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PLANNING BOARD COUNTY OF ALBANY  
TOWN OF COLONIE

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PUBLIC HEARING REGARDING THE PROPOSED  
BRITISH AMERICAN PLAZA LOCATED AT  
798 ALBANY-SHAKER ROAD REVIEW AND ACTION ON  
RENEWAL OF CONCEPT ACCEPTANCE  
\*\*\*\*\*

THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on April 20, 2010 at 8:56 p.m. at the  
Public Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

BOARD MEMBERS:

- CHARLES J. O'ROURKE, CHAIRMAN
- MICHAEL SULLIVAN
- ELENA VAIDA
- PAUL ROSANO
- CHARLES J. O'ROURKE
- PETER GANNON
- PETER STUTO, Jr. Esq., Attorney for the Planning Board

Also present:

- Joseph LaCivita, Director, Planning and Economic Development
- Brad Grant, Barton & Loguidice
- Tony Stellato, Clough Harbour & Associates
- Spencer Jones, British American

1                   CHAIRMAN O'ROURKE: Next on the agenda we  
2                   have British American Plaza, 798 Albany-Shaker  
3                   Road. A 294,000 square foot four building  
4                   office plaza. They're looking for a review and  
5                   action on renewal of concept acceptance.

6                   Again, this is a bone of contention at times.

7                   I thought that this was in for final,  
8                   Joe.

9                   MR. LACIVITA: No, this is just in for  
10                  concept renewal at this point. The last time  
11                  that this was in front of the Planning Board  
12                  which was August 25, 2009, we sent them back  
13                  to try to address some of the town comments  
14                  such as secondary means of egress. They have  
15                  been working through other issues that they  
16                  had to do in the course of the project. Now  
17                  they are back to try to reissue for concept to  
18                  go forward toward final concept plan.

19                 MR. JONES: I'm Spencer Jones. I think  
20                 that the term that we hung up on last time was  
21                 the term renewal for concept approval on the  
22                 project at this point.

23                 CHAIRMAN O'ROURKE: Joe, you want to just  
24                 give us a quick history?

25                 MR. LACIVITA: This predates me,

1           unfortunately. The narrative here that we have  
2           doesn't go back as far as the project really  
3           goes that you were provided earlier. Spencer  
4           can kind of give us a historical review and  
5           let us know what he did with the Army Corp to  
6           bring us up to date.

7                       MR. JONES: Mr. Chairman, members of the  
8           board, thank you for this opportunity to  
9           present tonight. My name is Spencer Jones and  
10          I work with First American and we are the  
11          applicant for 798 Albany-Shaker Road, better  
12          known as British American Plaza.

13                      I'd like to just give a little background  
14          on British American for those of you who  
15          aren't familiar with our company. We are the  
16          regional real estate development firm focusing  
17          on commercial development. We have got about  
18          two million square feet worth of primarily  
19          office space developed throughout the capital  
20          region. The largest concentration of our  
21          portfolio is right here in the Town of Latham.  
22          It is Airport Park, which is situated kind of  
23          at the crux of Albany-Shaker Road and  
24          Troy-Schenectady Road. In that development we  
25          own about 32 buildings, over about 350 acres,

1 about 80 tenant businesses and about 4,000  
2 total employees in that park. One of the  
3 things that I'd like to do is give you a  
4 little bit of background on our project. It is  
5 a four building, just shy of 300,000 square  
6 foot commercial office complex. It is just  
7 south of Shaker Ridge Country Club, just west  
8 of Albany-Shaker Road, just north of the  
9 Coleman and Brizzell farms and just east of  
10 Memory Gardens cemetery.

11 To give you just a brief timeline, we got  
12 this process rolling in about 1999 with the  
13 Army Corp of Engineers and have been working  
14 on it consistently ever since. In February of  
15 2006 we filed our final application for  
16 wetlands disturbance with the Army Corp of  
17 Engineers and the New York State Department of  
18 Environmental Conservation.

19 In April of 2006 we made an application  
20 to the Town of Colonie Planning and Economic  
21 Development board for concept site plan review  
22 and SEQRA determination.

23 In August of 2006 we were issued a notice  
24 of no significant impact from the State  
25 Historic Preservation office.

1           In October 2007, we received our concept  
2 approval from Albany County to have a traffic  
3 signal to be installed at the intersection of  
4 Albany-Shaker Road and the project access road  
5 when the site reached 100,000 square feet of  
6 build-out.

7           In November of 2007, we were issued  
8 concept approval after a number of months of  
9 working with the Shaker Heritage Society on  
10 architectural renderings, which we presented  
11 in our last public hearing before this board.  
12 Also in November of '07 we were issued concept  
13 approval and a negative declaration of adverse  
14 impact from the Town of Colonie. We needed  
15 that negative declaration of adverse impacts  
16 to move forward with the Army Corp of  
17 Engineers. It took us 17 months to get through  
18 that process with the Corp and that's where  
19 some of the confusion about reissuing the  
20 concept approval came last time we came in  
21 front of this board.

22           In May of 2009 we requested to come back  
23 in front of this board. In August of 2009 we  
24 did come back in front of this board and here  
25 we are this evening requesting concept

1 approval be granted so that we can move into  
2 preliminary final.

3 When we left this board last time around,  
4 it was really with two broad action items.

5 The town designated engineer, through  
6 Brad Grant of Barton and Loguidice, had just  
7 been given the file just prior to our last  
8 hearing and had not had enough time to fully  
9 and thoroughly go through the plans. So, it  
10 was the recommendation of the board that we  
11 move through the town designated engineering  
12 process thoroughly with Brad and we've done  
13 that since August of last year.

14 There were members of this board that  
15 focused in on our requirement of our prior  
16 approval that we provide a secondary means of  
17 ingress/egress for emergency purposes on a  
18 temporary basis. This board asked us to go  
19 back and take another look at that concept  
20 because members of this board thought that it  
21 didn't necessary comport with standards that  
22 other developers were being held to at the  
23 time.

24 Regardless of what this board decides  
25 tonight or when they decide to make an action

1 on this project, since that meeting we have  
2 worked hard with Brad and we have met with  
3 Pete Lattanzio at emergency services. We've  
4 done site walks and developed a plan, should  
5 this board make that requirement to address  
6 those concerns on a temporary ingress/egress.

7 So, again, I want to thank you for the  
8 opportunity to present tonight. I'd like to  
9 now hand over the presentation to Tony  
10 Stellato from CHA who is our engineering  
11 consultant for this project to get into the  
12 particulars. Thank you.

13 CHAIRMAN O'ROURKE: Thank you.

14 MR. STELLATO: Thank you, Spencer.

15 Hello everyone. I would like to just do a  
16 recap of the concept plan, if it pleases the  
17 board.

18 This exhibit is an area map and it shows  
19 the site as a 42 acre site. I'm pointing to  
20 Albany-Shaker Road right here (Indicating),  
21 Watervliet-Shaker Road runs horizontally  
22 through the page. This map also shows the  
23 wetland mitigation site on Sand Creek Road  
24 that is a distance away from the site. I want  
25 to point out that this was the plan that was

1 submitted in April of 2009. It's the same plan  
2 that this board met upon in August of 2009 and  
3 we resubmitted copies again just recently so I  
4 hope that everyone has seen this plan. It has  
5 not changed in over a year.

6 This is the 42 acre site and the Hilton  
7 Garden Inn parcel is to the right side of the  
8 page (Indicating). That property was  
9 subdivided out previously when the Hilton  
10 Garden Inn was built.

11 Our project consists of four office  
12 buildings. They vary from two to four stories.  
13 The two story building is 42,000 square feet.  
14 We have two buildings that are three stories  
15 and 73,500 square feet. We also have one  
16 building that is four stories and 98,000  
17 square feet. The building heights range from  
18 28 feet to 56 feet for the four story  
19 building.

20 We just want to note that the applicant  
21 has worked with the Shaker Heritage Society on  
22 the building architectures. I think that this  
23 board has seen the facades and we do have what  
24 we think are attractive building facades that  
25 the Heritage Society supports.



1           Access to the site from the right side of  
2           the page here (Indicating) is over this  
3           existing roadway that was built with the  
4           Hilton Garden Inn. Our proposal is to extend  
5           it about 400 feet to a cul-de-sac and this all  
6           becomes public right of way to the cul-de-sac  
7           (Indicating). We have proposed a traffic  
8           signal out at the main intersection and Albany  
9           County has indicated their support of a  
10          traffic signal there over a roundabout, which  
11          was also considered. The trigger for that  
12          traffic signal is 100,000 square feet of  
13          development.

14                 We have parking for 1,307 cars. That  
15                 includes 32 handicapped spaces and we show  
16                 each of the four buildings has 60 garage  
17                 spaces within the footprint of the building.  
18                 That conforms to the town's one space for  
19                 225 square foot requirement and as we acquire  
20                 tenants for the project, future tenant needs  
21                 may drive that parking demand lower. Should  
22                 that occur, we would come back and work with  
23                 the board to provide the appropriate parking  
24                 configuration for a specific tenant.

25                 We have pedestrian access throughout the

1 project. There is a system of sidewalks within  
2 the project. We are proposing a sidewalk along  
3 the access road and crosswalk that ultimately  
4 connects to the multiuse trail that runs along  
5 the eastside of the project in this location  
6 here and then along the existing roadway  
7 (Indicating). The pedestrian bridge is down in  
8 this location here.

9 Water and sewer exist within the Hilton  
10 Road right of way right now. The project is in  
11 line to a connector for the existing services.  
12 It's just a matter of extending those lines  
13 into the project site. We have an on-site  
14 stormwater management system, a series of  
15 ponds and an on-site system to treat  
16 stormwater.

17 As Spencer mentioned we have our wetland  
18 permits and we are impacting approximately  
19 two acres of wetlands onsite. There is a total  
20 of six acres of wetlands; two of them which  
21 will be impacted. We do have a proposal to  
22 mitigate that by constructing wetlands  
23 off-site at 625 Sand Creek Road.

24 Also as Spencer had indicated we have our  
25 previous concept approval and neg dec from

1           2007. We have wetland permits in 2009. We're  
2           here tonight after Brad was involved as a TDE  
3           and working through one major issue that I  
4           think that Brad and this board were concerned  
5           with. That was the emergency access.

6                     The secondary emergency access was  
7           requested by Pete Lattanzio. We met in the  
8           field with Pete and we have walked and looked  
9           at a couple of options and we have here an  
10          option for use of the existing multiuse trail.

11                    Just to orient you again, the bottom of  
12          the sheet is a view of the Hilton Garden Inn  
13          at this corner of the project and our site  
14          runs up this way (Indicating). This would be  
15          that two story building. Albany-Shaker Road is  
16          down in this corner of the project and  
17          Watervliet-Shaker Road down the bottom of the  
18          page (Indicating). So, the multiuse path runs  
19          down in this area. It makes a bend here and  
20          this is the bridge and then the multiuse path  
21          continues down to this location here  
22          (Indicating). This is the access road to the  
23          airport.

24                    Our proposal would be to utilize this  
25          current path, the current alignment, and

1 making a minor apron improvement here where it  
2 intersects Watervliet-Shaker Road. We've got a  
3 little blow up that shows each area of concern  
4 here.

5 In this area here, when we walked it with  
6 Pete Lattanzio, he indicated that it would be  
7 acceptable for the fire apparatus to use this  
8 entire intersection to make this swing into  
9 the road here. They would be able to maneuver  
10 the fire apparatus almost into the airport  
11 intersection and around. We would do a little  
12 bit of aligning here (Indicating) to get the  
13 fire apparatus up onto the path. The  
14 engineering analysis of the turning movement  
15 shows that is possible. We would follow the  
16 existing alignment to the turn here  
17 (Indicating) and this area shows potentially  
18 the smaller area of widening just across from  
19 the bridge, and then continues along the  
20 existing alignment. It punches into the site  
21 at an appropriate location where it will align  
22 with our site roadway network.

23 The existing width of the path varies. In  
24 some places it's as narrow as 10 feet. It does  
25 widen out in some areas. There is a good

1 clearing and good level so widening the road  
2 would be a simple matter of just surfacing.  
3 Pete Lattanzio agreed that 12 feet wide would  
4 be appropriate for this application, so we  
5 would need to come in and make some service  
6 improvements and improve the section to  
7 support the vehicles and widen in some areas  
8 here (Indicating).

9 So, if this emergency secondary access is  
10 something that this board wants to entertain,  
11 this would be the proposal that we would  
12 propose.

13 Once again, there are no changes to the  
14 site plan from what we submitted a year ago.  
15 We're here tonight asking for concept approval  
16 and I would turn it back to you  
17 Chairman O'Rourke.

18 CHAIRMAN O'ROURKE: Thank you.  
19 Tom?

20 MR. NARDACCI: Just a brief comment. I  
21 was pretty vocal at that last meeting about  
22 what I thought was an unreasonable requirement  
23 that the development would have to purchase  
24 land through the Brizzell farm in order to  
25 build a secondary access. I think that this is

1 much more reasonable. I think that overall,  
2 the concept is really good and it makes a lot  
3 of sense.

4 I'm glad that you continue to work with  
5 the Shaker Heritage Society because that's  
6 important in that area of town. I'm really  
7 glad to see that, as well as working on a more  
8 reasonable access point than what we  
9 previously had to look at.

10 That's all I had.

11 CHAIRMAN O'ROURKE: Thanks, Tom.

12 Actually, I forgot Brad.

13 Brad, you want to fill us in?

14 MR. GRANT: As mentioned, last year in  
15 August we had just received the file. It was a  
16 very voluminous file. We had since got  
17 supplemental materials and have gone through  
18 and reviewed the project. I feel that we are  
19 up to speed.

20 Tony is right. The emergency access was  
21 one of the issues that was a condition. This  
22 is a little bit of history here, but as part  
23 of the concept approval one of the conditions  
24 was providing a second means of access into  
25 the plaza for emergency vehicles. So, access

1 must not utilize existing driveways to the  
2 road. The intersections are Albany-Shaker  
3 access. Albany-Shaker Road must be designed  
4 into the final plans and installed prior to  
5 the issuance of a CO for the first building.

6           There were some requests for some  
7 planning and digging out of some previous  
8 plans on potential routes of ingress and  
9 egress down through Airline Drive and South  
10 Family. I wasn't privy to this a year ago but  
11 I got a sense from the file. Perhaps back in  
12 2006 there was a residential subdivision  
13 project - that if all the ducks went in a row  
14 there would be a town owned right of way more  
15 or less right up to the doorway of the British  
16 American property. That didn't happen.

17           So, in looking towards some alternative  
18 means and working with Clough Harbour - there  
19 are a lot of constraints when you go to the  
20 south. There are wetlands and satellite dishes  
21 owned by the county that they don't want  
22 people necessarily going by. There is  
23 privately owned lands to the south that are  
24 not in control of the applicant. So, there are  
25 routes and points of Airline Drive and South

1 Family -- there is a long road to haul to get  
2 there.

3 We looked at and kind of honed in on the  
4 bike path as being a previous disturbance that  
5 hoed the road through wetlands or in this case  
6 not wetlands and did not want to send the  
7 applicant back to deal with the Army Corp of  
8 Engineers. It's amazing that he doesn't have  
9 gray hair after dealing with that process, but  
10 the multiuse paths are generally not set up  
11 for fire trucks. There are some tight radiuses  
12 that were identified, but it seems as though  
13 that was a route that did not present wetland  
14 obstructions and was already a paved path. It  
15 could be improved to support an emergency  
16 vehicle that wouldn't be coming in three times  
17 a week and be an infrequent event to provide  
18 secondary means of emergency vehicles, should  
19 the singular access that it shared with the  
20 golf course become blocked for whatever  
21 reason.

22 CHAIRMAN O'ROURKE: Well, it's not shared  
23 with the golf course, right? It's shared with  
24 the hotel; correct?

25 MR. GRANT: Correct. The access out onto



1 Albany-Shaker Road - there is also traffic  
2 from the golf course. If something happened  
3 that those avenues were closed for whatever  
4 reasons - a truck flips over and happens to be  
5 carrying pesticides back to the golf course or  
6 fill in the blanks, there is a means of  
7 getting what could be hundreds of people back  
8 there out in a tight situation. This kind of  
9 differs from a residential project when we  
10 think about the length of dead end roads and  
11 terminating and cul-de-sacs and emergency  
12 access where you may have a dozen or two  
13 residences. There could be and ultimately be  
14 hundreds of people working back here.

15 Experiences of heavy volumes based on  
16 some things that have happened up on Century  
17 Hill Drive and emergency services has been  
18 responsive to that. That, I felt, was a major  
19 hurdle needing an appeal. I thought it would  
20 work and I think that it's been proven with a  
21 minor amount of pavement widening and adding  
22 pavement, that would support an emergency  
23 vehicle. It could happen with little  
24 disturbance to existing infrastructure  
25 dependency with properties to the south, not

1 in control of the applicant. So, I think that  
2 was a major hurdle to overcome.

3 We reviewed the traffic study and the  
4 supplemental traffic study. The traffic  
5 engineers agree with the conclusions in those  
6 studies regarding the signalized intersection  
7 at the 100,000 square foot threshold;  
8 particularly as opposed to having a roundabout  
9 near an existing roundabout. The county was on  
10 board with that.

11 The applicant has done a level of  
12 planning to identify a second means of  
13 permanent egress and ingress for future  
14 traffic volume. It could tie into the property  
15 on the south side.

16 Tony, you could point that out.

17 MR. JONES: There are going to be two  
18 access points coming in from the south. One  
19 that connects here with lands owned by Albany  
20 County (Indicating) and another access point  
21 right here that comes in to the Coleman and  
22 Brizzell farms.

23 MR. GRANT: Thank you, Spencer.

24 CHAIRMAN O'ROURKE: What are those points  
25 for?

1 MR. GRANT: Potential ties in for a  
2 second means of ingress/egress that could come  
3 in the future.

4 CHAIRMAN O'ROURKE: Again, we're not  
5 going to own them.

6 MR. STELLATO: It's a master plan  
7 compliance issue really. It's recognition that  
8 maybe the development adjacent to the project  
9 in the future - providing tie in points to the  
10 property line at appropriate locations that  
11 may or may not ever be used.

12 MR. GRANT: This project was in the  
13 airport GEIS study area. This plan wants to be  
14 flexible and have those proposed central  
15 connections to improve traffic circulation and  
16 not be dependant upon a signal access out to  
17 Albany-Shaker Road.

18 CHAIRMAN O'ROURKE: Okay, because, again,  
19 you guys are going to own the infrastructure.

20 MR. STELLATO: The answer to that is yes;  
21 from that point in. From this point out is  
22 planned to be a dedicated right of way  
23 (Indicating). The Town of Colonie owns this  
24 road until here and then I think that we're  
25 proposing a cul-de-sac extension down to this

1 area here (Indicating).

2 CHAIRMAN O'ROURKE: So off that county  
3 road, our plow has to go in for 60 feet.

4 MR. STELLATO: It would service the  
5 Hilton Garden Inn, Shaker Ridge County Club  
6 and our project here.

7 Just getting back to the access point  
8 that Brad brought up earlier, you'll see that  
9 earlier iterations of this plan did not  
10 provide for an access point to the properties  
11 south. That was a requirement of that new  
12 master plan.

13 Joe, you may be able to help me with  
14 exactly when it was passed, but that was a  
15 requirement as of this point to contemplate  
16 traffic that was more than just our  
17 development moving through property that's  
18 developed to the south. That's part of where  
19 this concept of temporary secondary means of  
20 ingress/egress for emergency purposes was to  
21 try to bridge the gap. Our intension would be  
22 to build this secondary ingress/egress for  
23 emergency services if required by the board.

24 CHAIRMAN O'ROURKE: Again, where I stood  
25 and I still stand, this certainly isn't

1 Century Hill. This isn't Century Hill Drive  
2 that goes down and has an office building here  
3 and an office building here where traffic can  
4 become blocked. That being said, Brad has some  
5 legitimate points about the number of people  
6 that work there.

7 I'm a little upset that it's taken a year  
8 to finally figure out that chances are it's  
9 not going to be a fire truck if anything. It's  
10 going to be an ambulance that goes up the  
11 path.

12 Again, in terms of timeframe and getting  
13 back here to us, we're going to work to  
14 improve that, certainly. Again, I just look at  
15 this plan as it came before us a year ago  
16 differently than something like Century Hill  
17 where the traffic can be totally blocked by a  
18 building with an issue.

19 The flow of this doesn't seem to be,  
20 Brad, but could be blocked. What is your  
21 opinion in regard to the second means of  
22 ingress?

23 MR. GRANT: I look at this site in a  
24 couple different ways. Being so close to the  
25 airport, someday, I envision that the

1           President of the United States might not visit  
2           Hudson Valley Community College. He might be  
3           going to an event here in Colonie very close  
4           where Air Force One lands. With the singular  
5           form of access, the Secret Service would never  
6           buy into it. That said, I don't know that  
7           President Obama is coming to Shaker Ridge next  
8           week. I suspect that's not the case. That's  
9           kind of where Pete was coming from - some of  
10          his experiences in Century Hill. I think that  
11          thinking does evolve.

12                   CHAIRMAN O'ROURKE: Again, it's not  
13          placing a huge burden to put that in, right?

14                   MR. JONES: I guess I don't know what  
15          burden it would place on the project and we  
16          are willing to do anything that's going to be  
17          placed on us by this Planning Board. The only  
18          thing that we ask is the same point that was  
19          raised by this board the last time we appeared  
20          which was as long as we're being held to the  
21          same standards of all projects, we're  
22          absolutely fine with it.

23                   I guess one question that I would have  
24          with a project like this where we're talking  
25          about 500 foot cul-de-sac extension - if this

1 project were ever to be pared down in any way  
2 where we would do a single structure versus  
3 four different structures, this almost would  
4 become like a driveway application. Then are  
5 we in a position that we're putting in a  
6 second means of ingress/egress for a driveway  
7 that's servicing a single structure  
8 reconfiguration. I think that probably  
9 contemplates us coming back in front of the  
10 board for a site plan amendment anyway.

11 CHAIRMAN O'ROURKE: Sure.

12 MR. LACIVITA: I'm not sure if it would  
13 require coming back in. If we're talking about  
14 potentially the two potential connectors for  
15 future development with this plan map - and we  
16 detail it somewhere within the design and  
17 there is a later future connectivity, there is  
18 no reason for this project to be coming back  
19 into the Planning Board.

20 CHAIRMAN O'ROURKE: No. He's talking  
21 about the second means of egress.

22 MR. LACIVITA: Okay.

23 CHAIRMAN O'ROURKE: Again, I look at it  
24 as a driveway, myself. I don't look at it like  
25 Century Hill. Again, that's why I have to rely

1 on your expertise to make a determination  
2 that's reasonable for the applicant.

3 MR. GRANT: The project wasn't originally  
4 dependant on the town road feature. There were  
5 some town comments and concerns - legitimate  
6 concerns about ingress/egress through areas of  
7 parking. It would be people trying to get from  
8 A to B who would be planning to go through the  
9 parking areas and people trying to give out a  
10 spot. It evolved into the town having some  
11 level of control and wanting a 500 foot public  
12 road - a long driveway. That would be the part  
13 where the town would own the utilities - the  
14 stormwater facilities that are outside those;  
15 that right of way.

16 It would be private stormwater  
17 facilities, Tony?

18 MR. STELLATO: Correct.

19 CHAIRMAN O'ROURKE: Yes, but just for  
20 clarification, we didn't want to own them.

21 MR. GRANT: I believe the width of that  
22 road is 32 feet.

23 MR. STELLATO: One thing that it gives is  
24 a turnaround for a snow plow that isn't there  
25 now.



1                   CHAIRMAN O'ROURKE: What benefit - what  
2 do we as a town get?

3                   MR. STELLATO: I think that you can take  
4 that concept one step further. It also brought  
5 forth the concept of creating this perimeter  
6 road. It goes to that access point and a  
7 dedicated road down here that came to that  
8 access point, which was all a part of  
9 providing a future interconnectivity for  
10 traffic to get off of the major highways and  
11 byways around Colonie and move within  
12 developments as opposed to moving outside it.  
13 I'm just trying to walk through the different  
14 iterations.

15                   CHAIRMAN O'ROURKE: I hear you.

16                   MR. GRANT: Part of it was mentioning the  
17 evaluation out of that, and also to get to an  
18 exterior loop road.

19                   CHAIRMAN O'ROURKE: Again, as long as I'm  
20 alive and on this board, if we put residential  
21 in there, we're not going to send them through  
22 British American's property. It doesn't make  
23 sense the way that the zoning lines up.

24                   MR. GRANT: You essentially have a COR  
25 next to residential.

1                   CHAIRMAN O'ROURKE: Exactly, and there is  
2 no buffer between it.

3                   MR. GRANT: If a buffer comes, it's going  
4 to come on a residential land anyway.

5                   CHAIRMAN O'ROURKE: I agree that it  
6 didn't cost them anything to put the  
7 additional egresses in there, but as long as  
8 that stays residential, we would never  
9 send -- we as a board have absolutely been  
10 against traffic, whether it be retail or  
11 commercial, from going through the residences.  
12 So, if the residences were going through  
13 there, then British American would be -- you  
14 know what I mean? It goes against everything  
15 in the Comprehensive Plan and everything that  
16 this board is trying to do.

17                   My whole contention is: Is it reasonable  
18 to have them do the second means of egress  
19 across the path and to benefit to the town to  
20 own any portion thereof, besides the ROW that  
21 we have right now? I don't see it.

22                   MR. GRANT: I would have to agree with  
23 you.

24                   CHAIRMAN O'ROURKE: So, would you be  
25 looking at this as a driveway to their parcel

1           that has four buildings? Am I reasonable in  
2           looking at it in terms of that? I mean, what  
3           would have to occur in terms of safety for us  
4           not to get to that property?

5           MR. GRANT: Exactly. With this secondary  
6           means of emergency egress using the multiuse  
7           path, whether you have a town road in there or  
8           not, if there is a need they're going to go.  
9           They're going to get there.

10          CHAIRMAN O'ROURKE: That's the way that  
11          I'm looking at it. Somebody that's reasonable  
12          saying we want them to develop the  
13          property - how can we work it and be  
14          reasonable? Again, that's just one person on  
15          the board and how I'm looking at it. I just  
16          want to clarify with you what your thoughts  
17          were in regard to the overall picture and make  
18          sure that I was thinking about it properly.

19          MR. GRANT: I guess I wasn't on the scene  
20          when the change was to create the public road  
21          portion. It can serve the same function as a  
22          private road also. The means of going to that  
23          was to encourage and provide some town control  
24          over what ended up as a loop road on the  
25          outside of the development, and not have to

1 alter the parking lots and that type of  
2 congestion. Depending on what does develop to  
3 the south there, there will be a number of  
4 people working in there at some point and  
5 there could be a means of getting to  
6 Watervliet-Shaker Road and going south and not  
7 out Albany-Shaker road where it's already  
8 busy. A secondary means of getting out of the  
9 project is appropriate for the road  
10 infrastructure.

11 CHAIRMAN O'ROURKE: Anything else that  
12 you have in your notes?

13 MR. GRANT: After reading thorough the  
14 minutes of the last meeting, the traffic  
15 signal - 100,000 square foot was the threshold  
16 and I think that DPW and Albany County was in  
17 agreement with that traffic study. We reviewed  
18 that and it seems reasonable. No one seems to  
19 want to maintain it or at least pay for the  
20 maintenance. Albany County, even though it  
21 connects to a county road, doesn't want it.  
22 The town typically does not absorb those types  
23 of costs and in my mind should they.

24 I think that Joe Grasso had indicated  
25 that there has been precedence for private

1 entities to pay a maintenance firm to maintain  
2 the traffic signal. There are different  
3 messages as to whether there is precedent for  
4 that. That should not be something that the  
5 town should have to do.

6 CHAIRMAN O'ROURKE: I agree and we'll  
7 work that out going forward.

8 MR. GRANT: No. When they reach 100,000  
9 square feet, which is going into the third  
10 phase, unless the second phase includes  
11 multiple buildings -

12 CHAIRMAN O'ROURKE: What about the  
13 sidewalks? Where are we at with the sidewalks,  
14 or lack thereof?

15 MR. GRANT: You're talking about over on  
16 Sand Creek?

17 CHAIRMAN O'ROURKE: Yes. Well, they're  
18 not Sand Creek, but they're 155; opposite  
19 where you're supposed to mitigate.

20 MR. GRANT: They chose that as a  
21 mitigation area to stay within the same  
22 watershed. I think that they were responsive  
23 to the Corp's desires and triggers. There were  
24 plenty of wetlands that they could have  
25 mitigated, but they wanted to choose something

1 in the same watershed and appropriately so.

2 CHAIRMAN O'ROURKE: Can you show us on  
3 the map?

4 MR. GRANT: It's fairly remote in sight.  
5 The applicant has revised their original  
6 mitigation plans once they learned that the  
7 board was interested. Basically, that section  
8 was identified. There is a closing a gap of  
9 existing sidewalks that exist north and south  
10 of it. They revised their wetland mitigation  
11 plan to basically get the work away from the  
12 right of way a little bit to allow some room  
13 for the sidewalk to be added there. The  
14 provision of adding the sidewalk - it was in  
15 the board's opinion that the applicant should  
16 install that sidewalk.

17 Tony do you have a scale on that map?

18 CHAIRMAN O'ROURKE: Is that on the other  
19 side of CBA?

20 MR. STELLATO: You can see the service  
21 road here (Indicating). I'm sorry I don't have  
22 that in front of me and I don't recall what  
23 that was.

24 MR. GRANT: Sidewalks are about \$100 a  
25 foot.

1                   MR. STELLATO: It's about 500 feet, I  
2 would say.

3                   MR. GRANT: It was the board's opinion  
4 that the applicant - in Town Code when  
5 properties are developed along that frontage,  
6 that the sidewalks be improved. I think that  
7 it's a vote of contention as to what  
8 constitutes development. Does building  
9 wetlands constitutes development, or not?

10                  I can understand why the town would want  
11 it. It's closing a gap between existing  
12 sidewalk and pedestrian infrastructure and I  
13 haven't seen anything in the Town Code that  
14 would preclude that.

15                  CHAIRMAN O'ROURKE: I would be for using  
16 a portion of the mitigating fees to build the  
17 sidewalks.

18                  MR. GRANT: It's a public amenity and  
19 it's well outside their site.

20                  CHAIRMAN O'ROURKE: Would the applicant  
21 be okay with that?

22                  MR. STELLATO: We would appreciate that  
23 consideration. The one thing that we would  
24 request is if it could not be something that  
25 is directly tied to the project. We have

1 redesigned the wetland complex with the  
2 sidewalk in mind. Would it be amendable to the  
3 town for the town to move forward and develop  
4 the sidewalk project with the mitigation  
5 funds?

6 CHAIRMAN O'ROURKE: No. We want you to  
7 build the sidewalk and we'll credit you with  
8 the mitigating funds.

9 MR. STELLATO: And at what point of the  
10 project would you like to see that built?

11 CHAIRMAN O'ROURKE: When are you doing  
12 the wetlands? I guess we're going to have to  
13 decide that. I don't think that's for me to  
14 decide. I'd be more than happy to decide, but  
15 I think that there are other people that would  
16 like to weigh in and have some comments on  
17 that. But I think that the town would be  
18 amendable to the trade-off for using a portion  
19 of the airport mitigation fees on the traffic  
20 end, right Brad?

21 MR. GRANT: Right.

22 CHAIRMAN O'ROURKE: Close the gap in our  
23 infrastructure, have you guys put it in and  
24 then just credit you against your fees.

25 MR. STELLATO: We appreciate that



1 consideration. The wetland complex would be  
2 developed at the front end of the development  
3 of the project site. If that's what the board  
4 would like to see us do -

5 CHAIRMAN O'ROURKE: Again, the board will  
6 decide as we go forward at final. Does anybody  
7 on the board have an objection to something  
8 like that?

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

10 CHAIRMAN O'ROURKE: So what else, Brad?

11 MR. CLARK: So the wetland mitigation is  
12 up front. It would make sense to construct a  
13 sidewalk and not come back.

14 We've been through the rest of the site.  
15 What I really would like to see is that this  
16 proceed on to the next phase where we can give  
17 the kind of detailed information for the  
18 build-out and development.

19 CHAIRMAN O'ROURKE: Tom, do you have  
20 anything?

21 MR. NARDACCI: No, that's it; thank you.

22 CHAIRMAN O'ROURKE: Paul?

23 MR. ROSANO: No, thank you.

24 CHAIRMAN O'ROURKE: Elena?

25 MS. VAIDA: No, I'm good. All my

1 questions were answered.

2 CHAIRMAN O'ROURKE: Mike?

3 MR. SULLIVAN: I had a few questions on  
4 the secondary access. The first is: Is the  
5 multiuse trail currently maintained in the  
6 winter? Is it plowed?

7 MR. STELLATO: It doesn't appear to be,  
8 no.

9 MR. SULLIVAN: In order for it to be  
10 accessible to emergency vehicles, it would  
11 have to be plowed. Who would be responsible  
12 for doing that?

13 MR. STELLATO: Good question.

14 CHAIRMAN O'ROURKE: It's ours. We have  
15 the liability.

16 MR. LACIVITA: We're telling them to  
17 build it.

18 CHAIRMAN O'ROURKE: Right, we would have  
19 to maintain it.

20 MR. GRANT: Normally those trails  
21 wouldn't have to be maintained.

22 MR. SULLIVAN: The other question that I  
23 have with the trail was regarding Pete  
24 Lattanzio. Did you run a template for that  
25 intersection of the airport?

1           MR. STELLATO: You're talking about the  
2 road here (Indicating). We have a blow up of  
3 this section. This is an area right now where  
4 the trail lines along here and it just makes a  
5 narrow connection here (Indicating). We would  
6 do some widening here and then the new width  
7 that we show is in blue. The movement coming  
8 from this direction would be no problem. The  
9 movement coming from the airport would be no  
10 problem.

11           When you look closely at the movement  
12 coming in this direction on Watervliet-Shaker  
13 Road - we actually stood out there in the  
14 middle of the intersection with Pete and  
15 looked at it and we all convinced ourselves  
16 before we put a template on it that it would  
17 work. Then we went back to the office and put  
18 the template on it and found that the maneuver  
19 is almost exactly what we assumed it would be  
20 in the field. This is a raised median here and  
21 once they pass that median, he swings into the  
22 left to the intersection and just takes a wide  
23 arc to the left around and up the trail. If we  
24 provide this apron widening here, it works  
25 fine.

1           MR. SULLIVAN: My concern was that there  
2 is quite a side slope there.

3           MR. STELLATO: There is and the slope is  
4 back in this direction here (Indicating).  
5 We've got a pretty level area here so we're  
6 going to do most of our widening - just minor  
7 widening back so that we don't have to chase  
8 that slope backwards.

9           MR. SULLIVAN: But you'll be able to get  
10 your 12 foot width or whatever is needed for  
11 the trucks?

12           MR. STELLATO: Yes.

13           MR. SULLIVAN: The only other question  
14 that I have is with the parking. You mentioned  
15 that you met the town standard for one parking  
16 spot -

17           MR. STELLATO: Right.

18           MR. SULLIVAN: If a particular tenant  
19 came in and didn't need the spaces, would you  
20 bank park that, or did I misunderstand what  
21 you said?

22           MR. STELLATO: We're sensitive to the new  
23 trend to not provide more parking than a  
24 tenants needs. If a tenant comes forward and  
25 we can document a lesser parking need, then

1           our plan will be to come back to the board and  
2           show them what that would look like, and that  
3           would happen before final approval.

4           MR. SULLIVAN: And if that were to occur,  
5           would the remainder be banked as greenspace?  
6           Would you provide additional greenspace?

7           MR. STELLATO: At that point we'd have a  
8           specific tenant and we would have to look at  
9           the needs of that tenant on the plan. We would  
10          look to the board on how to best modify the  
11          plan to basically provide what it needs and  
12          maximize the use out of that excess pavement  
13          area. You're asking what would we do with it?

14          MR. SULLIVAN: We had one project that  
15          came before the board where that situation  
16          occurred. They could prove that they didn't  
17          need the maximum number of spaces and that  
18          space was set aside as greenspace and could be  
19          used - they call it banked parking and it  
20          could be turned back into a parking lot in the  
21          future.

22          MR. STELLATO: It's an option, I suppose,  
23          to include and talk about.

24          MR. SULLIVAN: Okay, thank you.

25          CHAIRMAN O'ROURKE: Pete?

1           MR. GANNON: My only thought is with the  
2 secondary point of ingress and egress. I never  
3 want to be on the record saying this in the  
4 event that I have to eat my words, but from  
5 what I've heard from the experts and from the  
6 Chairman tonight we all seem to feel that it's  
7 a highly unlikely event that would block one  
8 access point. In this event, the proximity to  
9 the airport where we actually have access to  
10 the helicopter with town EMS personnel on  
11 it - maybe it would be an advantage that would  
12 even be further unnecessary. I think that  
13 maybe moving forward we should consider that  
14 there are other alternatives.

15           That's all I have.

16           CHAIRMAN O'ROURKE: I just have a couple  
17 quick ones.

18           Was there conversation with Shaker Ridge?

19           MR. JONES: We plan on going to talk to  
20 Shaker Ridge. We will be meeting with their  
21 general manager on a regular basis.

22           CHAIRMAN O'ROURKE: In terms of the  
23 parking, do you guys have a figure now on the  
24 amount of spaces that are actually utilized?

25           MR. JONES: On the site?

1                   CHAIRMAN O'ROURKE: On any of your sites.

2                   MR. JONES: As a general rule we park our  
3 facilities at five spaces per thousand square  
4 feet, which I think is in excess of the Town  
5 Code. We would always rather have a little bit  
6 of surplus than not quite enough. We find that  
7 unless we have a real heavy call center type  
8 use in any of our other properties, we don't  
9 have a problem with providing sufficient  
10 parking for our tenants.

11                   CHAIRMAN O'ROURKE: No, I'm actually  
12 going the other way in thinking that for  
13 certain uses within the town, I think that the  
14 square footage the town has utilized is  
15 probably more than we need in certain  
16 instances. Certainly, if you were to come to  
17 the board and say we want to reduce the  
18 parking, we would need to have those numbers.

19                   MR. JONES: And we would. To point out  
20 what Mr. Sullivan said earlier, we would, down  
21 the road think about banking the parking if we  
22 had proof that we didn't need to put that  
23 parking out in front so that we have access to  
24 it in the future.

25                   CHAIRMAN O'ROURKE: That's all I had.

1           You are looking tonight for concept  
2 approval and I didn't get from the board how  
3 they felt exactly. I would like to make the  
4 motion not to have that second means of egress  
5 as part of this because if anything were to  
6 happen, we could get in there. The path is  
7 there. I just don't want to see the town have  
8 to maintain the infrastructure of that path  
9 and accept the liability or the roadway. I  
10 would like to keep the Arnold W. that the town  
11 presently has just at the beginning what it  
12 is. You guys own your four offices, you own  
13 your infrastructure and you pay your taxes  
14 every year. That's how I would like to move  
15 this.

16           Is there further discussion on the board  
17 in regard to those items?

18           MR. LACIVITA: I just had one item, C.J.  
19 When this originally received concept  
20 acceptance in 2007 - and I can refer this to  
21 Peter - there was a SEQRA neg dec. Does that  
22 neg dec carry forward?

23           CHAIRMAN O'ROURKE: It should.

24           MR. STUTO: That's an interesting  
25 question. Is this a renewal of concept?



1           MR. LACIVITA: It's a new concept. And I  
2 know that we do SEQRA at the end of our  
3 process now.

4           MR. STUTO: Although, we're deferring  
5 SEQRA to final.

6           CHAIRMAN O'ROURKE: Right, so Brad can  
7 review SEQRA as we go forward. I think it's  
8 very smart to bring up and we're on the record  
9 with it.

10          So, Brad in your notes please note that  
11 we're going to have to go back and redo SEQRA  
12 in the preliminary final area of this. I don't  
13 see it changing significantly because nothing  
14 has changed within it. That being said, is  
15 that going to hurt them with the Army Corp?

16          MR. JONES: That does have the potential  
17 to affect us with the Army Corp. We needed our  
18 negative declaration of adverse impacts to  
19 move forward with our disturbance permits.  
20 That was a requirement of that process.

21          MR. STELLATO: It's the same plan so the  
22 SEQRA approval goes with the plan. The  
23 environmental assessment evaluates the plan  
24 and the plan hasn't changed. What we're really  
25 asking for is the same approval a second time.

1                   CHAIRMAN O'ROURKE: Brad, can you certify  
2 that there hasn't been any changes to the  
3 plans since the SEQRA?

4                   MR. STUTO: To the environment such to  
5 effect the environmental impact.

6                   MR. GRANT: Since 2007 - November 27th is  
7 when it got its neg dec. Basically, the  
8 changes of the loop road - they have already  
9 occurred.

10                  MR. JONES: The sole reason that we had  
11 to come back is because it took us 17 months  
12 after the Army Corp so we couldn't have  
13 changed anything in that process. That process  
14 has been consistent with us for much longer  
15 than we have been in front of the Planning  
16 Board of the Town of Colonie.

17                  MR. STELLATO: I can refer you to  
18 something that's in your records. This is a  
19 letter from CHA, August 4, 2009. This is a  
20 transmittal of this plan of the August 2009  
21 meeting. This letter states that we're  
22 resubmitting again the same -

23                  CHAIRMAN O'ROURKE: That's fine. As part  
24 of that, we're going to reaffirm the negative  
25 declaration that was declared.

1 Do I have a motion on that?

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

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

4 MR. SULLIVAN: I'll second.

5 CHAIRMAN O'ROURKE: All those in favor?

6 ***(Ayes were recited.)***

7 CHAIRMAN O'ROURKE: Opposed?

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

9 CHAIRMAN O'ROURKE: So the neg dec has  
10 been reaffirmed.

11 In regard to the motion that I brought  
12 up, anybody on the board have other things  
13 that they want to add or discuss?

14 MR. SULLIVAN: Are you taking away the  
15 requirement for secondary ingress and egress?

16 CHAIRMAN O'ROURKE: As part of my motion,  
17 I would be for taking that out.

18 MR. SULLIVAN: I would be opposed to  
19 that.

20 CHAIRMAN O'ROURKE: Anybody else?

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

22 CHAIRMAN O'ROURKE: So on the motion with  
23 the second means -

24 MS. VAIDA: They're taking it out  
25 permanently or just for this phase?

1                   CHAIRMAN O'ROURKE: No, this will be  
2 taken out permanently.

3                   MR. LACIVITA: Can I make a suggestion to  
4 maybe alter that motion, C.J., to say that if  
5 the building land triggers a certain occupancy  
6 that maybe a secondary means might be looked  
7 at again?

8                   CHAIRMAN O'ROURKE: Again, if the motion  
9 is not accepted then we could have an  
10 additional motion with the second means in.

11                   My contention on this is that there are  
12 many other sites that have been built in the  
13 town that have driveways to them with  
14 additional buildings. This, in my opinion, is  
15 not what Century Hill is. Century Hill is a  
16 roadway that's owned by the town that has  
17 office buildings off of it. So, when that fire  
18 occurred on that building, it closed that  
19 road. If fire were to happen in one of these  
20 buildings, it doesn't close their driveway  
21 off. Within the town, it doesn't close off  
22 anybody's driveway and I just think that the  
23 town is burdening the applicant unnecessarily.  
24 If we had to get in there anyway, that path  
25 exists and it will exist forever and we'd

1 still be able to gain access to the property  
2 through that, with the exception of a couple  
3 of months a year.

4 MR. NARDACCI: They have discussed  
5 widening it 12 feet and adding additional  
6 pavement. If we did a motion that says you  
7 don't need it, there would be no additional  
8 improvements done there.

9 CHAIRMAN O'ROURKE: That's correct.

10 MR. NARDACCI: I thought that it was  
11 ridiculous and I think that you did, too,  
12 regarding what was going to be previously  
13 required to cross it over -

14 CHAIRMAN O'ROURKE: Right, but understand  
15 that if we approve this with that, we're going  
16 to have to send somebody out on the clearing  
17 machine to keep it cleared. If anything did  
18 happen with the second means, they couldn't  
19 get through and then the town becomes liable.

20 MR. NARDACCI: Just from what I've seen  
21 here from fire and hearing Brad's overview of  
22 it, I would be more comfortable sticking with  
23 that access. I understand what you're saying  
24 about creating additional burdens and  
25 expenses. I just would feel more comfortable,

1 myself, just so that everyone is clear with  
2 that.

3 CHAIRMAN O'ROURKE: That's fine. How do  
4 you feel, Paul?

5 MR. ROSANO: Did we remove the second  
6 egress?

7 CHAIRMAN O'ROURKE: Yes, we did.

8 MR. ROSANO: I'm in favor of that.

9 Going into a piece of property that we  
10 don't know anything about - you're opening a  
11 can of worms and you don't even need to go  
12 down that road. For the town to be liable for  
13 it, I don't see any reason to have it at this  
14 point in time.

15 CHAIRMAN O'ROURKE: Well, it's forever.

16 MR. ROSANO: Right, that's what I'm  
17 saying.

18 CHAIRMAN O'ROURKE: Elena?

19 MS. VAIDA: If I understand what you're  
20 saying, there is actually a second ingress and  
21 egress through the path. It exists but it  
22 doesn't require them to improve it.

23 MR. GRANT: It exists - and I don't know  
24 if this conversation came up in the field, but  
25 it would probably accommodate an ambulance.

1 MR. STELLATO: Provided that it wasn't in  
2 the wintertime, sure.

3 CHAIRMAN O'ROURKE: The other thing is a  
4 ladder truck.

5 MR. GRANT: Right and that's what would  
6 require the additional widening that Tony  
7 showed and some additional cross section so  
8 that it would support the weight.

9 MS. VAIDA: And that's owned by the town?

10 MR. STELLATO: This is owned by the  
11 county.

12 MR. GRANT: Well, it's on county land.

13 MS. VAIDA: So if you widen it, it  
14 becomes the town's obligation to keep it  
15 clear.

16 MR. GRANT: I know that the county won't  
17 do it. They won't even take care of the signal  
18 that connects the roads. So, I don't think  
19 that they will buy into maintaining this road.

20 C.J. brings up a good point. Let's say  
21 eight snowstorms and that's eight times that  
22 somebody is going out and maintaining that. I  
23 understand why Pete wanted it, but it does  
24 come with more than just one price.

25 MS. VAIDA: And how wide is the one

1 driveway down?

2 MR. STELLATO: The existing path?

3 MR. VAIDA: The access.

4 MR. STELLATO: It's 32.

5 MS. VAIDA: At one point, were you asked  
6 to make that wider? That's not the one that  
7 you wanted to reduce down to 12 feet.

8 MR. STELLATO: No. The 12 foot issue was  
9 with respect to the multiuse path. Currently  
10 the pavement varies. It's about 10 feet wide  
11 at the narrowest point. The state fire code  
12 would require that we provide a 20 foot wide  
13 emergency access path. However, because it's a  
14 pretty level area for a pretty good width,  
15 Pete Lattanzio supported not over widening  
16 that path and just having it 12 feet wide and  
17 he would support a variance -

18 CHAIRMAN O'ROURKE: Again, it's outside  
19 the fire law that he's proposing.

20 MR. NARDACCI: Brad, if this parcel has  
21 just one means of egress, is that inconsistent  
22 with other commercial properties in the town?

23 MR. GRANT: I don't think so, no, in so  
24 far as it gets you back to the cul-de-sac.

25 MR. NARDACCI: My main concern is that I



1 want to make sure that it's consistent.

2 MR. LACIVITA: Tom, I agree with the  
3 consistence. From Albany-Shaker Road to the  
4 cul-de-sac - what is the length of that road?  
5 The reason that I said that was that 400 feet  
6 off Albany-Shaker Road you're going to ask for  
7 a hydrant. If that first building is in, that  
8 first pumper in is going to drop a hose  
9 therefore cutting off any access going around  
10 that cul-de-sac or anything at that point.

11 MR. STELLATO: They have ramps that they  
12 could put over the hose.

13 MR. LACIVITA: The first pumper in is not  
14 going to be putting a hose ramp over that at  
15 that point in time. He's dropping hoses and  
16 getting to the fire. He's going to fight the  
17 fire immediately. It's probably your second or  
18 third application that comes in that's going  
19 to move toward that.

20 MR. STELLATO: When I was a volunteer  
21 fireman in Colonie, if we blocked the road  
22 with our hoses we put hose ramps over it.

23 MR. LACIVITA: Maybe it's changed over  
24 time. It wasn't like that when I was. I'm just  
25 saying that you have a roadway and you know

1 that there is going to be hydrant half way up  
2 that. So the first pumper in is dropping hose.  
3 So there is a possibility that roadway is  
4 going to be blocked.

5 CHAIRMAN O'ROURKE: Well, then make them  
6 put a hydrant in the back.

7 MR. STELLATO: We could do that. You can  
8 put a hydrant back here and then you've got a  
9 road this way and you've got a road that way.

10 CHAIRMAN O'ROURKE: Put the other hydrant  
11 in. It's on a loop. That's a good point, Joe.

12 Brad, please make a note about that.

13 MR. NARDACCI: With that said, Brad's  
14 comments said - I'd be fine with your  
15 resolution.

16 CHAIRMAN O'ROURKE: Elena?

17 MS. VAIDA: I can only rely on what the  
18 experts say on this so if everyone is  
19 comfortable with that and you don't feel that  
20 it's putting any residents or potential  
21 workers there, I'm not going to object to it.

22 CHAIRMAN O'ROURKE: Peter?

23 MR. GANNON: I agree with you. I think that  
24 one access point is satisfactory. We would  
25 need emergency personnel in there. I think

1           that the solution of adding an additional  
2           hydrant to preserve the looping aspect of the  
3           roadway eliminates that concern for me. I have  
4           no problems with it.

5           MR. GRANT: I think that the provision  
6           for hydrants in back would have been provided  
7           quite honestly, anyway. There will be Siamese  
8           connections at the buildings to support the  
9           sprinkler system. That was going to happen.

10          CHAIRMAN O'ROURKE: Joe, you want to read  
11          the motion back?

12          MR. GRANT: Would you want to leave  
13          provisions or flexibility to the board to  
14          consider that at a build-out threshold?

15          CHAIRMAN O'ROURKE: I just hate to  
16          handicap the applicant at the back end of the  
17          project and say, oh by the way the board has  
18          changed and you have to put a road in. I don't  
19          think that's fair to do.

20          MR. GRANT: But that tie to something to  
21          the south may have happened to where one of  
22          those is connected to one of those stubs and  
23          we don't have to mess around with a walkway.  
24          I'm just wondering if you want any flexibility  
25          for the future where you might change your

1 mind and want this emergency access.

2 CHAIRMAN O'ROURKE: I don't foresee  
3 anything. There are two additional stubs off  
4 of it. If that were to be built-out with  
5 additional office parks and depending on the  
6 zoning, that would be self mitigating, in my  
7 opinion.

8 MR. LACIVITA: The motion to approve with  
9 a secondary means of access or egress will be  
10 via the multiuse path, consider adding  
11 secondary hydrant at a cul-de-sac so not to  
12 block the access point and to make provision  
13 for a future stub and future development.

14 CHAIRMAN O'ROURKE: And to the sidewalk  
15 portion to be paved - the work to be performed  
16 and paid for up front by the applicant to be  
17 credited against traffic mitigating fees and  
18 the airport GEIS.

19 MR. STELLATO: That's at Sand Creek.

20 MR. LACIVITA: What's the address?

21 MR. STELLATO: That's 625 Sand Creek  
22 Road.

23 MR. GRANT: The public versus private?

24 CHAIRMAN O'ROURKE: Keep the ROW exactly  
25 the way that it is now. We don't want to own

1 any more road. That means anything that is  
2 presently Town of Colonie ROW is all we want.

3 MR. GRANT: Right out to the main road.

4 CHAIRMAN O'ROURKE: Right, you guys take  
5 care of it.

6 Do I have a second on that lengthy  
7 motion?

8 MR. NARDACCI: I'll second.

9 CHAIRMAN O'ROURKE: All those in favor?

10 MR. NARDACCI: Aye.

11 MR. ROSANO: Aye.

12 CHAIRMAN O'ROURKE: Aye.

13 MS. VAIDA: Aye.

14 MR. GANNON: Aye.

15 CHAIRMAN O'ROURKE: All those oppo0sed?

16 MR. SULLIVAN: Nay.

17 CHAIRMAN O'ROURKE: And just make sure  
18 that you put in there that he's opposed to  
19 strictly on the secondary access.

20 Right, Mike? I don't want to speak for  
21 you.

22 MR. SULLIVAN: No, that's right.

23 CHAIRMAN O'ROURKE: Good luck, gentlemen.

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*(Whereas the proceeding concerning the above  
entitled matter was adjourned at  
10:08 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  
12  
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14 -----  
15 **NANCY STRANG-VANDEBOGART**

16  
17  
18 **Dated May 24, 2010**