

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

THE PROPOSED PROJECT OF LOUDON SQUARE
POTENTIAL AMENDMENT TO FINAL APPROVAL

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding BY NANCY STRANG-VANDEBOGART
commencing on December 1, 2009 at 9:06 p.m. at the
Public Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

THOMAS NARDACCI, ACTING CHAIRMAN
MICHAEL SULLIVAN
CHARLES J. O'ROURKE
ELENA VAIDA
PETER STUTO, Jr. Esq., Attorney for the Planning
Board

Also present:

Joe LaCivita, Director, Planning and Economic
Development
Michael J. Crisafulli, Crisafulli Associates, LLC
Kevin DeLaughter, Planning and Economic Development
Joe Romano, Clough Harbour and Associates

1 ACTING CHAIRMAN NARDACCI: Okay, the
2 final project on the agenda tonight is a
3 project update on Loudon Square. This is to
4 discuss a potential amendment to a final
5 approval.

6 MR. CRISAFULLI: Everybody has the
7 sketch.

8 MR. LACIVITA: I was talking to Mike
9 Rosch today.

10 What is before us tonight is Loudon
11 Square. It has a potential long-term lease on
12 a tenant. What they're looking for is for the
13 drive-thru to be in front.

14 This project has already been approved
15 with the side drive-thru on the building. In
16 order to accomplish that, you can see from the
17 plans that moving that drive access would
18 require an enactment by us to put a waiver in
19 the front yard. Also we'd have to go through a
20 new zoning verification from the Building
21 Department which would include just a site
22 review.

23 MR. CRISAFULLI: We do have a bank that's
24 interested. It's a local bank. Again, as Joe
25 said, it's long-term.

1 This project had a lot of opposition with
2 the neighbors because of that site. That area
3 right there of the site (Indicating) - food
4 service is allowed. We've had interest from
5 restaurants and we're trying to get away from
6 that to keep everybody happy. So, here we are
7 with the bank.

8 With the bank, it actually wasn't a side
9 entrance. That wasn't the approved plan but it
10 was approved to the back. As you drive in,
11 your feeding deposits to your left and they
12 want them to be fed toward the teller to the
13 right. So we can do that if we move it to the
14 front.

15 There was also concern with the bank that
16 the drive-thru is cutting right across their
17 front door to the path of the people that are
18 entering the bank. We told them that we would
19 bring it to the town and see what they had to
20 say and see if we could get that change; so
21 here we are.

22 ACTING CHAIRMAN NARDACCI: Do you have
23 the approved plan?

24 MR. CRISAFULLI: I do. This is the
25 approved drawing with the drive-thru on the

1 back side of the building off the road. Again,
2 you're feeding towards your left and the
3 entrance of the bank is here (Indicating). So,
4 the cars coming out of the drive-thru are
5 cutting across that front door. Those are two
6 concerns that the bank has.

7 MR. O'ROURKE: I have two concerns and
8 two comments.

9 One concern is that we approved the
10 project with it the way that it was, with all
11 the neighbors that were here. Now, we're back
12 before the board to make a change to a project
13 that has already been approved.

14 MR. CRISAFULLI: It seems to me that it
15 would be a pretty minor change to a project.

16 MR. O'ROURKE: Mike, I know what you're
17 saying.

18 MR. CRISAFULLI: C.J., we do have some
19 neighbors here. They've been notified.

20 MR. O'ROURKE: That was going to be one
21 of my questions.

22 MR. LACIVITA: The intent for tonight is
23 that we have done this on other projects in
24 the past. We thought that when there was an
25 idea for an amendment based on a potential

1 tenant, we would bring it before the board
2 beforehand.

3 MR. O'ROURKE: I just want to make sure,
4 Joe.

5 MR. LACIVITA: I made a personal phone
6 call to Jim Kitts last night who is the
7 copresident of the Civic Association -- I got
8 an e-mail from them because they saw that it
9 was on the agenda. I made a personal phone
10 call to him. He was concerned about maybe
11 something being pushed on through. I said,
12 absolutely not. I tried to explain to them.

13 MR. O'ROURKE: Perception becomes
14 reality.

15 MR. LACIVITA: I explained to
16 them -- would you like in five years a bank go
17 out and have the restaurant capability when
18 it's rezoned? It would have be in front of
19 them. It might be more beneficial to allow
20 Mr. Crisafulli to be in front of us tonight to
21 at least explain what is going on for him in
22 relation to actually really go out and pursue
23 the long-term lease.

24 MR. O'ROURKE: Let me just get back to my
25 other comment.

1 Maybe I'm taking this wrong, Mike. In
2 regard to the letter that was in the packet, I
3 thought that it was generally known -- I took
4 this as let us move the teller or there will
5 be a restaurant in there. I thought that we
6 were adamant as a board when we looked at this
7 project that there wasn't going to be a
8 restaurant. I take offense -

9 MR. CRISAFULLI: Don't take offense, C.J.;
10 relax. Nobody is holding a gun to anybody
11 here. What we're saying to you is that we have
12 a potential for a long-term tenant. We want to
13 work together and make this happen and keep
14 everybody happy.

15 MR. O'ROURKE: Absolutely.

16 MR. CRISAFULLI: There are no guns in
17 this room.

18 MR. O'ROURKE: Okay, well you're moving
19 ahead with the office building. I read it as
20 if we're able to secure this one local bank
21 that would sign a 20-year lease with renewal
22 options, it would ensure that no retail or
23 restaurant will be on this site.

24 MR. CRISAFULLI: So what's so offensive
25 about that? Where is your problem?

1 MR. O'ROURKE: The neighborhood met in
2 here. We met with everyone in the neighborhood
3 and for the project to even move forward with
4 concept, it was made very apparent to
5 everybody that there wasn't going to be a
6 restaurant on the site.

7 MR. CRISAFULLI: No, you need to get the
8 minutes.

9 MR. LACIVITA: In the minutes -

10 MR. O'ROURKE: No, I want transcription.
11 We have transcribed minutes?

12 THE TRANSCRIPTIONIST: If you don't yet
13 have them, I'm glad to get them for you.

14 MR. O'ROURKE: I would appreciate that.

15 MR. LACIVITA: The minutes do say that a
16 restaurant was allowed. If a restaurant was to
17 be entertained in this site, it has to come
18 before this board.

19 MR. O'ROURKE: That's correct.

20 MR. LACIVITA: It is zoned for it.

21 Mr. Crisafulli worked with the
22 neighborhood associations and came to that
23 agreement.

24 Once again, I made a personal phone call
25 to the copresident of that association last

1 night and talked to him about what this is
2 saying. There is no gun to anyone's head here
3 about this.

4 Mr. Crisafulli was looking at a 20-year
5 lease option, which again, ensures that if he
6 signs this lease for 20 years, we know that
7 they will not be before this board again with
8 a restaurant. That's all that it was saying.
9 There is no if, ands or buts there.

10 MR. O'ROURKE: It can be zoned and it's
11 not going to have a restaurant whether the
12 bank goes in or the bank doesn't go in.

13 MR. CRISAFULLI: C.J., don't say those
14 things. You're not in the position to say those
15 things. C.J., you cannot tell me -- listen I
16 don't even know why we're talking restaurants.
17 We're not looking to put in a restaurant.
18 We're looking to put a bank here.

19 MR. O'ROURKE: I know, so why even bring
20 it up?

21 MR. CRISAFULLI: Because it still is
22 zoned, okay? Listen, don't take offense to
23 this.

24 MR. O'ROURKE: I understand the Land Use
25 Law very well. Because something is zoned and

1 meets the acceptance of the zone, does not
2 render this board incapable of making a
3 decision not to allow the use, Mike.

4 MR. LACIVITA: C.J., I think honestly it
5 was a misinterpretation.

6 MR. O'ROURKE: Maybe I'm reading too far
7 into it. Me, personally, in regard to this
8 project, I hate the fact that somebody in the
9 Planning Department thought that it was a good
10 idea to bring all of these buildings, like the
11 cleaners, up to the front on that road. I
12 don't like that idea anyway. I don't care that
13 the building would be set back and I would
14 like to see a bank go in there.

15 I just take offense to the letter that
16 was copied in terms of the packet. We are
17 adamant about that there is not going to be a
18 restaurant going in there and I don't care
19 what the zoning is.

20 The Zoning Law that was changed in 2007
21 isn't worth the paper that it's written on.

22 MR. LACIVITA: I would have appreciated a
23 phone call as well last night because I would
24 have been able to explain that.

25 MR. O'ROURKE: I spoke to the Chairwoman

1 in regard to this, Joe.

2 MR. LACIVITA: As did I. I explained why
3 we were putting it on there and I explained to
4 her what we were trying to do today. That's
5 why it's here before you tonight.

6 ACTING CHAIRMAN NARDACCI: So my question
7 is moving forward with this
8 change -- personally I don't have a problem
9 with the change as proposed here. I'm curious
10 about what we need to do to move forward?

11 MS. VAIDA: Do we have to take another
12 look at the traffic or the flow?

13 MR. O'ROURKE: Yeah, the whole flow has
14 changed.

15 MR. LACIVITA: We'll still have to have
16 some review of the project. What we're asking
17 tonight was to take a look at this and if
18 there were any major concerns with
19 this - Mr. Crisafulli is going to go and try
20 to sign a long-term lease here with this
21 update. If he was going to say, yeah, we're
22 going to do that and sign it and then come
23 back in here and this board is going to deny
24 it down the road, then we just lost that
25 process.

1 ACTING CHAIRMAN NARDACCI: Joe, let me go
2 back to my question.

3 What is our process here? We take a look
4 at it and see if we have any major issues with
5 the setback issue and then -

6 MR. LACIVITA: And then they have to come
7 forward and we have to do a new zoning
8 verification with the site plan change. The
9 site plans will have to be updated. Clough
10 Harbour will have to make comment to it, as
11 they typically would as they are the TDE for
12 the project. It will have to come back to the
13 board, just like we did with Anjou Dynamics,
14 and then that will be an amended review.

15 ACTING CHAIRMAN NARDACCI: And the
16 neighbors will be formally notified for that?

17 MR. LACIVITA: Yes, they'll be formally
18 notified.

19 MR. O'ROURKE: Anjou Dynamics was
20 different than this.

21 MR. LACIVITA: I don't look at one
22 project versus another, C.J. I'm looking at
23 the process here. We're bringing them in based
24 on the process.

25 ACTING CHAIRMAN NARDACCI: I think that

1 it's important to understand where we're
2 going. What's the process? I think that
3 perception is important.

4 I'm glad that you talked to the
5 copresident of the neighborhood association. I
6 think that you've gone out of your way to meet
7 with the folks. You have done a good job.
8 They've been in here. We've had many hours of
9 discussion here. I think that at this point we
10 want to make sure that as we close out the
11 planning part, that the neighbors are here
12 also and they can just understand what this
13 change means.

14 I think to C.J's point, we did have a
15 clear discussion about a restaurant and if it
16 were to be proposed, it would still have to
17 come before the board down the road and that's
18 what the discussion with the neighbors was. I
19 remember that there was some specific
20 restrictions. I just want to make that clear.

21 Timing wise, I know that there is some
22 work going on right now.

23 MR. CRISAFULLI: We have started. We're
24 getting ready to start putting in for permits
25 for the office building. We have the grading

1 permits and we're clear and we're clean. The
2 house came down today. We'll start cutting the
3 grades next week. So, we're moving forward.

4 The office building is 60% to 70%
5 preleased and it's the bank that we're working
6 on and that's what we've been working on.

7 ACTING CHAIRMAN NARDACCI: So as far as
8 coming back for us, can we expect this on one
9 of the next two meetings?

10 MR. LACIVITA: Honestly, Mike, I don't
11 think that we're going to be on that quick.

12 MR. CRISAFULLI: I guess I'm kind of
13 confused too. I guess if we get the blessing
14 of the Planning Board, I can go back to the
15 bank and say, listen, first step is that we
16 have the blessing of the Planning Board but we
17 still have to go through the process.

18 ACTING CHAIRMAN NARDACCI: There won't be
19 any formal approvals right now. I think as far
20 as I'm concern, what I hear C.J. saying is
21 that this change right here is not a big deal
22 for us.

23 MR. O'ROURKE: I'd like to see the
24 building set further back.

25 ACTING CHAIRMAN NARDACCI: Why don't we

1 see if you guys have other comments for Mike?

2 MR. SULLIVAN: I'm concerned about about
3 the traffic flow. I'd like to have the TDE
4 look at any impact on the turning lanes and
5 there was a potential for the need for the
6 change in signal there.

7 Also, we have to have a left turning lane
8 out here to make sure that there is enough
9 room, basically, to queue for the amount of
10 cars trying to leave that parking lot.

11 The other thing is that I would recommend
12 having a new rendering of the new elevation.

13 I remember that there was a gentleman
14 here from the Loudonville Association, I
15 believe, who was very particular about
16 aesthetics. I remember him reviewing the old
17 elevations and he was quite particular with
18 the fencing and the landscaping. I think that
19 they would have some input on what this would
20 look like from the front. It will change the
21 aesthetics of the building as perceived from
22 Everett Road. You'll have the drive-thru now
23 instead of brick facing or whether it would
24 have been.

25 MR. CRISAFULLI: Yes, I think that when

1 we get to that point that we'll have some
2 renderings done.

3 MR. O'ROURKE: Mike, why can't they just
4 take the bank and turn it this way?

5 MR. CRISAFULLI: We have tried that.

6 MR. O'ROURKE: Just rotate it 90 degrees
7 and scoot it back? Personally, I'd rather see
8 it like that so that the front of the bank is
9 on this side.

10 MR. CRISAFULLI: Keep in mind where your
11 drivers sits.

12 MR. O'ROURKE: Right, you could just
13 rotate it. Right now your drive-thru is going
14 this way (Indicating). Just take this building
15 and turn it 90 degrees so that the skinny side
16 is facing this way (Indicating) and then your
17 drive-thru is still on the right. You can
18 scoot the building back for whatever
19 clearances you need.

20 MR. CRISAFULLI: Basically what you're
21 saying is put the drive-thru on the side of
22 the building.

23 MR. O'ROURKE: Right.

24 MR. CRISAFULLI: Well, the only thing
25 that I can think of is that the Town of

1 Colonie has a nine car stacking limit.

2 ACTING CHAIRMAN NARDACCI: We have to be
3 concerned about how this would impact your
4 parking space.

5 MR. O'ROURKE: Mike, help me out. If you
6 take the building and rotate it, the front of
7 the building faces Albany-Shaker. I'm just
8 asking if it could be turned like this so that
9 the drive-thru isn't what's facing the road.
10 I'd rather see it like this so that the bank
11 front, whether it's Key Bank, or Norstar, or
12 NBT - just so that they can have the frontage
13 here (Indicating). Then you could have the
14 handicapped parking and all the parking. Your
15 queue would be back here (Indicating). You'd
16 have plenty of room to queue out.

17 MR. DELAUGHTER: I think that's two
18 spaces per lane --

19 MR. O'ROURKE: That's all? That's not
20 bad. That's just me, personally, as I look at
21 it. I'm all for a bank going in there.

22 MR. CRISAFULLI: We all are. We're all
23 trying to make this happen.

24 Patrick Quinn is the gentleman that you
25 were talking about, Mike. He was here and he

1 looked at what we were doing and he had no
2 problem with it. He did want to see a
3 rendering and I told him that I spent enough
4 money in architecture and until we got
5 something more approved, I can't spend another
6 \$2,000 on renderings; but we can get something
7 out, like I said, with the blessing of the
8 board.

9 If I came here today and you said, no,
10 it's not happening or it needs a variance then
11 I'm going to throw my hands up on it. But if
12 the board is saying that it looks good and we
13 don't have a problem with it, then we'll move
14 forward.

15 Like Joe says, I go back to the bank
16 tomorrow and say, look, it was a positive
17 meeting and let's move forward. Obviously we
18 won't sign leases but it would be contingent
19 upon them.

20 MR. DELAUGHTER: If I could throw my two
21 cents in here, I would ask you to understand
22 that it does require a waiver of the mandatory
23 design standard and that should not be taken
24 lightly. The applicant needs to give
25 justification per the Land Use Law as to why a

1 waiver is required.

2 MR. LACIVITA: It would be considered as
3 parking in the front yard with the drive-thru.
4 That's really the waiver that you will be
5 looking to get.

6 MR. STUTO: The way that you
7 suggested - is that still the case?

8 MR. DELAUGHTER: Do you still have the
9 exit lane coming across the property?

10 MR. O'ROURKE: No, even the way that it
11 is now, Kevin -- oh no, they circle out the
12 back.

13 MR. CRISAFULLI: That's why we did what
14 we originally did. If we put the blacktop in
15 the front, that's not allowed in our new
16 zoning. You say a waiver. Who do we go in
17 front of for the waiver?

18 MR. STUTO: Right here.

19 MR. DELAUGHTER: The greenspace setback
20 waiver would be required on the side yard.

21 MR. O'ROURKE: Until you get renderings,
22 you don't know.

23 MR. DELAUGHTER: I'm not sure what the
24 greenspace percentage was. I think that it was
25 higher.

1 MR. CRISAFULLI: With this new design, we
2 actually picked up greenspace.

3 MR. O'ROURKE: Again, even if he were to
4 rotate it, he's going to have more setbacks
5 where he used to be close next door in the
6 back. On the old one, he was close to the
7 setback on the far side.

8 MR. CRISAFULLI: I would say that we're
9 picking up a percent or two on the greenspace.

10 MR. LACIVITA: So that would be the
11 action of the Planning Board. You'd have to
12 waive having the drive-thru in the front yard.

13 ACTING CHAIRMAN NARDACCI: With regards
14 to waivers, we look at them on a case by case
15 basis.

16 Given what we have explored with regard
17 to the site, it's a challenging site to
18 develop. I wouldn't have a problem with it. I
19 would like to see the TDE -- you know, have an
20 update as opposed to the previous analysis.

21 MR. DELAUGHTER: This may also have to be
22 looked at by the county DPW.

23 MR. O'ROURKE: Nothing is changing.

24 MR. CRISAFULLI: Nothing is changing
25 going out to the highway.

1 MR. DELAUGHTER: I think that what you
2 have is another intersection point close to
3 the access.

4 MR. ROMANO: I think that we need to take
5 a look at that in terms of access to the site.
6 I will take a look at the design plans and the
7 reports that we have had previously, but I'm
8 not sure that this is going to impact the
9 signal. You still have the drive-thru. All you
10 have now is that it's a couple of feet closer.

11 To Mike's point, we'll have to check and
12 just make sure the queuing allows for access
13 out of that drive.

14 MR. O'ROURKE: The site looks a lot
15 better today than it has in the last 10 years.

16 ACTING CHAIRMAN NARDACCI: I think that
17 you could classify this as a positive meeting.
18 There are no promises here. We have to do our
19 reviews after we have all the information that
20 we need and then render a decision then.

21 MR. O'ROURKE: We need some help in
22 changing the Land Use Law so that buildings
23 don't get stuck on the road like that cleaner.

24 MR. DELAUGHTER: It's not so much the
25 proximity of the road as it is the

1 architectural aspect.

2 MR. O'ROURKE: Some of that's true, but
3 wait until this big office building goes right
4 on the end of Everett Road.

5 ACTING CHAIRMAN NARDACCI: Are there any
6 more board comments?

7 MS. ORDWAY: I'm Kathy Ordway and I'm
8 copresident of the Green Meadows Civic
9 Association. I'm here speaking on their
10 behalf.

11 First of all I want you to know C.J., and
12 the rest of you that we're very appreciative
13 of your work. I speak for all 90 residents in
14 this development that you are as central as we
15 are to this.

16 Any time there is a comment or rumor or
17 passing notes about this project, we're very
18 sensitive to it. As you know, this could
19 result in a very adverse effect on the
20 neighborhood. So, thank you for keeping that
21 in mind.

22 Mr. Crisafulli has been working with us
23 to make sure that we can live with what he
24 develops there.

25 The second point that I would like to

1 make is that we find out about the agenda
2 items specifically tonight only by watching
3 the town website for the agenda. We don't get
4 calls from Mr. Crisafulli and we don't get
5 calls from Mr. LaCivita. We have asked for
6 better notification and haven't gotten that.
7 This is not a complaint. We do keep ourselves
8 informed. There could be some improvement in
9 notifying us, though. There could always be
10 some more advanced notice on these things that
11 are coming up on the agenda for Loudon Square.

12 MR. LACIVITA: Our agendas are moving
13 targets. We put items on up until the last
14 minute that we post because the developer
15 doesn't get specific information to us. It
16 would be hard to give advanced notice. These
17 guys are trying to get it in just a couple of
18 days sometimes and advance themselves. We are
19 trying to figure out the communication aspect.

20 MS. ORDWAY: That being said, we do have
21 a few members from the neighborhood that are
22 here to thank Mike for working on the project.

23 Patrick Quinn, who is a gentleman that
24 you referred to is our resident architect and
25 has spoken for our board. He was here for some

1 of the meetings and I wanted to convey some of
2 his comments.

3 He feels it is a much improved traffic
4 pattern and that the design fits in with the
5 already approved design.

6 ACTING CHAIRMAN NARDACCI: Thank you.

7 MR. DELAUGHTER: Joe, as far as notice
8 goes, when this comes back for the board
9 formally, there will be formal notification,
10 correct? That's for people within the
11 200 feet.

12 MR. LACIVITA: That's right.

13 ACTING CHAIRMAN NARDACCI: Even on
14 something like this for us, the board members
15 get the packets Wednesday or Thursdays or
16 Fridays before a meeting. I'm just saying that
17 for the future, it would be nice if -- I know
18 that there are a lot of things that you're
19 working on, but a quick e-mail to someone from
20 the neighborhood association just saying,
21 look, this isn't up for formal review, but
22 just so you know - it would be just
23 beneficial.

24 MS. ORDWAY: Yes, we would appreciate
25 that and it would give us an opportunity to

1 work with the developers, as well.

2 MS. KNORR: My name is Gloria Knorr and I
3 live on Albany-Shaker Road. I wish that I
4 could move my house someplace else in Colonie
5 because of the traffic.

6 I appreciate everything that Mr. O'Rourke
7 says. We do not want a restaurant, ever. The
8 traffic there is horrible now and the bank
9 would be regular business hours and that would
10 be good. A restaurant would have later hours.
11 We will fight this and we hope that you will
12 stay to your word, Mr. Crisafulli.

13 ACTING CHAIRMAN NARDACCI: Thank you,
14 very much.

15 Thank you for coming in and we'll see you
16 soon.

17

18 ***(Whereas the proceeding concerning the***

19 ***above entitled matter was adjourned***

20 ***at 9:33 p.m.)***

21

22

23

24

25

CERTIFICATION

1
2
3
4 **I, NANCY STRANG-VANDEBOGART, Notary**
5 **Public in and for the State of New York,**
6 **hereby CERTIFY that the record taped and**
7 **transcribed by me at the time and place noted**
8 **in the heading hereof is a true and accurate**
9 **transcript of same, to the best of my ability**
10 **and belief.**

11
12
13
14 **NANCY STRANG-VANDEBOGART**

15
16
17 **Dated January 2, 2010**