

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

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4 *****
5 GIBBY'S PLAZA EXTENSION
6 175 TROY-SCHENECTADY ROAD
7 EXTENSION OF PRIOR APPROVAL
8 *****

9 THE STENOGRAPHIC MINUTES of the above entitled
10 public hearing BY NANCY STRANG-VANDEBOGART, a
11 Shorthand Reporter, commencing on
12 November 15, 2011 at 7:15 p.m. at the Public
13 Operations Center 347 Old Niskayuna Road,
14 Latham, New York 12110

15 BOARD MEMBERS:

- 16 PETER STUTO, Chairman
- 17 MICHAEL SULLIVAN
- 18 LOUIS MION
- 19 BRIAN AUSTIN
- 20 KATHLEEN DALTON
- 21 TIM LANE
- 22 PAUL ROSANO
- 23 ELENA VAIDA, ESQ., Counsel to the Planning Board

24 Also present:

- 25 Joe LaCivita, Director, Planning and Economic
Development
- Dennis Deeb
- Joe Bianchine, PE, ABD Engineering

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1 CHAIRMAN STUTO: The next item on the
2 agenda is Gibby's Plaza Extension,
3 175 Troy-Schenectady Road, 9,600 square foot
4 retail strip plaza with drive-thru. The
5 application is for extension of prior
6 approval.

7 Joe?

8 MR. LACIVITA: The same thing with this
9 application. The Land Use Law Section 190.50
10 talks about any final site plan approval may
11 be extended annually for an additional year.
12 Mr. Deeb was before us on December 14, 2010
13 which he received an extension at that point
14 in time from his prior approval of 2008. He's
15 here again. I know that he's been trying to
16 market the project. Unfortunately, the economy
17 still hasn't had any luck with it, but he is
18 here again to ask for an additional one year
19 under the Land Use Law.

20 CHAIRMAN STUTO: Mr. Deeb, can you make a
21 presentation please? Some of the Board Members
22 are new so the more you tell us, the better.

23 MR. DEEB: Yes. This property is
24 175 Troy-Schenectady Road. It's east of Kmart
25 and east of the Delatour intersection. It is a

1 vacant parcel right now. It's an approved site
2 for, as Mr. Stuto said, 9,600 square feet with
3 a drive-thru. It's approximately 75 feet of
4 frontage. It's approximately 1.4 acres.

5 This year I have had discussions with two
6 interested parties early in the year, which
7 ABD engineers worked up a site plan for us for
8 a regional window distributor and retailer.
9 They had an interest in the site. I actually
10 had ABD redraw the site so that they could
11 accommodate the turnaround for a tractor
12 trailer. The site was introduced and we had
13 some significant discussions with them and
14 they opted for a site on Central Avenue.

15 In the summer, I had some extensive
16 negotiations with a national coffee retailer
17 who could utilize the drive-thru and who was
18 very interested in the site. We had a letter
19 of intent executed. When it was submitted to
20 corporate, they held it up due to a
21 neighboring franchisee. My current discussions
22 with them - it's still on hold and it's still
23 in corporate and they have to negotiate with
24 the local franchisees closest to that site.
25 Without disclosing the national franchise, the

1 closest site is in Watervliet. I'm still in
2 negotiations with them, but they are not able
3 to commit to the site.

4 I continue to market it. I'm a commercial
5 broker with Caldwell Banker Commercial and I
6 continue to market the property in the hope of
7 attracting a suitable retail anchor so that I
8 can continue and build the site out.

9 CHAIRMAN STUTO: Any questions?

10 MS. DALTON: It seems like having another
11 strip mall there is not really necessary. I
12 was wondering if you thought you were going to
13 get a tenant in the next year.

14 MR. DEEB: Ms. Dalton, it's been close.
15 Close isn't good enough. I didn't bring my
16 crystal ball tonight. I left it home. I'm
17 optimistic. That's a great corridor. We can
18 discuss that it's a gateway to Colonie. There
19 is development like the Hudson Preserve and we
20 have other apartments. Robert Marini is
21 building Lake Ridge. We have across the street
22 the large complex for the Fellowship Church.
23 So, it gets a lot of traffic. There are 30,000
24 cars that pass a day. Unfortunately, in this
25 economy we have a vacant restaurant next door.

1 We have a couple of corner sites on Swatling
2 and Route 2, along with Delatour and Route 2
3 which are open sites. But 175 Troy-Schenectady
4 Road is the only approved site. So, I'll
5 follow suit on what Mr. Bette said before.
6 It's better to be ready than not ready at all.
7 You never know. I'm optimistic. I really am.
8 Timing has not been on the development side
9 for the last two years for this particular
10 site.

11 CHAIRMAN STUTO: Can you refresh my
12 memory? Did we talk about connectivity with
13 the adjacent parcels last time?

14 MR. DEEB: I don't recall Mr. Stuto.

15 CHAIRMAN STUTO: There is no connectivity
16 now, right?

17 MR. DEEB: Yes.

18 CHAIRMAN STUTO: Okay, can you describe
19 it?

20 MR. BIANCHINE: I'm Joe Bianchine with
21 ABD Engineers. There are provisions for
22 connectivity to the restaurant side. In that
23 case, we would take out this front entrance
24 and put another one in over here (Indicating).
25 This would become a future Town road to the

1 land in the back, which was at one time set up
2 or proposed for residential development. Until
3 that happens, we would have the entrance on
4 Troy-Schenectady Road. That's what it's
5 showing.

6 CHAIRMAN STUTO: It appears to be a paper
7 street or a gravel street here. What's the
8 material that's there? Is it a paper street or
9 right of way?

10 MR. BIANCHINE: It's a right of way owned
11 by the people in the back.

12 CHAIRMAN STUTO: Any other Board
13 questions?

14 ***(There was no response.)***

15 CHAIRMAN STUTO: Any members of the
16 public looking to speak on this project?

17 ***(There was no response.)***

18 MR. LACIVITA: Peter, as I mentioned
19 earlier, as you start to provide
20 extensions -- and I'm certainly not trying to
21 put constraints on the property but as we come
22 back in, we're at our second extension now.
23 The Land Use Law allows for additional use. If
24 it changes, of course, we'll relook at the
25 site from a planning perspective. I think if

1 we could come into year three and we're still
2 asking for that extension, we'll have to look
3 at the design of the stormwater as regulations
4 are starting to change. We want to probably
5 bring the property up to regulations needed at
6 that time. That would probably be the only
7 thing that I would suggest that we look at
8 from a planning perspective as it's going to
9 be out years from these extensions.

10 CHAIRMAN STUTO: Thank you.

11 Anything else?

12 ***(There was no response.)***

13 CHAIRMAN STUTO: Do we have a motion?

14 MR. MION: I'll make a motion.

15 MR. LANE: Second.

16 CHAIRMAN STUTO: All those in favor?

17 ***(Ayes were recited.)***

18 CHAIRMAN STUTO: All those opposed?

19 ***(There were none opposed.)***

20 CHAIRMAN STUTO: The ayes have it.

21 Good luck. We hope you get a tenant.

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23 ***(Whereas the proceeding concerning the above***

24 ***entitled matter was concluded at***

25 ***7:24 p.m.)***

1 **CERTIFICATION**

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4 **I, NANCY STRANG-VANDEBOGART, Shorthand**

5 **Reporter, New York State Approved Transcriber**

6 **and Notary Public in and for the State of New**

7 **York, hereby CERTIFY that the record taken by**

8 **me at the time and place noted in the heading**

9 **hereof is a true and accurate transcript of**

10 **same, to the best of my ability and belief.**

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15 **NANCY STRANG-VANDEBOGART**

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18 **Dated December 1, 2011**

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