the power.  
23 They may do it -

24 MR. MION: The Director of Planning.

25 CHAIRMAN STUTO: Correct.

1 MR. MION: And the Town Attorney.

2 CHAIRMAN STUTO: Yes, in consultation with  
3 the attorneys.

4 Susan, do you have any comments or  
5 questions?

6 MS. MILSTEIN: No.

7 CHAIRMAN STUTO: Craig?

8 MR. SHAMLIAN: No.

9 CHAIRMAN STUTO: Chief?

10 MR. HEIDER: I'm good with it.

11 CHAIRMAN STUTO: Do we have to do anything  
12 with SEQRA?

13 MR. TENGELER: SEQRA has already been  
14 completed and signed-off. You will find it in  
15 your packet as an unlisted action.

16 CHAIRMAN STUTO: Okay, we don't need to  
17 vote on that. That's already been determined.

18 MR. TENGELER: Correct.

19 CHAIRMAN STUTO: With respect -- let's get  
20 to the main Resolution.

21 Are there any members of the public  
22 looking to speak on this, Sean?

23 MR. MAGUIRE: No, nobody's here for this  
24 project.

25 CHAIRMAN STUTO: Can you walk us through -

1 somebody walk us through the Resolution?

2 MR. MAGUIRE: Do you want me to do the  
3 whereas or do you want me to just to the  
4 resolves?

5 CHAIRMAN STUTO: Read the title and the  
6 resolves and I will ask the Stenographer to put  
7 the whole Resolution into the record.

8 MR. MAGUIRE: Resolution: Glen Apartments,  
9 one Residence Inn Drive A/K/A 1070 Troy  
10 Schenectady Road Land Use Law waiver findings.

11 Now therefore be it resolved that the  
12 Board hereby finds that the extent of the  
13 requested waiver is not considered  
14 substantial and be it further resolved that  
15 the Board finds that by granting the waiver,  
16 will still result in a reasonable and safe  
17 development of the site and will not hinder  
18 any permanent structures, school districts,  
19 natural resources or scenic view scapes. Be  
20 it further resolved that the Board hereby  
21 issues the waiver granting initial relief of  
22 57 parking spaces with the ability to unbank  
23 an additional 21 parking spaces, producing  
24 said relief to 36 spaces as required in  
25 Article 10-190-47 in regards to apartments.

1 Be it further resolved that Planning and  
2 Economic Development Director in  
3 consultation with the Town Attorney shall  
4 put the business on notice of violation if  
5 any related parking complaints are received  
6 by the Town of Colonie and mandate that 21  
7 banked parking spaces be constructed if a  
8 second complaint be received within one  
9 year's time from the first complaint. Be it  
10 further resolved that these waiver findings  
11 be kept in the project file in the office of  
12 the Planning and Economic Development  
13 Department.

14 CHAIRMAN STUTO: I don't know if that last  
15 shall should be a may. I don't know if it  
16 mandates -- do you follow what I'm saying?

17 MR. MAGUIRE: Resolved that the Planning  
18 and Economic Development Director in  
19 consultation with the Town Attorney shall put  
20 the business on notice of violation of any  
21 related parking complaints received by the Town  
22 of Colonie and mandate that the aforementioned  
23 21 bank parking spaces be constructed should a  
24 second complaint be received within one year's  
25 time from the first complaint.



1 MS. MARINELLI: I think the issue there is  
2 before the word mandate, the word may should be  
3 inserted.

4 MR. MAGUIRE: And may mandate?

5 MS. MILSTEIN: Yes, may specify or may  
6 mandate. I think that's what we were talking  
7 about.

8 MR. MAGUIRE: May require?

9 MS. MARINELLI: May require.

10 MS. MILSTEIN: I had a little trouble  
11 hearing because there was some interference.  
12 Can we just read it one more time, please?

13 MR. MAGUIRE: This is with Kathleen's  
14 comment.

15 Resolved that the Planning and Economic  
16 Development Director in consultation with  
17 the Town Attorney shall put the business on  
18 notice of violation if any related parking  
19 complaints are received by the Town of  
20 Colonie and may require that the  
21 aforementioned 21 banked parking spaces be  
22 constructed, should a second complaint be  
23 received within one year's time from the  
24 first complaint.

25 CHAIRMAN STUTO: Can you get the word up

1 to as well - 24?

2 MR. HARRISON: On the plan it is 24.

3 MR. PALLESHI: I was going to say because  
4 when you put the aisle way in, you're going to  
5 end up eliminating three parking spaces to get  
6 back in there for the banked parking spaces. It  
7 would be 21.

8 MR. MION: Chief, what you brought up with  
9 the fact of what has to be moved -- if we  
10 require them to put the parking spaces in - how  
11 does that second resolve look to you?

12 MR. HEIDER: I just think that we have to  
13 be careful if it ever comes to that point. It  
14 has to be carefully investigated whether or not  
15 there is a true need to go into that space.  
16 Once you go into that space, I don't care  
17 whether you build 10 spots or 24 spots. You are  
18 going to create a total zone of what is now a  
19 wonderful natural buffer. It's not going to be  
20 there anymore. I don't think you need to be  
21 specific that you're going to do something. I  
22 think it would be a case-by-case basis when it  
23 happens and leave it up to the departments or  
24 the Town Attorneys to figure it out.

25 MR. MAGUIRE: I made another adjustment. I

1 will read this one more time for everybody.

2 Be resolved that the Planning and  
3 Economic Development Director in  
4 consultation with the Town Attorney shall  
5 put the business on notice of any violation  
6 of any related parking complaints that are  
7 received by the Town of Colonie and may  
8 require that up to 21 of the aforementioned  
9 banked parking spaces be constructed, should  
10 a second complaint be received within one  
11 year's time from the first one.

12 MR. MION: Perfect.

13 CHAIRMAN STUTO: Does someone want to make  
14 a motion on the Resolution?

15 MR. HEIDER: I will make it, Peter.

16 CHAIRMAN STUTO: Chief makes the motion.

17 MR. MION: Second.

18 CHAIRMAN STUTO: Lou seconds.

19 Any discussion?

20 (There was no response)

21 All those in favor, say aye.

22 (Ayes were recited.)

23 All those opposed, nay.

24 (there were none opposed.)

25 Let the record show that everyone voted

1 in the positive. I did not hear any  
2 negatives.

3 MR. MAGUIRE: I'm sorry, who seconded that  
4 motion?

5 CHAIRMAN STUTO: Lou.

6 MR. PALLESHI: Thank you.

7 CHAIRMAN STUTO: You're welcome.

8 (Where's the above entitled proceeding  
9 was concluded at 6:18 PM)

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CERTIFICATION

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  
ability and belief.

Date: \_\_\_\_\_

\_\_\_\_\_

Nancy L. Strang  
Legal Transcription  
2420 Troy Schenectady Road  
Niskayuna, NY 12309

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