

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

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5 THE PROPOSED PROJECT OF BERKSHIRE BANK
628 LOUDON ROAD - REVIEW AND ACTION ON SEQRA,
PAVEMENT SETBACK WAIVER AND FINAL APPROVAL

6 *****

7 THE TAPED AND TRANSCRIBED MINUTES of a portion of
8 the above entitled proceeding
9 BY NANCY STRANG-VANDEBOGART commencing on
February 23, 2010 at 7:13 p.m. at
10 the Public Operations Center
347 Old Niskayuna Road, Latham, New York 12110

11 BOARD MEMBERS:

- 12 CHARLES J. O'ROURKE, CHAIRMAN
- 13 THOMAS NARDACCI
- 14 MICHAEL SULLIVAN
- 15 TIMOTHY LANE
- 16 ELENA VAIDA
- 17 PAUL ROSANO
- 18 PETER STUTO, Jr. Esq., Attorney for the Planning Board

19 Also present:

- 20 Joe LaCivita, Director, Planning and Economic Development
- 21 Brad Grant, Barton & Loguidice
- 22 Dan Cleary, Bohler Engineering
- 23 Anthony Fazzino, Esq., 1 New Loudon Road Associates, LLC
- 24 Don Wrieden

25

1 MR. GRANT: This system is well below
2 grade and what is proposed there is turf
3 grass?

4 MR. CLEARY: That's correct.

5 MR. GRANT: I made some suggestions and
6 recommendations that perhaps there could be
7 some plantings or a bench -

8 MR. CLEARY: I was thinking that you were
9 looking more over here (indicating), but we'd
10 be happy to put that wherever you think that
11 it's appropriate.

12 MR. GRANT: That will require regular
13 maintenance and Zeroscaping which is basically
14 stone or things that don't require maintenance
15 and watering, or some shallow rooted
16 shrubbery, or something that looks decent.

17 MR. CLEARY: We have no objection to
18 that.

19 MR. NARDACCI: Are you in a position or
20 would the applicant be agreeable to adding
21 sprinklers? I would be interested in knowing
22 that it was our prerogative to request.

23 MR. CLEARY: Technically they're going to
24 apply for a building permit. They're going to
25 do our architectural plans and apply for a

1 building permit and that's the stage where
2 they make a determination whether the building
3 meets the code or not.

4 I raise the issue because Brad had that
5 in his comments once before. I talked to the
6 architects about it and if it's not required
7 by code, we're going to build it to code.

8 I just talked to my client and we'll
9 bring it up to them again and tell them that
10 almost unanimously the board encouraged them
11 to do that.

12 Again, at the end of the day, the
13 Building Department is ultimately going to be
14 the arbiter of whether or not -

15 MR. STUTO: I don't necessarily agree
16 with that.

17 CHAIRMAN O'ROURKE: I don't agree either.

18 MR. STUTO: I'm not 100% sure whether we
19 can mandate it, but I'd like some time to
20 research that and come back.

21 MR. NARDACCI: I hate to hold you up but
22 it's something that has been consistent and
23 everyone up here had agreed on it. The TDE had
24 in their comments that it's something that's
25 that important.

1 MR. LACIVITA: I know that it sounds
2 crazy if you're going to start to do the work
3 but I wonder if there's even a possibility to
4 stub this into the building for later where
5 they can make a hookup or something like that.

6 CHAIRMAN O'ROURKE: I don't want to go
7 down that slippery slope.

8 MR. FAZZONE: Can I suggest something?

9 CHAIRMAN O'ROURKE: Sure.

10 MR. FAZZONE: I haven't spoken directly
11 with the tenant but I did look at that one
12 building and it wasn't a large expense
13 relative to the value that you'd get from the
14 protection that you would get. I'm pretty
15 comfortable and I think that Berkshire would
16 agree to do that. We can tell them that the
17 board really felt that it was something that
18 they wanted to see in this building. They've
19 been pretty amendable to all of our
20 suggestions. We can make that as a condition.
21 I don't see that as a problem.

22 A lot of the exterior structure that you
23 see on the bottom, they want to see the town
24 happy. I don't really think that it's a
25 problem. I haven't spoken to the engineers,

1 but I can speak to the direct bank
2 representative. I don't see that as a problem.
3 We'll just tell them that the town is leaning
4 that way and they want to see that done.

5 MR. NARDACCI: Just so you know, it's an
6 issue of consistency with us. This isn't the
7 only project where this has come up. We talked
8 about it in other commercial projects.

9 MR. FAZZONE: This would really improve
10 the value of the building and it could save
11 the building. If something happens with the
12 building in five years from now, it's our
13 building. I think that it should be a part of
14 every commercial building. The water is there.

15 MR. GRANT: Particularly buildings - this
16 probably isn't under this category but
17 buildings change uses and it could be a use
18 that absolutely has to have a sprinkler
19 system. It would be, like you say, a more
20 valuable asset.

21 MR. FAZZONE: And it's really not an
22 egregious expense. I don't think that it makes
23 sense not to do it.

24 MR. LANE: Let me say that it just
25 shouldn't be about the expense. There are

1 other factors involved. You have the volunteer
2 fire service. So anything that adds to the
3 protection of those individuals - the systems
4 are important.

5 MR. FAZZONE: I apologize. My discussion
6 about the expense was only relative to the
7 value of the building. It's a minimal expense.

8 MR. LANE: I understand. When you relay
9 that to them, you'll want to think of those
10 things, too.

11 MR. FAZZONE: We'll make sure that they
12 get the drift.

13 CHAIRMAN O'ROURKE: Joe, do you have
14 SEQRA?

15 MR. LACIVITA: Yes, it's a short form
16 SEQRA recommendation from Mr. Lyons. It's an
17 unlisted action.

18 CHAIRMAN O'ROURKE: I do not have it in
19 my packet. We have to approve SEQRA this
20 evening.

21 MR. LACIVITA: Did anyone else not get it
22 in their packet?

23 CHAIRMAN O'ROURKE: I have the short
24 form. I just meant the recommendation.

25 Do we have a motion on SEQRA to an

1 unlisted SEQRA action based on the attached
2 EAF?

3 MR. LANE: I will make that motion.

4 CHAIRMAN O'ROURKE: Do I have a second?

5 MR. SULLIVAN: I'll second it.

6 CHAIRMAN O'ROURKE: All those in favor?

7 **(Ayes were recited.)**

8 CHAIRMAN O'ROURKE: Opposed?

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

10 CHAIRMAN O'ROURKE: We also need a zero
11 setback waiver.

12 Do I have a motion on the setback waiver?

13 MR. NARDACCI: I'll make that motion.

14 CHAIRMAN O'ROURKE: Do I have a second?

15 MR. LANE: Second.

16 CHAIRMAN O'ROURKE: All those in favor?

17 **(Ayes were recited.)**

18 CHAIRMAN O'ROURKE: Opposed?

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

20 CHAIRMAN O'ROURKE: And last but not
21 least the final approval on this project under
22 the condition that the building gets
23 sprinklered.

24 Do I have a motion?

25 MR. ROSANO: I'll make that motion.

1 CHAIRMAN O'ROURKE: Paul? Okay, do I have
2 a second?

3 MR. GRANT: C.J., just in our comment
4 letter would that include compliance with the
5 comments of the town and the conditions? Would
6 that be a condition of the approval?

7 CHAIRMAN O'ROURKE: I'm sorry. I thought
8 that you said that they complied.

9 MR. LACIVITA: Usually at final they do a
10 resubmission of final plans and we just have
11 to go through and check that they have hit all
12 of the comments.

13 CHAIRMAN O'ROURKE: Also contingent upon
14 the TDE's letter.

15 MR. LANE: We've got a motion and I'll
16 make the second.

17 CHAIRMAN O'ROURKE: I apologize. Is there
18 anybody from the public that has any comment?

19 Yes, sir.

20 MR. WRIEDEN: My name is Don Wrieden and
21 I live on Gail Lane. I know that it's a
22 conclusion that you're going to put a road out
23 to Glennon Road. I know that. What I am
24 suggesting is to make it a one way road in
25 mainly because you have two businesses right

1 across the street from the rear entrance
2 through your property that's going in there.

3 The way that the bank is set up, the
4 front entrance is closest to Glennon. Also, in
5 order to get to your drive-thru teller - that
6 is also close to Glennon. If it was only a one
7 way in, then the traffic turning into the bank
8 is facing the traffic coming down Glennon so
9 that they both can see each other, rather than
10 having the hidden traffic coming out onto
11 Glennon with limited sight distance up the
12 hill.

13 The way that it's set up now - Joe has
14 pictures that my wife did give him in
15 reference to the parking that goes on with
16 that hillside by the counseling building
17 across the street. When they have a big
18 meeting, that whole hill on both sides is full
19 of cars. That's including filling up the
20 parking lot of the counseling center.

21 If you make this a two way road with that
22 traffic and people are coming out of that
23 road, somebody is going to get into an
24 accident right at that intersection because
25 they can't see.

1 I think that if it was a one way road in,
2 then everybody is looking at each other rather
3 than trying to see another vehicle.

4 CHAIRMAN O'ROURKE: I think that what the
5 board is hoping is that with this building
6 being built and the parking that is associated
7 with it - that those cars that park outside of
8 the road will now park in the lot. Mr. Fazzone
9 has already said that parking would be
10 available to them on Sunday when those cars
11 are up and down the road. I've seen them
12 myself.

13 MR. WRIEDEN: They also have their
14 meetings on Saturdays and they have their
15 meetings during the week, also. They don't
16 have them just on Sundays. What guarantee do
17 you have that they are going to go into that
18 parking lot?

19 MR. LACIVITA: I spoke with Gail for
20 about 40 minutes yesterday regarding the issue
21 that we had with the parking. One of the
22 things that I said that I was going to do is
23 actually talk to Mr. O'Brien who is the
24 principal of MPI Platform -

25 CHAIRMAN O'ROURKE: I have already spoken

1 to them.

2 MR. LACIVITA: Okay, and I know that it
3 would be pretty amenable.

4 CHAIRMAN O'ROURKE: I spoke to the owner
5 of that building and he's going to reduce that
6 parking on that road.

7 MR. WRIEDEN: How is he going to do that?

8 CHAIRMAN O'ROURKE: Hopefully in his
9 parking lot, sir.

10 MR. WRIEDEN: They can't get into that
11 parking lot. It's full. The parking lot is
12 full and the overflow then uses the hill to
13 park.

14 CHAIRMAN O'ROURKE: What I'm saying is
15 the bank parking lot, sir.

16 MR. WRIEDEN: He's going to tell them
17 that they have to park in there?

18 CHAIRMAN O'ROURKE: That's what he said,
19 sir.

20 MR. LACIVITA: I think the only option we
21 have at that point - if we've already talked
22 to Mr. O'Brien about not parking in that
23 parking lot and if it gets to be a continuous
24 problem, we could actually have Traffic Safety
25 go out and look at it. If it comes to a point

1 where they have to post no parking signs, then
2 you could certainly do so.

3 CHAIRMAN O'ROURKE: And we did. We had
4 Ken Pero look at it and the accident rates.
5 There have been four accidents in the last
6 five years at the intersection.

7 MR. WRIEDEN: When you have weather like
8 this, they park on both sides and you're going
9 to be in trouble.

10 CHAIRMAN O'ROURKE: Sir, I understand.
11 We're all concerned about the health and
12 safety of the residents, as well.

13 MR. WRIEDEN: That's why I'm saying if
14 that is a one way road, you're cutting down on
15 some of the problem. Instead of making a two
16 way road out like it is now, there is no need
17 for a two way road out onto Glennon. Most of
18 your traffic is going to the front door of the
19 bank and is right next to Glennon Road. So
20 they're coming in and they can exit onto
21 Route 9 then.

22 CHAIRMAN O'ROURKE: So if one of the 60
23 homeowners on Glennon Road wants to use this
24 as their bank, they have to go in through the
25 bank, back out to Route 9 and come back and

1 make a left?

2 MR. WRIEDEN: That wouldn't bother them
3 at all. They're worried more about an accident
4 happening on the hill with a homeowner coming
5 out onto Glennon. The sight distance - you
6 don't have it until you crest the hill. Then
7 if you've got a slippery condition, you're
8 going to hit. You're not going to stop. If you
9 were coming into the bank then one is on one
10 side of the road and one is on the other and
11 they are looking at each other. Right now,
12 you're creating a possibility of an accident
13 because you're bringing it out on the road on
14 a hill that is slippery in the wintertime.
15 Honestly, I can't see why you're making that a
16 two way road out onto Glennon on a hillside.

17 CHAIRMAN O'ROURKE: Because in the
18 board's estimation, that is the best flow for
19 traffic through this site as the site gets
20 developed. This is one building within the
21 site so we have to look at the overall future
22 site. If the road doesn't go in right now, we
23 only have one chance.

24 MR. WRIEDEN: I already said that the
25 board had made their decision and I know that

1 the road is going in. I'm just saying instead
2 of a 24 foot road, you put in a 12 foot road.
3 You make it a one way road in and you still
4 have your entrance into your future
5 development, but you eliminate the possible
6 accident hazard of traffic exiting onto a hill
7 by using it as a two way road. I'm not saying
8 that you can't have the road coming off of
9 Glennon. I'm just saying make it one way in.
10 That's it. That's what I'm asking.

11 CHAIRMAN O'ROURKE: I think that was
12 looked at, wasn't it Brad?

13 MR. GRANT: Yes.

14 CHAIRMAN O'ROURKE: And what was the
15 determination from the traffic engineers?

16 MR. GRANT: That the two way connection
17 to Glennon Road supplements -

18 CHAIRMAN O'ROURKE: It was a better
19 option.

20 MR. GRANT: Yes.

21 MR. WRIEDEN: Can you tell me why?

22 MR. GRANT: Essentially it's giving
23 another option for people. Ultimately in all
24 likelihood most of the traffic is not going to
25 turn left and go down Glennon Road. Some

1 people who live down there obviously and most
2 of the traffic want to get out to Route 9.
3 Having the additional means of doing that by
4 the Glennon Road connection is most desired.

5 MR. WRIEDEN: I'm not saying that you
6 don't have the connection. I'm saying make it
7 a one way.

8 MR. GRANT: Yes, and we've looked at that
9 and having the two way connection to
10 Glennon Road is more desirable than just
11 having that as an in.

12 MR. WRIEDEN: Can you tell me why? Why is
13 it more desirable?

14 MR. GRANT: It gives more options.
15 Essentially what we're looking at is
16 additional means of egress out of this site
17 and it's essentially to handle volumes during
18 peak periods. It's better to have that two way
19 connection with Glennon Road then it is to not
20 have it.

21 MR. WRIEDEN: One of the arguments that
22 was used with is that you people will be come
23 into the site and use our traffic light to get
24 out onto Route 9. Now you're saying that's
25 going to be an exit. That's more desirable.

1 Now what you're saying and what they're saying
2 are two different things.

3 MR. GRANT: I think that the best part of
4 that connection to Glennon Road isn't
5 necessarily getting out that way, it's getting
6 in and having access ultimately to a traffic
7 light that's about 500 feet down.

8 MR. WRIEDEN: That's what I'm saying.
9 Allow it to come in and don't exit onto
10 Glennon.

11 MR. LACIVITA: This was also one of the
12 recommendations by the State of New York who
13 controls the Route 9 corridor. There was no
14 condition and there was no restriction of
15 right in and right out. It was actually a full
16 access that was asked by DOT as well.

17 MR. GRANT: Yes, they were very
18 supportive of this.

19 MR. WRIEDEN: I still can't see the
20 benefit onto Glennon. Nobody seems to come up
21 with a reason why -

22 CHAIRMAN O'ROURKE: Sir, a lot of people
23 did. There were engineers from the State of
24 New York, from Barton and Loguidice and from
25 the developer. Everybody seems to agree that

1 the two way traffic out onto Glennon -

2 MR. WRIEDEN: It's a small street. Why do
3 you need two way traffic onto that small
4 street instead of just an entrance which would
5 work for the bank? People could come in that
6 way, especially when they start on Phase II.
7 There is going to be construction on the other
8 end. A lot of the people coming north/south on
9 Route 9 where the bank is set up now are going
10 to use Glennon to get into the bank. They're
11 not going to go down to the other entrance.
12 They'll come in onto Glennon and use that. The
13 front door is right there next to Glennon. All
14 the sidewalks are right there.

15 MR. GRANT: One of the things that we did
16 recognize is that most of this traffic is
17 going to want to go out through the driveway
18 connection to Route 9. Banking has changed
19 with teller lanes and automated banking. Most
20 people will be using the Route 9 connections.
21 Those going inside the bank would probably be
22 more prone to be the ones that use the
23 Glennon Road access either in or out or both.

24 MR. WRIEDEN: To use Glennon Road to get
25 to the bank.

1 MR. GRANT: For those using walking into
2 the bank to do walk up business -

3 MR. WRIEDEN: No, to use the drive-thru
4 in. Coming south on Route 9, they're going to
5 go in Glennon because of the way that the bank
6 is situated with the front door almost
7 adjacent to Glennon, and also the way that the
8 traffic flow is with the drive-thru tellers.
9 If they come in on the lower entrance, they
10 are backtracking with the drive-thru tellers
11 and they are also backtracking to get into the
12 bank.

13 MR. GRANT: Part of what has formulated
14 opinions is that Glennon Road is a dead end.
15 It's a fairly low volume road.

16 MR. WRIEDEN: The problem is that I'm the
17 only one here tonight mainly because it's an
18 older development. Most of the people that
19 wanted to be here but they couldn't because of
20 the snowstorm. They won't drive. Now you have
21 older drivers coming down that road. Their
22 reflexes aren't that good. I'm not saying that
23 they're bad drivers, but you're creating a
24 hazard and nobody seems to want to look at it
25 as a hazard.

1 CHAIRMAN O'ROURKE: Sir, there are hills
2 all over the United States of America. And
3 places where it snows becomes slick.

4 MR. WRIEDEN: And that road becomes
5 slick.

6 CHAIRMAN O'ROURKE: As do many in the
7 Town of Colonie.

8 MR. WRIEDEN: And now you're creating a
9 problem by putting a road exiting onto the
10 middle of the hill.

11 CHAIRMAN O'ROURKE: I'm sorry that you
12 feel that way. We've had multiple engineers
13 that state otherwise.

14 Anybody else have any other comments in
15 regard to this project?

16 MR. LACIVITA: We have a motion on the
17 floor, C.J., made by Paul and seconded by
18 Tim Lane.

19 CHAIRMAN O'ROURKE: With the inclusion
20 from the TDE.

21 MR. LACIVITA: That's right that the
22 building becomes sprinklered and that the
23 developer complete the department comments.

24 CHAIRMAN O'ROURKE: All those in favor?

25 ***(Ayes were recited.)***

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CHAIRMAN O'ROURKE: Opposed?

(There were none opposed.)

CHAIRMAN O'ROURKE: Good luck, gentlemen.

*(Whereas the proceeding concerning the above
entitled matter was adjourned
at 7:34 p.m.)*

CERTIFICATION

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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
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13
14 **NANCY STRANG-VANDEBOGART**

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16
17 **Dated March 8, 2010**