

1 STATE OF NEW YORK COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 LECCE RETAIL/OFFICE

5 1209 TROY SCHENECTADY ROAD

6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled

8 matter by NANCY L. STRANG, a Shorthand Reporter

9 commencing on September 22, 2020 at 6:46 p.m.

10 at Memorial Town Hall 534 New Loudon Road,

11 Latham, New York.

12

13 BOARD MEMBERS:

14 PETER STUTO, CHAIRMAN

15 CRAIG SHAMLIAN

16 PAUL ROSANO

17 SUSAN MILSTEIN

18 LOUIS MION, RECUSED

19 FREDERICK ASHWORTH

20 STEVEN HEIDER

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 ZACHERY HARRISON, PLANNING AND ECONOMIC
 DEVELOPMENT

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3 LOUIS LEECE

4 CHARLES VOSS, PE, BARTON AND LOGUIDICE

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1 CHAIRMAN STUTO: Last on the agenda is
2 1209 Troy Schenectady Road, Lecce
3 Retail/Office, amended Final Plan review
4 revising the approved three-story, 18,000
5 square foot office/retail building to a
6 two-story 11,610 square foot office/retail
7 Building.

8 Sean, do you have anything before we
9 turn it over to the applicant?

10 MR. MAGUIRE: Just a quick review. The
11 applicant is amending this project from a
12 three-story building to a two-story building.
13 The total parking spaces are also reduced to
14 comply with a two-story building. The overall
15 green space has increased.

16 This building, as you currently will
17 see on the site, has a two-story building on
18 there. They did that off anticipating
19 outbuilding the third-story. I think the
20 real estate market conditions have changed
21 and have caused them to re-evaluate this.

22 MR. LEECE: I'm Lou Leece and on the
23 owner/applicant on this project.

24 We started construction on this as a
25 three-story building. We had the first floor

1 leased and we have the second floor leased
2 and were advised that it's probably not a
3 good idea to have the third floor in the
4 times where we are today. So, we decided to
5 come back with a two-story and reduce it by
6 one floor. That's where we are at.

7 CHAIRMAN STUTO: Does the foot print
8 change?

9 MR. LEECE: No.

10 CHAIRMAN STUTO: How many parking spaces
11 are you reducing by?

12 Do you know, Chuck?

13 Does anybody know?

14 MR. MAGUIRE: They have bank parking in
15 the front that will still remain banked. Coming
16 off the back there's a second row of parking.
17 It will allow for more green space in the
18 southeast corner of the parcel

19 CHAIRMAN STUTO: Do we have a rendition of
20 what the building looks like?

21 MR. MAGUIRE: Yes.

22 CHAIRMAN STUTO: Do you have photos?

23 Do you want to talk about the finishes
24 of the building?

25 MR. MION: What does that face?

1 MR. LEECE: That faces the former Rite
2 Aid.

3 CHAIRMAN STUTO: So, that's west.

4 MR. LEECE: It's stucco along the top and
5 stone on the bottom. I built a similar building
6 in Niskayuna for Albany Medical Center. This is
7 the same color concept with the stone on the
8 bottom and the stucco on the top.

9 CHAIRMAN STUTO: What color will the
10 stucco be?

11 MR. LEECE: The stucco is going to be a
12 beige color and not white.

13 CHAIRMAN STUTO: Any other type of
14 materials?

15 MR. LEECE: No. It is similar to the color
16 of the building next door. So, that's the front
17 of the building where the shrubs are. There's a
18 sidewalk, but that's for the parking space for
19 the retail.

20 CHAIRMAN STUTO: That's facing Route 7?

21 MR. LEECE: That's correct.

22 CHAIRMAN STUTO: Is there a doorway there?

23 MR. LEECE: There are three spots for
24 three doorways for retail space. Right now
25 there is a dentist that wants the entire floor.

1 She wants her door built in the middle where
2 that walkway is.

3 CHAIRMAN STUTO: Is this the picture of
4 what is facing Route 7?

5 MR. LEECE: That is. That shrub portion.

6 CHAIRMAN STUTO: That's on the right and
7 not the left.

8 MR. LEECE: That's correct. And that
9 rendition is the rear.

10 MR. HARRISON: This is the corner.

11 CHAIRMAN STUTO: Okay, the front of the
12 building is supposed to face the main road,
13 right? Are we in compliance with that?

14 MR. MAGUIRE: I'll take a look. There's
15 not a real change here from the prior
16 orientation.

17 CHAIRMAN STUTO: In terms of it facing -

18 MR. LEECE: Correct.

19 CHAIRMAN STUTO: I'll leave it at that,
20 unless the Board is any other questions.

21 Any other pictures you want to show?
22 You had a construction picture. Did you want
23 to show that? Then, we will take comment
24 from our Board.

25 MR. HARRISON: This is the back of the

1 property (Indicating).

2 MR. LEECE: Right, and this is the front
3 (Indicating).

4 MR. HARRISON: This right here is what
5 Troy Schenectady Road will see.

6 MR. MION: There should be doorways there,
7 right - on the south side?

8 MR. LEECE: That center window is going to
9 be a door.

10 MR. MION: Because I think you're supposed
11 to have doors facing the street.

12 MR. LEECE: That's correct. The center
13 window is a door.

14 CHAIRMAN STUTO: I'm going to ask a
15 question. Can you dress up the Route 7 side?

16 MR. LEECE: Yes, what do you want to see
17 on it?

18 CHAIRMAN STUTO: Well -

19 MR. LEECE: There is actually a stone area
20 in the middle for people to put their retail
21 sign. The middle one has a doorway. Above each
22 one of those large square windows is an awning
23 for tenant space and they will have their sign
24 on top of that, as well. That's where the cars
25 will park for the retail space. Right now we're

1 just putting a door in the middle space and
2 when tenants come in will put doors on the
3 other two spots. It will be a straight awning
4 and then the tenant signage will be on the
5 front of the awning.

6 CHAIRMAN STUTO: Okay, Craig has a
7 question.

8 MR. SHAMLIAN: Why is this project before
9 us when we don't have complete elevations
10 showing what the building is going to look
11 like? That's why it got conditional approval so
12 we could see elevations and we still don't have
13 final elevations.

14 MS. MILSTEIN: And the project has
15 changed.

16 MR. LEECE: I can give you a little
17 history of what transpired.

18 When we got this approved on the
19 condition these were provided to Joe
20 LaCivita and I presented them personally. I
21 said give me a place on the agenda for this
22 and he said no, we are just going to do this
23 and run it through. He ran it through and
24 says you're all set, he gave me my permit
25 and I started construction.

1 MS. MILSTEIN: You get a permit for three
2 stories.

3 MR. LEECE: Yes. Then, I called Zach and
4 said we want to go to a two-story. What do we
5 have to do? Give me a narrative. Give me a
6 breakdown of what you want to do. MJ then went
7 out and redesigned the parking lot to make more
8 green space. They eliminated the porous
9 pavement so they had to get an engineer for the
10 porous pavement and eliminate it.

11 Before that, we had a dentist on the
12 first floor so we actually made the building
13 smaller with the footprint - we made a
14 smaller footprint and gave it to Joe
15 LaCivita. He said I will run it through. He
16 runs it through and says you're good to go.
17 He gave me a stamped plan and I started
18 building.

19 So, now we go to a two-story and Zach
20 wanted a narrative and I gave him a
21 narrative.

22 I was just building it according to the
23 approved plans I got from Joe LaCivita and
24 that's why we are here. If I have to give
25 you more information, I am okay with that. I

1 just want you to know that the applicant did
2 follow the process we provided to Joe

3 MR. SHAMLIAN: My question was a blanket
4 question.

5 MR. LEECE: I understand. I am at a loss
6 as well like you because I could build this as
7 a three-story, but I decided to change it to a
8 two-story for cost purposes. He said well, you
9 have to go back to Planning. I said well, Joe
10 signed-off on this. That's where I am. Whatever
11 I have to provide you, I will provide you.

12 CHAIRMAN STUTO: And we are going to
13 address that, I think. I'm going to say that I
14 think the less density is more appealing. So, I
15 think that's an improvement.

16 We will take Chuck's comments and then
17 deal with whatever the final issues we need
18 to deal with.

19 MR. VOSS: Peter, I will be relatively
20 brief.

21 This one really came in as an
22 administrative review for Town Staff. We
23 have not seen any formal site plan submitted
24 or anything like that other than the
25 discussion we had last week. I certainly

1 agree that reducing the size of the building
2 is a benefit to that site certainly. My
3 question early on regarding the original
4 plans as we last saw them last year was the
5 clearing of some of those mature trees. It
6 is my understanding that you have done some
7 site work and in talking with staff, it was
8 evident that the trees that were proposed to
9 be saved on the site - basically on the left
10 side was where the majority of those trees -
11 they are still there. I want to be sure that
12 was an important factor because it was a big
13 issue for the Board last time.

14 I'm also pleased to see the parking is
15 being reduced. If got your original layout
16 here and it looks like you are reducing - I
17 think you were banking at that time 11
18 spaces. It looks like you have probably
19 reduced your overall parking by maybe 20
20 spaces. It's just a rough count, but it's
21 from what I've seen. So, I'm pleased to see
22 that, as well.

23 The porous pavement, I think, was going
24 to work out there because of the soil
25 conditions but if you're now going with a

1 nonporous parking area, we will want to see
2 a re-evaluation of your stormwater.

3 MR. LEECE: We submitted that.

4 MR. VOSS: So, we will take a look at
5 that. It sounds like the Board is going to ask
6 you for some additional information. So, we
7 just want to be looped into that.

8 MR. LEECE: We actually prepared a
9 stormwater management report. That's what took
10 so long to get here.

11 MR. VOSS: So, we will want to take a look
12 at that as well to make sure everything works.

13 Peter, that's all I have.

14 CHAIRMAN STUTO: Was the initial roof
15 flat, or peaked?

16 MR. VOSS: Flat.

17 CHAIRMAN STUTO: Any other questions and
18 then we will figure out how we're going to
19 resolve this. Any other questions from the
20 Board?

21 MR. MION: When I was out there today
22 where the mature trees are - there's a big dead
23 one out there.

24 MR. LEECE: We saved it. That was one of
25 the ones that we wanted to save.

1 MR. MION: But it's dead.

2 MR. LEECE: I know it's dead. The big one
3 is gone, but I didn't want to take it down
4 until - we did whatever we had to do.

5 MR. ASHWORTH: There's also two others
6 there.

7 MR. LEECE: I think one of them is coming
8 back. If you notice there's actually wire
9 holding the branches together. I think the one
10 may be okay on the left. It may come back.

11 MR. ROSANO: The thing is, with a
12 particular set up - with the Right Aid - when
13 they came into the driveway and they put that
14 curb in, they basically got into the drip line
15 down to the roots and that's what's killing --
16 not what you have done, but that particular
17 project next door. I've been doing this for
18 years, it did a lot of damage to those trees.
19 One is dead one is just about dead and I'm not
20 saying the condition of the other one is all
21 that great. Obviously, it's a safety issue as
22 far as we're concerned with the dead ones.

23 MR. LEECE: I have no problem taking them
24 down.

25 MR. ROSANO: I can't say that.

1 MR. LEECE: No, I have no problem taking
2 them down.

3 CHAIRMAN STUTO: Chief?

4 MR. HEIDER: Are we at some point going to
5 see what the front of the building is going to
6 look like?

7 CHAIRMAN STUTO: Well, that's up to the
8 Board. You want to see this back before we give
9 it -

10 MR. HEIDER: I'm not saying to hold the
11 thing, but at some point I think it was part of
12 the process to see what it is going to look
13 like.

14 CHAIRMAN STUTO: Okay, when do you have to
15 make this final decision on the facing?

16 MR. LEECE: Before we go that far, there's
17 a dentist that is taking the whole first floor
18 and she wanted her door in the middle.

19 CHAIRMAN STUTO: That helps.

20 MR. LEECE: The original had doors and
21 every one of those large windows - those big
22 square windows. She asked if she could make
23 that a door in the middle and keep the other
24 two glass. Again, I took the plan and you've
25 got it - Joe LaCivita has it. We made the

1 building smaller and we moved the windows to a
2 door in the middle. So, that middle area is
3 getting a door because that's what the dentist
4 wants. If you want me to put doors on both
5 sides, I can do that, too.

6 MR. HEIDER: I'm just saying seeing a
7 vision of what is actually going to look like.

8 CHAIRMAN STUTO: Could there be a parapet
9 at the top to break up the roof line? I mean, I
10 don't know. Maybe there's something to dress it
11 up.

12 MR. SHAMLIAN: The scale - this is my
13 personal opinion. Obviously, the scale of what
14 I'm going to call the white is disproportionate
15 to the stone. It just looks disjointed and now
16 we're going to take into account all those
17 square windows on the second floor. I know you
18 got some of this built already.

19 MR. LEECE: It's framed and roofed and
20 done.

21 MR. SHAMLIAN: I know you can only go so
22 far. Clearly, the front of the building, I
23 think, is an issue.

24 MR. MAGUIRE: Well, I think that's where
25 the Board wanted to see this back. There is

1 some miscommunication that occurred along
2 there. I think the concern is that the front of
3 the building really is sitting toward the side
4 of the building. I think the elevation that
5 this Board is looking for is actually sitting
6 on the side and you're looking for similar
7 treatment to the Troy Schenectady Road side of
8 the building.

9 MR. ASHWORTH: Absolutely.

10 CHAIRMAN STUTO: Chuck, do you have
11 suggestions? It's cosmetic, really.

12 MR. LEECE: I'm okay.

13 MR. VOSS: I think really, it sounds like
14 with what Mr. Leece is describing and what the
15 Board is describing, it will be the same for
16 that south side, if you will - the Route 7
17 side. So, if you could put a doorway in on that
18 first level and formalize it with some sort of
19 canopy over the top, I think that will go a
20 long way to kind of break that up.

21 MR. LEECE: Can I do three of them instead
22 of one of them?

23 MR. VOSS: It's up to the Board, but as
24 long as you have a main entrance on the
25 outside, I think that would suffice.

1 MR. SHAMLIAN: Personally, I think it
2 would look better with just the one.

3 MR. MION: I do, too.

4 MR. ASHWORTH: Yes.

5 MR. LEECE: So, just one canopy.

6 MR. SHAMLIAN: One door. I'm only one
7 person on the Board, but I think it would look
8 better with one canopy and one door.

9 CHAIRMAN STUTO: Would you suggest a
10 different color stripe on the top?

11 MS. MILSTEIN: Yes, right in the middle.

12 MR. LEECE: Which one is that? The one
13 right at the very top?

14 MS. MILSTEIN: Or in the middle between
15 the windows.

16 MR. LEECE: See that skinny line across
17 the middle? How about if I make that a wider
18 line like a more bulkier trim? You want the
19 stone higher or lower?

20 MR. HEIDER: Coordinate the trim that
21 you're showing on top -

22 MR. LEECE: In the middle of the building.

23 MR. HEIDER: And I think that would look a
24 lot better.

25 MR. LEECE: I can do that.

1 MS. MILSTEIN: Or different materials.
2 Something to break it up.

3 MR. LEECE: Okay.

4 MS. MILSTEIN: It is just so square and
5 industrial.

6 CHAIRMAN STUTO: When can you get a
7 rendition done? I suggest you just send it
8 around by email.

9 MR. LEECE: I can have it done tomorrow.

10 CHAIRMAN STUTO: Okay, why don't you send
11 something around?

12 MR. LEECE: I just don't have the actual
13 stone. If you were to go to Union Street
14 there's an AMC building that I built with the
15 exact same color stone with the same type of
16 color on the top. I don't know if you've seen
17 it. Albany Medical on upper Union Street. It's
18 like a 36,000 square-foot building. I'm doing
19 the same stone that building has. That building
20 has siding on it. This will be stucco, so I can
21 change the colors. I'm not tied into any color.
22 We're not there yet. The windows - they're
23 going to be black iodized windows. I can put
24 that canopy that's on the side - I can put it
25 in the front.

1 CHAIRMAN STUTO: If you can do that
2 tomorrow, why don't you get it done tomorrow to
3 Sean and Sean can forward it to us.

4 MR. MAGUIRE: This is where I think we got
5 hung up before. On that elevation that the
6 Board wants to be able to review, but does that
7 mean you want this back to be -

8 CHAIRMAN STUTO: Well, if we kick and
9 scream when we see the drawing, we will want it
10 back. If we don't, we will let you know.

11 MR. LEECE: That's fine.

12 MR. ASHWORTH: With the first approval
13 there was kind of a landscaping -

14 MR. LEECE: There was a landscaping plan
15 with the first one. That hasn't changed.

16 MR. MION: I think with those trees -

17 MR. ASHWORTH: Yes, replace the trees.

18 MR. LEECE: That's fine.

19 MR. ASHWORTH: If you have to take one,
20 two or three down -

21 MR. LEECE: I'm okay with that.

22 MR. MAGUIRE: So, your motion on this will
23 be to amend the final site plan as presented
24 subject to -

25 CHAIRMAN STUTO: Yours and Chuck's

1 sign-off - both in writing. Before you
2 sign-off, circulate it to the Board.

3 MR. MAGUIRE: Get your comments and get a
4 sense if there's concern and we will bring it
5 back. Otherwise, we will assume this is good as
6 presented.

7 CHAIRMAN STUTO: If the Board is okay with
8 that.

9 MS. MARINELLI: Can we just be a little
10 more specific? We're talking about the door.
11 We're talking about the canopy and sprucing it
12 up on the Route 7 side. Anything else?

13 CHAIRMAN STUTO: Chief said something and
14 I didn't quite get the details.

15 MR. HEIDER: You're talking about having a
16 larger molding in the middle to coordinate with
17 the detail on top.

18 MR. LEECE: We can do that.

19 CHAIRMAN STUTO: And Craig wanted to say
20 something.

21 MR. SHAMLIAN: Based on how quickly it
22 sounds you can get some renderings done, should
23 we just put this on the agenda for the next
24 meeting? With the right elevation, this is a
25 very short item for the next agenda and if he

1 can get renderings to you tomorrow, there
2 shouldn't be any reason why we couldn't get
3 this posted and just get him back and bring it
4 right before the entire Board. Let's not make
5 the same mistake again.

6 MR. MAGUIRE: If the Board is okay with
7 it, I am much more comfortable having you issue
8 the final approval. If that's what the Board
9 wants, it's perfectly fine with that.

10 MS. MARINELLI: I agree with that.

11 CHAIRMAN STUTO: Okay, how about a motion
12 to approve everything except for the
13 architectural details and - so we'll have final
14 approval on the amended plan tonight. I'm
15 suggesting a vote so we can go forward and know
16 he's only got two-stories.

17 MR. MAGUIRE: So, motion to approve the
18 reduction of a three-story building to a
19 two-story building with the reduction in
20 parking.

21 CHAIRMAN STUTO: Correct.

22 MR. ASHWORTH: Should we add removal of
23 the trees, too?

24 CHAIRMAN STUTO: Okay, if the Board is in
25 agreement, we will add that as well.

1 MR. MAGUIRE: And removal of the dead
2 trees.

3 CHAIRMAN STUTO: Removal of diseased and
4 dead trees.

5 MR. MION: And replant.

6 CHAIRMAN STUTO: But he has to come back
7 for a final architectural approval of the
8 exterior finishes.

9 MR. MAGUIRE: So, the condition will be
10 that exterior finishes will come back at the
11 next meeting.

12 MR. LEECE: Is there a person I can send
13 those elevations to?

14 CHAIRMAN STUTO: We will still do the
15 circulation.

16 Okay, do we have a motion?

17 MR. MION: I will make a motion.

18 CHAIRMAN STUTO: Do we have a second.

19 MR. ASHWORTH: Second.

20 CHAIRMAN STUTO: Any discussion?

21 (There was no response.)

22 All those in favor, say aye.

23 (Ayes were recited.)

24 All those opposed, say nay.

25 (There were none opposed.)

1 The ayes have it.

2 Thank you and see what the next
3 meeting.

4 MS. MILSTEIN: I would just recommend that
5 if you're going to send in an advanced copy,
6 let us know so we can start looking at it and
7 start getting comments.

8 CHAIRMAN STUTO: Zach, you will make sure
9 we get it as well.

10 MR. HARRISON: Yes, no problem.

11 CHAIRMAN STUTO: The meeting is now
12 adjourned.

13 (Whereas the above entitled proceeding
14 was concluded at 7:10 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

