

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

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5 GIOVANONE OFFICE BUILDING
6 37 OLD SPARROWBUSH ROAD
7 AMEND LOCATION OF 8 PARKING SPACES
8 DUE TO DEC SITE PLAN REVIEW

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11 THE TAPED AND TRANSCRIBED MINUTES of the above
12 entitled proceeding BY NANCY STRANG-VANDEBOGART
13 commencing on May 18, 2010 at 7:06 p.m. at the
14 Public Operations Center 347 Old Niskayuna Road,
15 Latham, New York 12110

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18 BOARD MEMBERS:

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20 CHARLES J. O'ROURKE, CHAIRMAN
21 THOMAS NARDACCI
22 MICHAEL SULLIVAN
23 ELENA VAIDA
24 PAUL ROSANO
25 PETER GANNON
26 PETER STUTO, Jr. Esq., Attorney for the Planning
27 Board

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30 Also present:

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32 Joe LaCivita, Director, Planning and Economic
33 Development

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36 Brad Grant, Barton & Loguidice

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38 Sang Kim, S.Y. Kim Land Surveyors, PC

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40 Michael Giovanone

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42 Debbie Giovanone

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44 Eugene Kim, S.Y. Kim Land Surveyors, PC

1 CHAIRMAN O'ROURKE: First on our agenda
2 this evening is the Giovanone office building,
3 37 Old Sparrowbush Road. We're looking to
4 amend location of eight parking spaces due to
5 some changes with DEC and the mitigated
6 wetlands.

7 Joe, you don't have anything so I'll go
8 right to the TDE.

9 Actually, Mr. Kim, will you first bring
10 us up to speed on the DEC and why we're back
11 this evening?

12 MR. SANG KIM: I'm going to defer to
13 Eugene from our office.

14 CHAIRMAN O'ROURKE: Okay, very good;
15 thank you.

16 MR. EUGENE KIM: Where we left of in
17 January is that we received conditional
18 approval. We did get approval through the Army
19 Corp of Engineers and the New York State
20 Department of Environmental Conservation. So,
21 basically the Army Corp of Engineers approved
22 it, but the DEC had an issue with the stream
23 in the middle here (Indicating). They kind of
24 recognized it as an environmentally sensitive
25 area, so they had to give us a few options and

1 recommendations for changing things. This is
2 the older map from before we made the changes.
3 Basically one of them was moving the planter
4 area. Another one was to decrease the street
5 impact here.

6 We have about 155 feet of stream that is
7 being impacted and basically we have changed
8 the design, the culvert, from here
9 (Indicating) and change it around and decrease
10 the linear footage of impact to 75 feet.

11 Basically another thing that we've done
12 that the DEC recommended was take away the
13 plant area and we've extended this area about
14 10 or 15 feet for more buffer zone. We changed
15 around a few parking areas. We removed three
16 parking spaces .and basically with the eight
17 spaces all together that we removed, we added
18 them in these spaces (Indicating).

19 So basically we retained the same amount
20 of parking spaces and also with one of the
21 green area.

22 One of the comments that the TDE had for
23 us was that there was 20 square feet of
24 landscaped greenspace estimated for parking
25 space; we have 141 parking spaces all

1 together. That comes out to 2,820 feet of
2 required parking space and the green area for
3 islands we calculated it out to be 2,900
4 square feet.

5 I believe that's it.

6 CHAIRMAN O'ROURKE: Just one quick
7 question for you and I'll turn it over to the
8 TDE.

9 Mr. Giovanone, was the notice done in the
10 Times Union - the 15 day comment notice?

11 MR. GIOVANONE: Yes.

12 CHAIRMAN O'ROURKE: If you could just get
13 us a copy of that. We need it in for the
14 records to make sure.

15 DEC required that public comment period
16 of 15 days be posted as part of the
17 stipulation. So I just wanted to make sure
18 that went into the record.

19 At this point, Brad, why don't you take
20 it and explain where we are at with this
21 project?

22 MR. GRANT: Absolutely. We have issued a
23 comment letter that should be in your packets.
24 This came fairly late in the game. We met with
25 Joe LaCivita and Mike Lyons and received some

1 working drawings of what those changes were. I
2 think that Eugene pretty much summarized it
3 well. The two most significant changes were
4 the relocation of parking spots, and the other
5 was the significant shortening of the drainage
6 outfall into the stream that bisects the
7 property. I'd like to just go into my
8 comments.

9 One, we'd like to get copies of the
10 correspondence back and forth with the corp
11 and the DEC. It's our understanding that the
12 option that I have in front of me is option
13 three. If they're amendable to that, we are
14 too, insofar as what the change is to minimize
15 wetland impacts.

16 There were talks about the recent
17 delineation to wetlands and the coordination
18 by the owner and his consultant in relocating
19 those eight parking spaces. The original
20 concept and as it is now - there is 141 spaces
21 which is actually seven more than the required
22 of 134. The applicant has chosen to relocate
23 all of those eight that had to be relocated
24 from the wetland buffer zone and impacts. Five
25 of the parking spaces relocated are basically

1 on the end of the most easterly run and there
2 is a concern of those because of where they
3 are. Cars backing out of there would not only
4 block the entire length of the aisle, but also
5 the main drive coming in. It's our feeling
6 that, quite honestly, I would go with 136
7 spaces and just not do those spaces over there
8 (Indicating). You're still going to be two
9 more than the minimum.

10 One of the things in discussions that we
11 have had was the modern office building is a
12 little different than it was 20 years ago.
13 Corporate American gets the same amount of
14 work out of probably 15% less employees less
15 these days. There are computers and the need
16 for more space for computer tables and other
17 work tables. There just aren't as many
18 employees as there used to be. A lot of towns
19 and Planning Boards are finding that some of
20 these lots just aren't needed to the extent
21 that they are. They may need 90% of them, but
22 there are still a number of empty spaces. I'd
23 love to say that it's because we're all
24 carpooling and using mass transit but
25 Americans love their cars. There is just less

1 people going to these lesser square foot
2 buildings. In relating to that, there are less
3 parking spaces needed. It has evolved. It
4 would be our recommendation to ditch those
5 last five spots.

6 In the west lot there was basically two
7 moves over to the other side. What was a grass
8 island could become parking spaces. It's
9 actually closer to the front door. Without
10 those five, the additional ones that you've
11 shown on the east lot would definitely work.
12 It would be all right to not do those five
13 others closer to the drive. That's basically
14 comments two, three, and four.

15 The planter area that Eugene had talked
16 about that was going to be in the wetland
17 buffer should be fine without it. It would
18 have been nice, but perhaps something can
19 happen along the backside of the building.

20 There is a sidewalk along leading away
21 basically along the drive from the easterly
22 lot to the westerly lot. For those who are not
23 using the pedestrian bridge to get to the
24 building - because of grading, it gets more
25 true as you get to the drainage outfall. There

1 is a bit of a slope there. I'd like to see a
2 detail for that guide rail next to the walk.

3 The guide rail is probably more of a
4 misnomer. It's more of a railing. It's for
5 pedestrians. The curve that forms that front
6 edge of the sidewalk will keep the cars from
7 picking up pedestrians. We want to keep people
8 safe on the walk and not fall down the hill,
9 practically on the outfall. There is a number
10 of ways of doing that. I think that the
11 original concept of the guide rail was going
12 to be wood. It was kind of a timber type of
13 look that would go along with the pedestrian
14 bridge. I think that Mike has some different
15 ideas. We had a discussion the other day. I
16 think that you were thinking of a premium
17 chain link fence, epoxy coated or vinyl
18 coated, I should say.

19 MR. GIOVANONE: Black ornamental wrought
20 iron.

21 MR. GRANT: The black ornamental wrought
22 iron is a fence that is proposed elsewhere
23 along Old Sparrowbush Road and might be, in my
24 opinion, a better look. Basically what you're
25 looking for is containment, whether it's

1 42 inches tall or 48 inches tall; essentially,
2 more than just a guide rail. It's something
3 that keeps someone contained in the walk.

4 There are site statistics. Table one,
5 sheet one of ten - the site plan - I think
6 Eugene just noted that some new numbers for
7 that green area. Those would just need to be
8 updated.

9 Lastly, the length of the proposed
10 extension of that 48 inches has been reduced
11 to reduce wetland and buffer zone impacts.
12 Right now there is a headwall shown and it's
13 in a very tight area that is planned, so it's
14 tough to see grading or anything.

15 The concept of the retaining wall should
16 be given some more thought. I think that there
17 is another alternative there that can
18 basically be done less expensively and not
19 create such a confined hole and done in a way
20 where perhaps a 45 degree bend aluminum pipe
21 could be added to eliminate the concrete
22 headwall. That's going to be an expensive
23 wall. There are relatively tall footings,
24 custom construction, rebar concrete and the
25 whole nine yards. What concerns me is that

1 right across from the discharge of the 48 inch
2 is a wall that is perpendicular to that flow.
3 I think that the bend could essentially get it
4 lined up better with the stream and perhaps a
5 grouted riprap and take the place of what's
6 reinforced concrete. I think that it would be
7 more of a less expensive alternative to look
8 at. There are a number of ways of doing that.
9 The key is not to expand the footprint beyond
10 what DEC is expecting. You would want to check
11 with them and make sure with anything that
12 would be proposed, since you have gone this
13 far. But I don't think that they would have a
14 problem with that as long as you weren't
15 lengthening your impacts beyond what you're
16 showing here. I think what I'm talking about
17 could be done or something similar to save
18 some money and not have a potential tail water
19 effect on that culvert. I know the guy on the
20 other end of that culvert.

21 There was a fairly good drop in there and
22 I don't see it as being a major problem or
23 significant drop in that culvert, but there
24 could be quite a turbulence there which only
25 occurs on a rare occasion.

1 Most of the time the DEC people noted
2 that there is not much of a flow in this
3 stream. That is a 48-inch culvert for a
4 reason. There is a lot of pavement pointed at
5 this and when the heavens open up, that's
6 going to flow significantly.

7 MS. GIOVANONE: We would have no
8 objection to giving up the five parking
9 spaces. That's no problem at all.

10 As far as your suggestion on this road,
11 change in technology with the headwall - as
12 long as DEC has no objection to it, we would
13 have no objection to it.

14 MR. GRANT: They are the key. I don't
15 think that they would. I don't think that a
16 riprap apron with a bunch of walls on it is
17 what they're looking for as far as an open
18 stream. I think that they have recognized that
19 footprint as a disturbance. What they're
20 really interested in is what comes after that.
21 It's significantly less than what it was. My
22 guess is that they'll go along with that.

23 MS. GIOVANONE: We may have DEC call you.

24 MR. GRANT: Okay. That's no problem at
25 all.

1 CHAIRMAN O'ROURKE: Again, I think that
2 because final has been conditionally given to
3 this project, these end up to be housekeeping
4 type items.

5 So, again, I did meet with Gene, Joe,
6 Mike and Mr. Sang and we just wanted to bring
7 it back here. My opinion was the same as
8 yours. Those parking spaces create more
9 problems than they solve.

10 Again, we wanted to bring it back here so
11 that the board could relook at it because the
12 footprint obviously would change a little bit
13 even though they are above the parking that is
14 required. I would be happy to see those spots
15 go away.

16 My question is: Could the planter that
17 was removed, could that go up into that area
18 or get some additional landscaping up on that
19 side?

20 Brad, if you could just put in your notes
21 as you look at the fencing proposal -- I'm
22 sure that with the money that you're saving
23 the applicant, he probably would want to put
24 some planters up there.

25 MR. GRANT: I think that the best course

1 of action at this point was to have the
2 conversation with DEC - a possible different
3 scenario at the end. Make sure that they would
4 be on board with that.

5 If that is the change, we'd also like to
6 see that and all of the items from our
7 December letter which was December 10th.

8 It was to have the plans revised to
9 address all of those comments and these
10 comments from this letter and then resubmit
11 it. Then it will be ready for final approval.

12 I'd be happy to talk to DEC.

13 CHAIRMAN O'ROURKE: We did grant final.

14 MR. GRANT: Yes, there was conditional.

15 CHAIRMAN O'ROURKE: They have met the
16 conditions, right? We're not going to have to
17 revote on it?

18 MR. GRANT: No. There were some items in
19 that letter that required some planned
20 amendments and this is another amendment.

21 CHAIRMAN O'ROURKE: Then what I would ask
22 as it goes forward is to update the board when
23 you are of the belief that those items in that
24 letter have been satisfied. I think that we're
25 looking at sooner rather than later?

1 MR. GRANT: Right.

2 CHAIRMAN O'ROURKE: How quickly do you
3 think that you could tie up all those loose
4 end items?

5 MS. GIOVANONE: We expect that DEC will
6 issue a permit as soon as the 15-day period is
7 over. The other items, they could be addressed
8 very quickly.

9 CHAIRMAN O'ROURKE: Okay. So, Brad, will
10 that work in your time frame? Say in three
11 weeks we can tie this up?

12 MR. GRANT: Yes. There is not a lot left.
13 As soon as you get it in, I think that within
14 a week we could get it done.

15 CHAIRMAN O'ROURKE: That's what I would
16 like to do.

17 Joe, just get it back on the agenda for
18 an informational that all the conditions of
19 that final approval have been satisfied to the
20 TDE. I don't think that we have to notice, but
21 I do want to put it on the record that those
22 conditions have been satisfied.

23 MR. LACIVITA: C.J., I don't know if this
24 works to what you're looking to try to do but
25 Tom has asked last week to give the board an

1 update on all the projects before the board.
2 If the process would allow that, the report
3 that I do along with any conditions at that
4 time have been met - we can kind of do it that
5 way as an update in a more informational
6 packet.

7 CHAIRMAN O'ROURKE: A project like this,
8 I think, needs to be brought to this forum
9 just to close the loop. If the neighbors see
10 an excavator out on Mr. Giovanone's property,
11 they don't call and say, hey, were all the
12 conditions met? We'll be on the record that
13 they have been met.

14 Just in terms of transparency, when this
15 does occur, Brad, you can let Joe know. there
16 is not anything that the board members will
17 have to do. The vote has already been taken.
18 Just to update the board so that everyone
19 knows that all the conditions have been met.

20 MR. GRANT: I would just ask Sang if you
21 would, in that submittal, just write a brief
22 letter and I can send you a Word version of
23 this letter and the old letter and just repeat
24 the comment and how it was addressed and it
25 would close it all out.

1 MR. SANG KIM: We have addressed the
2 previous one already, but if you can just send
3 over today's comments, we'll take care of it.

4 CHAIRMAN O'ROURKE: Just ensure that
5 there is communication and everything is
6 closed up.

7 Tom, did you have anything?

8 MR. NARDACCI: No thanks, C.J.

9 CHAIRMAN O'ROURKE: Paul?

10 MR. ROSANO: No.

11 CHAIRMAN O'ROURKE: Elena?

12 MS. VAIDA: No, I don't have anything;
13 thank you.

14 CHAIRMAN O'ROURKE: Mike?

15 MR. SULLIVAN: Nothing.

16 CHAIRMAN O'ROURKE: Peter?

17 MR. GANNON: I appreciate the update. I
18 agree with Brad and C.J's feelings about the
19 parking spaces. I'm glad that you agree, too.

20 CHAIRMAN O'ROURKE: So they're looking
21 for a motion to amend the site plan.

22 MR. SULLIVAN: I do have one thing and
23 it's minor. I would prefer to see the wrought
24 iron fence as opposed to the vinyl chain link;
25 for what it's worth.

1 CHAIRMAN O'ROURKE: So would I, Mike.

2 Brad, could you please put that in your
3 notes?

4 MR. GRANT: Sure.

5 CHAIRMAN O'ROURKE: Do I have a motion to
6 amend the site plan on the Giovanone office
7 building?

8 MR. SULLIVAN: I'll make the motion.

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

10 MR. ROSANO: Second.

11 CHAIRMAN O'ROURKE: All those in favor?

12 ***(Ayes were recited.)***

13 CHAIRMAN O'ROURKE: All those opposed?

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

15 CHAIRMAN O'ROURKE: Good luck,

16 Mr. Giovanone.

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19 ***(Whereas the proceeding concerning the***

20 ***above entitled matter was adjourned***

21 ***at 7:32 p.m.)***

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CERTIFICATION

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

NANCY STRANG-VANDEBOGART

Dated June 16, 2010