

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 MEDICAL OFFICE BUILDING

5 767 TROY SCHENECTADY ROAD

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7 THE STENOGRAPHIC MINUTES of the above entitled  
8 matter by NANCY L. STRANG, a Shorthand Reporter  
9 commencing on July 21, 2020 at 8:09 p.m. at  
10 Memorial Town Hall 534 New Loudon Road, Latham,  
11 New York.

12

13 BOARD MEMBERS:

14 PETER STUTO, CHAIRMAN

15 CRAIG SHAMLIAN

16 PAUL ROSANO

17 SUSAN MILSTEIN

18 STEVEN HEIDER

19 LOUIS 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 LUIGI PALLESHI, PE, ABD ENGINEERING  
5 JOSEPH GRASSO, RLA, CHA

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1           CHAIRMAN STUTO: Next on the agenda is 767  
2 Troy Schenectady Road; medical office; final  
3 site plan review. Construction of a one-story  
4 15,000 square-foot medical office building for  
5 multiple tenants with 88 parking spaces.  
6 Primary access via new driveway on Troy  
7 Schenectady Road. The site is zoned NCOR.

8           Any information from you, Sean, before  
9 we turn it over?

10          MR. MAGUIRE: No. I think we hashed out a  
11 lot of issues in concept, so I'm pretty  
12 confident that the final plans as submitted.

13          MR. PALLESHI: Good evening. Luigi  
14 Palleshi here with ABD Engineers. Also with me  
15 as the applicant, John Luke Hodorowski and his  
16 attorney Victor Caponera.

17          We are here tonight for 767 Troy  
18 Schenectady Road.

19          As Sean mentioned, we have vetted out a  
20 lot of the comments between the Town  
21 departments and the Town Designated  
22 Engineer. We were before you, I believe,  
23 back in March of this year where we received  
24 concept approval. Since then, we have  
25 advanced to site plan with more details

1 detailing out all of the water, sewer and  
2 stormwater. The site plan pretty much stayed  
3 the same.

4 We are requesting a waiver tonight and  
5 that is for the setback of the building. The  
6 requirement is 25 feet maximum from the  
7 right-of-way. We are proposing 57 feet. We  
8 feel that having this building 57 feet from  
9 the right-of-way will put the building in  
10 line with the existing buildings on that  
11 side of the street of Troy Schenectady Road.

12 A couple of other things that I'd like  
13 to point out - at the rear of the site we  
14 are making some parking spaces. We don't  
15 believe that we will need those banked  
16 parking spaces. However, that provides us  
17 plenty of buffer to the rear residences  
18 there. Right now if the banked parking were  
19 to go in, we have 30 feet of buffer. So, 30  
20 plus the additional 18 will give them the  
21 48-foot buffer in the back. We also are  
22 proposing a vinyl fence - solid around the  
23 entire property adjoining the neighbors as  
24 well as a mix of a staggered row of pine  
25 trees along the rear. So, we feel that the

1 neighbors are well buffered with this final  
2 layout. The curb-cut stays the same from the  
3 last time. All the details again have been  
4 worked out.

5 As far as the lighting goes, there was  
6 a comment regarding lighting. We will have  
7 house-shields on the lighting that will face  
8 any residential property. There has been a  
9 note that has been added to the final plan.  
10 So, we are agreeing with that.

11 So, other than the waiver that we are  
12 asking for final site plan approval, we had  
13 to discuss whether the garbage collection  
14 would be acceptable to the Planning Board  
15 from 7:00 AM to 7:00 PM. That's pretty much  
16 it.

17 CHAIRMAN STUTO: Do you have elevations?

18 MR. PALLESHI: We do. I think these were  
19 supplied back in January.

20 MR. PALLESHI: So, those are the  
21 conceptual renderings that were provided at  
22 concept level. They have since advanced all the  
23 details. The architect, I would say, is 90%  
24 complete. We are hoping for final approval  
25 tonight so that we can break ground in the next

1 month.

2 MR. HEIDER: Does it still look like that  
3 rendering?

4 MR. PALLESHI: Yes.

5 CHAIRMAN STUTO: We will hear from our  
6 Town Designated Engineer, CHA, Joe Grasso.

7 Joe, can you give us your comments on  
8 this project?

9 MR. GRASSO: Sure. There is a letter in  
10 your packet dated June 11th. This project has  
11 gone through multiple rounds of review by both  
12 the Planning Board as well as the Town  
13 Departments and our office. We would like to  
14 commend the applicant for being so responsive  
15 to the various concerns in going through the  
16 various reviews. All of the substantial  
17 comments that have been raised either by the  
18 Board or by our office or the Town Departments  
19 have already been addressed.

20 Luigi had provided our office with an  
21 itemized response to the comments in our  
22 letter. I'm just going to touch on a couple  
23 of items.

24 The first is the required waiver for  
25 exceeding the maximum front yard setback

1       which we are supportive of for the reasons  
2       that Luigi cited. There is a draft waiver  
3       Resolution for consideration by the Board.

4             The second is regarding the parking.  
5       You may recall that one of the concerns of  
6       the Planning Board was to land-bank some of  
7       the spaces. If you included the land-banked  
8       spaces, there would be an excess required by  
9       the Code so we feel that the parking is  
10      sufficient.

11            Luigi noted the hours of garbage  
12      collection between 7:00 AM and 7:00 PM. So,  
13      that is something that the Planning Board  
14      may want to weigh-in on if there are any  
15      concerns.

16            Our comment regarding the lighting  
17      intensity has been addressed, as well as the  
18      comment on the accessible sign.

19            This project is within the airport area  
20      GIS study area and as such, mitigation of  
21      cumulative impacts will be required in  
22      accordance with the GIS statement of  
23      findings.

24            There will be a required FAA  
25      notification due to the proximity of the

1 airport.

2           Lastly, regarding the SEQRA review -  
3 this is an unlisted action pursuant to  
4 SEQRA. the applicant did provide a full  
5 environmental assessment form which provides  
6 a lot of additional detail regarding the  
7 environmental setting and environmental  
8 impacts which are not deemed to be  
9 significant. The involved agencies include  
10 the Colonie Planning Board, Albany County  
11 Planning Board and New York State DOT. Those  
12 other agencies have not raised any  
13 significant concerns for the proposed  
14 project. We have drafted a Part II and Part  
15 III and a negative declaration for the  
16 Planning Board's consideration, if you  
17 choose to move forward with the project  
18 tonight.

19           CHAIRMAN STUTO: Susan, any comments or  
20 questions?

21           MS. MILSTEIN: The one comment I do have  
22 is when you come into final, we expect to have  
23 the final renditions so we know exactly what  
24 we're voting on. They should have been here  
25 tonight. In the future, please make sure that



1       you have them.

2               MR. PALLESHI:   Okay.

3               MR. SHAMLIAN:   I don't have anything.

4               CHAIRMAN STUTO:   Paul?

5               MR. ROSANO:   Okay, Luigi, no more pine  
6       trees please. Please stop. It's getting old.  
7       Work with the TDE and they will give you an  
8       idea of what types of evergreens that are  
9       actually going to work.

10              Going back to the days with the project  
11       prior to this, this is remarkably better.

12       Thank you.

13              CHAIRMAN STUTO:   Chip?

14              MR. ASHWORTH:   No comments.

15              CHAIRMAN STUTO:   Lou?

16              MR. MION:   Nothing.

17              CHAIRMAN STUTO:   Chief?

18              MR. HEIDER:   One minor thing. The lower  
19       left, Luigi, where it borders the residents,  
20       it's impossible to extend the pine down - two  
21       or three more trees?

22              MR. PALLESHI:   So, what we have done  
23       actually in that location is we have returned  
24       the fencing - the column and the fencing right  
25       around the corner.

1           MR. HEIDER: That is the decorative  
2 fencing.

3           MR. PALLESHI: That is the decorative  
4 fencing, yes. The problem with the trees -- I  
5 don't know if they would stop site visibility,  
6 but it could be a concern. I do recall and some  
7 of it might have been some of Planning's  
8 comments -- that we return the decorative  
9 fencing around the corner to meet the trees in  
10 line with the residents.

11          MR. HEIDER: Even that the trees may be of  
12 row of arborvitae just to provide some buffer  
13 between residents and the drainage retention  
14 basin -

15          CHAIRMAN STUTO: Yes, I am in support of  
16 that.

17          MR. HEIDER: I can see where you would not  
18 want to put a row of pines in, or something  
19 else. But even carrying the arborvitae look  
20 around the dumpster down there - maybe five or  
21 six arborvitae to break up the look a little  
22 bit. You know what I am talking about, right?

23          MR. PALLESHI: Yes.

24          CHAIRMAN STUTO: 7:00 PM and 7:00 AM - you  
25 brought it up, Joe. I don't know what our

1 normal practice is for garbage collection. You  
2 said it's something for the Board to consider.

3 MR. GRASSO: Yes, just in terms of the  
4 timing of it. We feel comfortable with it. We  
5 just want to raise it for the Board's  
6 consideration. There was a concern raised  
7 earlier on.

8 CHAIRMAN STUTO: Does anybody have a  
9 concern?

10 (There was no response.)

11 I think it was suggested that they  
12 change some of the pine trees? Is that  
13 correct?

14 MR. PALLESHI: Yes, we have on the plan  
15 mixed pines. So, it's not just going to be  
16 white pines. It will be a mix.

17 MR. GRASSO: No white pines. We are going  
18 to get away from the white pines.

19 MR. PALLESHI: That is understandable.

20 MR. GRASSO: A combination of spruce and  
21 fir.

22 MR. ROSANO: Just remember Zone three.  
23 This is not the middle of the Adirondacks. We  
24 are Zone five and six down here.

25 MR. PALLESHI: Okay.

1           CHAIRMAN STUTO: Can you walk us to the  
2           SEQRA?

3           MR. GRASSO: So, Part I was already  
4           completed by the applicant. We have drafted  
5           Part II.

6           Going through Part II, the first  
7           question is regarding the impact on land.  
8           The project will involve construction and  
9           physical alteration of the land surface.  
10          That's yes. There will be no small impact  
11          that will occur.

12          The second question is the impact on  
13          geological features, which there will be no  
14          impact. There will be no impact on surface  
15          water. There will be no impact on  
16          groundwater. There will be no impact on  
17          flooding. No impact on air quality. No  
18          impact on plants and animals. No impact on  
19          agricultural resources. No impact on  
20          aesthetic resources. The proposed action may  
21          occur in or adjacent to historical or  
22          archaeological resource. We said yes, but  
23          there will be no or small impact to occur  
24          for any of the sub questions. There will be  
25          no impact on open space and recreational

1 resources as well as no impact on critical  
2 environmental areas. There will be no impact  
3 on the transportation system. There will be  
4 no impact on energy. There would be an  
5 impact on odor and light, but those impacts  
6 would be considered no or small impact may  
7 occur.

8 CHAIRMAN STUTO: Can I ask a question? No  
9 impact on historical or archaeological? I know  
10 they are all small or no, but it was checked.  
11 Do you know what the trigger for that was?

12 MR. GRASSO: I don't. I don't remember  
13 what the trigger was. I know there's a certain  
14 radius around the project site that you have to  
15 flag for any known historical or archaeological  
16 resources. None of those occurred within the  
17 project site, but because something was flagged  
18 within that certain radius area, we identified  
19 as yes. We acknowledge that it was documented  
20 in the information.

21 CHAIRMAN STUTO: Okay.

22 MR. GRASSO: Lastly, there is a no adverse  
23 impact on human health. The project is deemed  
24 consistent with the community plans and is  
25 consistent with community character. That sums

1 up the impact evaluation on Part II.

2 Part III gets into the evaluation of  
3 the magnitude and the importance of those  
4 project impacts. For that, there is a  
5 determination that this project will result  
6 in no significant adverse impacts on the  
7 environment and therefore an environmental  
8 impact statement need not be prepared  
9 accordingly, if this negative declaration is  
10 issued.

11 There is a draft Resolution for the  
12 Planning Board's consideration which says:

13 Be it resolved that based on a thorough  
14 review of the project by the Planning Board  
15 that there will be no significant adverse  
16 environmental impacts and no EIS will be  
17 required. Be it further resolved that the  
18 attached draft negative declaration be  
19 adopted in accordance with SEQRA.

20 CHAIRMAN STUTO: Do we have any comments  
21 or questions on that?

22 (There was no response.)

23 Do we have a motion on the Resolution?

24 MR. HEIDER: (Raises hand.)

25 CHAIRMAN STUTO: Chief makes the motion.

1 MR. ASHWORTH: (Raises hand.)

2 CHAIRMAN STUTO: Chip seconds it.

3 Any discussion?

4 (There was no response.)

5 All those in favor, say aye.

6 (Ayes were recited.)

7 All those opposed, say nay.

8 (There were none opposed.)

9 The ayes have it.

10 We have a waiver Resolution. Can you  
11 walk us through that?

12 MR. GRASSO: So, there's a Resolution from  
13 the Land Use Law waiver findings.

14 Whereas the applicant is requesting a  
15 waiver from the Land Use Law related to  
16 allow a building to exceed the 25 foot  
17 maximum front yard setback from Troy  
18 Schenectady Road. Be it resolved that the  
19 Board hereby finds that the extent of the  
20 requested waiver is not considered  
21 substantial and that the Board finds that  
22 the applicant has established that there is  
23 no practical alternatives to the proposed  
24 waivers and that the Board hereby issues a  
25 waiver to allow a maximum building setback

1 to be exceeded. And be it further resolved  
2 that these waiver findings be a condition of  
3 site plan approval of the application and be  
4 kept in the project file in the office of  
5 Planning and Economic Development.

6 CHAIRMAN STUTO: Any comments or questions  
7 from the Board?

8 (There was no response.)

9 All those in favor, say aye.

10 (Ayes were recited.)

11 All those opposed, say nay.

12 Oh, do we have a motion?

13 MR. MION: (Raises hand.)

14 CHAIRMAN STUTO: Lou.

15 Second?

16 MR. ASHWORTH: (Raises hand.)

17 CHAIRMAN STUTO: Chip.

18 Any comments or questions?

19 (There was no response.)

20 All those in favor, say aye.

21 (Ayes were recited.)

22 All those opposed, say nay.

23 (There were none opposed.)

24 The ayes have it.

25 The main question before the Board is



1 for final site plan approval, subject to the  
2 conditions of the Town Departments, the Town  
3 Designated Engineer, and the conditions that  
4 the Board made tonight including a mix of  
5 pine trees as part of the landscaping plan  
6 and the addition of conifers or arborvitaes  
7 or some other type of approved by the Town  
8 Department Director on the curve of the  
9 fence.

10 MR. MION: I will make that motion.

11 CHAIRMAN STUTO: Okay. Second?

12 MR. SHAMLIAN: Second.

13 CHAIRMAN STUTO: Craig seconds it.

14 Any discussion?

15 All those in favor, say aye.

16 (Ayes were recited.)

17 All those opposed, say nay.

18 (There were none opposed.)

19 The ayes have it.

20 MR. PALLESHI: Thank you, very much.

21 CHAIRMAN STUTO: Thank you.

22 (Whereas the above entitled proceeding  
23 was concluded at 8:25 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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