

1 STATE OF NEW YORK COUNTY OF ALBANY
 2 TOWN OF COLONIE
 3 *****
 4 Valente commercial
 5 *****
 6 THE STENOGRAPHIC MINUTES of the above entitled
 7 matter by NANCY L. STRANG, a Shorthand Reporter
 8 commencing on October 6, 2020 at 6:47 p.m. at
 9 Memorial Town Hall 534 New Loudon Road, Latham,
 10 New York.

11
 12 BOARD MEMBERS:
 13 PETER STUTO, CHAIRMAN
 14 CRAIG SHAMLIAN
 15 SUSAN MILSTEIN
 16 FREDERICK ASHWORTH
 17 STEVEN HEIDER

18
 19 ALSO PRESENT:
 20 KATHLEEN MARINELLI, ESQ. COUNSEL TO THE BOARD
 21 SEAN MAGUIRE, AICP, CEcD, DIRECTOR, DEPARTMENT
 22 OF PLANNING AND ECONOMIC DEVELOPMENT
 23 ZACHERY HARRISON, PLANNING AND ECONOMIC
 24 DEVELOPMENT
 25

1 CHAIRMAN STUTO: Next item on the agenda
2 is 261 Troy Schenectady Road. Valente
3 Commercial/Retail Plaza. Concept plan review
4 for the construction of a one-story 4,600
5 square foot commercial building. The site is
6 zoned COR, commercial/office/residential.

7 Sean, any introductory comments?

8 MR. MAGUIRE: Sure thing. The applicant
9 has appeared before the Board for sketch plan
10 review back in October of 2019 with the
11 building being located closer to Penfield
12 Drive and the parking in the rear. The concept
13 plan and in response to the Board's comments on
14 the sketch plan, the applicant located the
15 building farther back off of Penfield Drive to
16 allow parking at the front of the building.
17 That change will require waivers from the
18 Planning Board as follows: a front yard setback
19 of more than 20 feet; allow for parking in the
20 front yard where otherwise prohibited and
21 lastly, allow for the dumpster in the front
22 yard.

23 The staff recommendation is to screen
24 that dumpster enclosure so it's not the
25 first thing that you see when you're coming

1 into the parking lot. We are also
2 recommending additional EV charging stations
3 and moving them closer to the building.

4 When the landscaping plan is provided,
5 we're going to suggest the applicant look to
6 install the low shrubs on Penfield Drive
7 along the decorative fence and then at a
8 sidewalk that connects to Troy Schenectady
9 Road.

10 CHAIRMAN STUTO: Okay, we will turn it
11 over to the applicant.

12 MR. COSTA: Nick Costa from Advance
13 Engineering.

14 This was in front of the Board for
15 sketch plan review and we did make some
16 modifications to it.

17 The driveway for the site was recently
18 constructed. In this part of the site it was
19 actually reconstructed because there was a
20 driveway that took you into On the Farm on
21 the west side - the On the Farm ice cream
22 stand that's run by Nick Huban. There was a
23 driveway there, but during the development
24 of the subdivision, the Schuyler Manor
25 subdivision, Penfield was completed to the

1 Town standards and it's now a Town owned
2 roadway. The Town did take it over. That has
3 all the infrastructure. It has a new water
4 main, new sanitary sewer and you can see we
5 have shown the laterals that go from that
6 infrastructure to serve the new building.

7 The new building is proposed to be
8 one-story retail. We placed the driveway as
9 far away from Route 2 as possible just so
10 there is no conflicts with anybody coming in
11 from Route 2. If there was a problem getting
12 into the site, somebody would be hitting
13 them in the back. It's as far as possible
14 from there.

15 The area that's being developed is
16 fairly open. There's a couple single trees
17 and there are - the dumpsters for Huban's
18 operation is located there. So, those will
19 be relocated onto his property. The site is
20 fairly open, so there isn't going to be a
21 lot of tree cutting or tree removal for this
22 development. There is a stormwater line that
23 runs from Penfield and discharges to that
24 existing kill or creek.

25 The stormwater system for this project

1 will have an underground system that will
2 discharge to that existing storm line. So,
3 we will be in compliance with the DEC
4 stormwater requirements. This site is not
5 over an acre of disturbance, but because it
6 is cumulative for the rest of the project,
7 it will have to comply with New York State
8 DEC and have coverage for stormwater
9 discharge. It is a common plan. It will have
10 to have the compliance with the New York
11 State DEC stormwater requirements.

12 From the comments of the Planning
13 Department, we don't see an issue with
14 complying with those requests. There is only
15 one electric station currently shown on the
16 plan. We can certainly show another one. We
17 don't lose a parking spot. It still counts
18 toward our parking spaces.

19 We did revise the location of the
20 dumpster so that it's not so visible. We put
21 it here and we have some screening
22 (Indicating). Again, as we develop the
23 preliminary final, there will be more detail
24 for that whole plan.

25 I do have some elevations. These are

1 the elevations of the building. The roof
2 line is broken up so it's not all
3 continuous. You can also see that there are
4 canopies.

5 So, if there's any questions, I would
6 be more than happy to try to answer them.

7 CHAIRMAN STUTO: Okay, this has been
8 formally reviewed by Barton and Loguidice.
9 There is a letter in the file.

10 Brad Grant, can you give us your
11 comments?

12 MR. GRANT: Yes, we authored a letter of
13 September 15th and there is quite a bit of
14 green space associated with this project. A lot
15 of it is constrained wetlands, but pretty much
16 the development is all towards Penfield Drive.

17 I thought on the first elevation there
18 was also a hip roof on the other end, or
19 has that changed?

20 It's an attractive building. Nice
21 architecture, but there are a lot of
22 shingles. Is there any way of breaking that
23 up with a dormer, a cupola or anything.

24 MR. COSTA: We will give that challenge to
25 the architect. I think one of the problems -- I

1 think that's why she broke up the roof the way
2 she did, but I think that the style is not
3 conducive to have dormers. Maybe a cupola. It's
4 more of a modern look. That's one of the
5 reasons that she went that way with the roof. I
6 agree with you that she did a good job.

7 MR. GRANT: It's almost like a modern arts
8 and crafts, but it's more modern.

9 There's a waiver required for the
10 position and the location of the building.

11 Down in the corner - down below that
12 there is an existing easement from an
13 adjacent project for stormwater system.
14 That's all constructed and accepted by the
15 Town.

16 MR. COSTA: Yes, it's owned by the Town.
17 When they took over the road, they took over
18 the stormwater system.

19 There's a very large stormwater basin
20 here. But then if you remember when we did
21 the project for Schuyler Manor, there was
22 drainage problems that were discharging to
23 the homes and instead of discharging to
24 those locations, the storm sewer from the
25 outlet control structure of that stormwater

1 practice- we brought it all the way to here
2 because it doesn't impact anything - instead
3 of impacting the neighbors there. So, that's
4 what that is.

5 MR. GRANT: The next thing down is the dry
6 river dam?

7 MR. COSTA: Yes.

8 MR. GRANT: There is a comment from John
9 Dzialo about shortening up that easement.

10 MR. COSTA: We will take a look at that.
11 Maybe the riprap wasn't quite installed and he
12 wants it pulled back to where the end of the
13 riprap is. We can certainly discuss that.

14 MR. GRANT: I don't know if that easement
15 has been filed but -

16 MR. COSTA: It may have to be modified.

17 MR. GRANT: This general area right down
18 into the dry river where the slope is -- the
19 only comment I have about that building - on
20 the southeastern corner of the building, you
21 get fairly close to a slope and a ravine there
22 which may not be a problem. But if you're doing
23 some borings -

24 MR. COSTA: There will be borings done for
25 the foundation.

1 MR. GRANT: I would do just one for that
2 corner. If it needs an underdrain, you're
3 running a storm sewer anyway and you could put
4 a pipe alongside it. Maybe the foundation has
5 to be heeled into the ground a little bit.

6 This is an unlisted action under SEQRA.

7 There are some typical house keeping
8 comments, but I'm not going to get into them
9 too much.

10 CHAIRMAN STUTO: Did we complete the SEQRA
11 with the overall project?

12 MR. COSTA: Yes.

13 CHAIRMAN STUTO: And that included this.

14 MR. COSTA: Yes. When you look at the
15 subdivision plan that was approved for this, it
16 also included this lot. It's enumerated in the
17 subdivision.

18 MR. GRANT: Along the lines of the
19 drainage intervene -

20 CHAIRMAN STUTO: Can you double check that
21 just to make sure you're on the same page?

22 MR. GRANT: Yes.

23 There's a proposed storm sewer that
24 comes down to the ravine and there's a
25 proposal of an angularity to the south so

1 it's more aligned with the - angled from
2 hitting that opposing bank that has a
3 tributary to the wetland.

4 MR. COSTA: We did that. There's a
5 structure that's already been installed.

6 MR. GRANT: Not the existing one, but the
7 new one. Taking the riprap apron over that
8 sanitary sewer - just so we don't disturb the
9 surface from erosion.

10 I suspect you are probably looking at
11 clay on that?

12 MR. COSTA: Yes.

13 MR. GRANT: I don't know if you have any
14 concepts for runoff reduction. Some tree
15 plantings and stormwater plantings are a
16 possibility in isolated areas.

17 MR. COSTA: I think that's what we're
18 looking at.

19 MR. GRANT: The sanitary sewer report has
20 legends on all your -

21 MR. COSTA: Well, it's concept.

22 MR. GRANT: Okay. The project site is
23 located in the Boght area GIS. Mitigation fees
24 for cumulative impacts will be required.

25 And that's it.

1 CHAIRMAN STUTO: Okay, these are very good
2 comments. We will turn over to the Board.

3 Chip?

4 MR. ASHWORTH: At the southwest corner -
5 the entrance coming off of the parking lot. If
6 you put it on the corner, would that take away
7 your problem of facing Route 7 - or Route 2,
8 rather?

9 MR. COSTA: Avoid the entrance over here?

10 MR. ASHWORTH: Yes.

11 MR. COSTA: We could take a look at that.

12 MR. ASHWORTH: Just wrapped the sidewalk -

13 MR. COSTA: Yes, just right off to the
14 side.

15 MR. ASHWORTH: It's a good-looking
16 building, but that roofline - there's three
17 different styles of roof on that roof and it
18 looks like there'd been an earthquake. It's
19 just too busy.

20 MR. COSTA: That's what happens when you
21 break it up. We will ask her to see if she can
22 do some more with it and maybe flatten some of
23 it out. We will see what she comes out with.

24 CHAIRMAN STUTO: Craig?

25 MR. SHAMLIAN: I actually like the corner

1 -- not to disagree with Chip, but I actually
2 like the corner - that look. By moving the
3 entrance there -- I understand that it solves
4 the waiver, but for me I don't have a problem
5 granting a waiver. It may be interesting to see
6 if she could do a hip on the other end too, or
7 maybe even make some of this a metal roof. I'm
8 not trying to design the building. I think
9 generally speaking, it's pretty attractive.

10 That's really it. I think you've done a
11 great job so far.

12 MR. COSTA: Thank you.

13 CHAIRMAN STUTO: Chief?

14 MR. HEIDER: Just two things. I see the
15 Fire Department had no comment. I think there's
16 very limited access to the back of the
17 building.

18 Is that a wall behind the building?

19 MR. COSTA: Yes, we had a wall through
20 here. We have a grading back there, but it is a
21 rough grading.

22 MR. HEIDER: Because that is a pretty
23 steep Thatcher Park almost type drop off. I
24 could see in the darkness of the night some
25 poor firemen would walk around the back of

1 there and wind up down in the bottom of the
2 hole. I don't know if you going to have any
3 protection around the back of that building so
4 the people don't wander back there.

5 MR. COSTA: If we end up putting a wall or
6 whatever and it's more than 3 foot high, you
7 would have a fence.

8 MR. HEIDER: I think my concern is the
9 wall can only be three-foot, but beyond that
10 wall is a pretty sharp drop.

11 MR. COSTA: We can take a look at that.

12 MR. HEIDER: The other thing - the only
13 reason I bring it up is because most commercial
14 buildings require a sidewalk across the front
15 onto Route 7 or Route 2. There is no sidewalk
16 on Route 2, so I'm not demanding it, but I'm
17 just saying for us to stay somewhat consistent
18 shouldn't we be asking for a sidewalk to Route
19 2? I pose that as a question.

20 MR. COSTA: The DOT always likes to have a
21 master plan of all the sidewalks that are going
22 to be built before they agreed to have
23 sidewalks put in their right-of-way. That's
24 only within the right-of-way. You can do
25 whatever you want in your right-of-way.

1 We could probably bring the sidewalk
2 along the front and stop it at the
3 right-of-way. I'm not saying that it's a bad
4 idea.

5 MR. HEIDER: I'm not asking for it. I
6 guess it's more of a question for the Board. I
7 can't see a sidewalk to the right because it
8 goes to nowhere, but as far as going out to
9 Route 2, I don't know what the plan is for
10 Route 2.

11 MR. COSTA: I can tell you that they're
12 not going to want us to put anything in the
13 right-of-way. We've had those conversations
14 with them and they always ask what is the plan?
15 We really don't have an ultimate plan.

16 CHAIRMAN STUTO: Sean and Brad can you
17 guys look at that? We have spoken, but I know
18 there is a master plan in the Town and we
19 talked about getting a presentation here which
20 we never did, but if you could look at that and
21 see what the right answer is in this particular
22 context.

23 MR. MAGUIRE: I think what we have been
24 doing or what the Board has been doing is
25 adding sidewalks in when we can because trying

1 to chase them after the fact is terribly
2 difficult. We can certainly take a look and
3 talk to DOT.

4 CHAIRMAN STUTO: Also, the Town has some
5 background material on that as well.

6 MR. HEIDER: I bring it up because since
7 I've been on the Board, I don't think we've
8 approved the project that didn't have a
9 sidewalk.

10 MR. SHAMLIAN: That being said, unless
11 there is some inevitability of sidewalks along
12 that stretch of Troy Schenectady Road, I
13 wouldn't necessarily be in favor of the
14 sidewalk.

15 MR. HEIDER: Either would I.

16 CHAIRMAN STUTO: And we have had escrow
17 funds in the past. I don't know where this
18 particular piece fits in.

19 MR. MAGUIRE: The other trade-off might be
20 if the applicant is okay with it is if the
21 sidewalk doesn't make sense here, could we ask
22 for an off-site improvement sidewalk so that we
23 could improve the goal down the road that this
24 will be the missing piece and have another
25 offset improvement? That's another way to chase

1 this.

2 CHAIRMAN STUTO: Let's talk about it more
3 off-line.

4 MR. COSTA: We can discuss that with the
5 applicant.

6 CHAIRMAN STUTO: Chief, do you have more
7 comments.

8 MR. HEIDER: The only other thing is if
9 you don't do a sidewalk - I'm looking at a
10 situation where if this is a successful
11 building and if it's got anything at all that
12 might attract people from the ice cream stand
13 across the street, maybe a sidewalk across the
14 whole front and a break in the fence and the
15 sidewalk from Penfield into the parking lot so
16 they wouldn't have to walk all the way across
17 the road. And that's instead of the fence.

18 MR. COSTA: And hopefully they will be
19 complementary.

20 CHAIRMAN STUTO: Susan?

21 MS. MILSTEIN: Are there any tenants known
22 at this time?

23 MR. COSTA: No not at this point.

24 MS. MILSTEIN: I really like the building
25 and I really like the improvements that you

1 made.

2 MR. COSTA: Thank you.

3 CHAIRMAN STUTO: Do we know what materials
4 the building is going to be and also can you
5 describe what you expect the landscaping to
6 look like?

7 MR. COSTA: So, as Sean mentioned the
8 Planning Department would like to see some low
9 foundation shrubs. That's what we were
10 planning.

11 The site does have quite a few
12 easements going through it. So, there is
13 that restriction. We can't plant in there. I
14 would think in this area and over in this
15 area, once we see what the grading looks
16 like, we will be able to do some plantings.

17 MR. HEIDER: If I could just make one
18 comment - being familiar with the neighborhood
19 - there's already street plantings planted all
20 along the front as well - trees as well as
21 slow-growing shrubs and some rock displays.

22 MR. COSTA: And none of that is being
23 disturbed.

24 MR. HEIDER: What I'm saying is there is
25 already a planting of street trees.

1 CHAIRMAN STUTO: Okay, anything else?

2 (There was no response.)

3 Okay, we have a motion before us for
4 concept acceptance.

5 MR. HEIDER: (Raises hand.)

6 CHAIRMAN STUTO: Chief wants to make that
7 motion - subject to all of the conditions that
8 were brought up. It's not really an approval or
9 acceptance.

10 MR. ASHWORTH: (Raises hand.)

11 CHAIRMAN STUTO: Chip is seconding that
12 motion.

13 Any discussion?

14 (There was no response.)

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 Thank you.

21 MR. COSTA: Thank you

22 (Whereas the above entitled proceeding
23 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: _____

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