

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3
4 *****
5 REVIEW AND ACTION ON FINAL SUBMISSION
6 OF THE PROPOSED
7 LOUDON SQUARE - 399 ALBANY SHAKER ROAD
8 *****

9 THE TAPED AND TRANSCRIBED MINUTES of the above
10 entitled proceeding BY NANCY STRANG-VANDEBOGART
11 commencing on Jaunuary 11, 2011 at 7:09 p.m. at the
12 Public Operations Center 347 Old Niskayuna Road,
13 Latham, New York 12110

14 BOARD MEMBERS:

- 15 PETER STUTO, CHAIRMAN
- 16 THOMAS NARDACCI
- 17 LOUIS MION
- 18 PAUL ROSANO
- 19 MICHAEL SULLIVAN
- 20 TIMOTHY LANE
- 21 KATHLEEN DALTON
- 22 ELENA VAIDA, Esq., Attorney for the Planning Board

23 Also present:

- 24 Joseph LaCivita, Director, Planning and Economic
Development
- 25 Joseph Grasso, Clough Harbour & Associates
- Victor Caponera, Esq.
- Jim Kitts, Green Meadows Civic Association
- Phil Zabatte
- Joe Mahota

1 CHAIRMAN STUTO: Good evening, everybody.
2 Thank you for coming. I'm the new Chairman of
3 the Planning Board. My name is Peter Stuto. I
4 was the Counsel for two plus years and now I'm
5 back with you.

6 The new members are Kathy Dalton, Louis
7 Mion, Tom Nardacchi has been here, Mike
8 Sullivan, Tim Lane, Paul Rosano, our Counsel,
9 Elena Vaida, and Joe LaCivita is head of our
10 department. Next to them will be the Town
11 Designated Engineers. Those are private
12 engineers who work for the Town, but they are
13 paid for by the applicants - by the
14 developers. They do the work for us, but they
15 are paid for by the developers.

16 I didn't get to talk to everyone on the
17 Board about this, but one topic is minutes.
18 The Town Board doesn't separately do an
19 abstract of the minutes. They allow the
20 transcript to stand as the record of the
21 meeting and that complies with the Open
22 Meeting Law. It would take care of any
23 ambiguity or any inconsistency that might
24 occur between the two documents. Does anybody
25 have a feeling on allowing the transcript to

1 stand as the minutes?

2 MR. NARDACCI: I think that it's a good
3 idea. Everything it says in here - why
4 interpret the minutes? I think it's a smart
5 idea to go with a transcription. They're
6 available on the website pretty quickly, so I
7 think that it's a good idea.

8 CHAIRMAN STUTO: Anybody else have any
9 thoughts on that?

10 MS. VAIDA: I also thought that it was a
11 good idea. The way that it's done now, it will
12 continue - it's the topics that are covered at
13 the meetings. They head the minute page, so if
14 people are looking for a particular project
15 they can easily find it.

16 MR. ROSANO: Is there a time frame on
17 when they'll be available?

18 THE STENOGRAPHER: As soon as you need
19 them.

20 MR. ROSANO: How soon from tonight's
21 meeting will this be available on the website?

22 THE STENOGRAPHER: Paul, usually it's two
23 weeks, but if you need them earlier, I can get
24 them to you earlier.

25 MR. ROSANO: Thank you.

1 MR. LACIVITA: That's one of the things
2 that Nancy and I talked about. If a project is
3 coming in and something is postponed or tabled
4 to another date, Nancy and I will work
5 together to try to make sure that those are
6 transcribed faster.

7 CHAIRMAN STUTO: Okay, we'll start that
8 procedure and if that becomes a problem, we
9 can revisit it.

10 Who is here from Loudon Square? Is the
11 presenter here from Loudon Square? Is it just
12 you alone, Victor?

13 MR. CAPONERA: No, I have Mr. Crisafulli
14 here, also.

15 CHAIRMAN STUTO: How long do you think
16 that will take?

17 MR. CAPONERA: I'm sure that it won't
18 take that long.

19 CHAIRMAN STUTO: It's not up for a vote
20 so if the Board has no objection, we'll take
21 that up front first.

22 Joe, do you want to give us an
23 introduction on that?

24 MR. LACIVITA: Sure. Mr. Caponera and
25 Mr. Crisafulli are here tonight. Loudon

1 Square, as you remember, Planning Board
2 members, is located at 399 Albany-Shaker Road.
3 It's a medical office use, as it was approved,
4 and a bank that was also on the site. This has
5 gone through Planning Board review and
6 Planning Board approval. The medical office
7 building actually is already erected. There is
8 one tenant that is currently in that space.
9 The bank has not been built yet because there
10 hasn't been a tenant.

11 The reason why Mr. Caponera and
12 Mr. Crisafulli are here tonight is to get kind
13 of a flavor from the Board because they are
14 actually in the process of signing on a
15 tenant. That is actually a Planning Board
16 administrative review as a change in tenancy.

17 The reason that they are here tonight is
18 because the square footage of the use actually
19 triggers a waiver. Before Mr. Crisafulli can
20 go forward and sign any lease with the tenant,
21 he wanted to get some type of feeling from the
22 Board if the waiver would be approved when the
23 application is made to the Board. So, that's
24 why we're bringing it here this evening in a
25 sketch plan review. No vote would be taken.

1 It's just kind of a feel for what the approval
2 would be.

3 MR. LANE: So, we're not granting a
4 waiver tonight?

5 MR. LACIVITA: We won't because there is
6 no application before us, Tim. The
7 application, once he does it, is actually
8 going to be an interior bid out. So it will be
9 a review between the Planning Department and
10 the Building Department. It would be an
11 application to amend the site plan, as
12 approved, once it comes in.

13 CHAIRMAN STUTO: Anyone have any
14 questions for the applicant?

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

16 MR. CAPONERA: If that didn't confuse you
17 enough, maybe I can further that.

18 Joe was exactly right. This was approved
19 some time ago and this particular site plan
20 shows the site as it currently exists. Let me
21 explain what I mean.

22 The building is currently on the property
23 which is right here (Indicating). That's the
24 two-story office building that I'm sure that
25 everyone has been by. Some of us have been in

1 it. This is Phase II, which has not been built
2 yet. If you're driving by there you'll see
3 that there is an opening there. We're trying
4 to get a bank in there. In fact, when the
5 Planning Board acted on this project, they
6 approved a bank layout that is just about like
7 this (Indicating). This shows a bank located
8 in this area. We've actually looked at that
9 layout and when the time comes, I'm assuming
10 that when a bank comes in wants to take this,
11 we'll be back in front of the Board proposing
12 another layout that looks a little bit like
13 this. That's pretty much the same. It's just
14 in another location.

15 Let me just talk to you about what we're
16 doing and why we're here. It's real simple.

17 This approved site plan was for a 23,760
18 plus or minus office building - two stories.
19 I'm sure that everyone has seen it. The funny
20 thing is that when it was built-out, it
21 actually came out to about 1,000 square feet
22 less. The building is actually 22,783. If
23 you've been to the building, you can see that
24 the back entrance, the main entrance is kind
25 of cut off. The building is about 1,000 square

1 feet smaller than what you folks approved. If
2 you divide that by simply 200 - that's
3 typically the parking requirement. I'll
4 explain what I mean.

5 For medical office you need 170 square
6 feet - one space per 175. Normal offices are
7 225. So if you just take the average which
8 would be 200, it's about five spaces less than
9 what would be required. If we build a bank,
10 which would go over here, under the code we'd
11 need nine spaces. When we came in, we put a
12 self-imposed regulation on this. It wasn't
13 required by the Town. Nobody required it from
14 the Planning Board, but we said 50 percent
15 medical and 50 percent office. That's what we
16 put on this project.

17 The entire first floor is occupied by
18 Albany Invetro Fertilization. It's a very
19 specialized medical office. What that means is
20 that it's not your standardized medical office
21 where doctors sometimes double or triple book.
22 Very, very few people come into this location.
23 This is a specialty where women who can't get
24 pregnant seek this office to get fertilized.
25 It's a very, very specialized practice and

1 there is very, very few people that come
2 through this office on a given day. I was in
3 this office yesterday for better than an hour
4 and it was amazing how few parking spaces are
5 being used. The bulk of the parking over there
6 is used by the employees. The fact is that
7 this office is not used for medical
8 operations. So about 25 percent is for medical
9 purposes like examining rooms and rooms where
10 the invetro fertilization takes place. The
11 rest of it is regular offices.

12 So one could make an agreement and in
13 fact under the code, when we look for waivers,
14 this is one of the requirements that you have
15 to talk about. The total number of parking
16 spaces may be reduced by the Planning Board to
17 the extent that the applicant can demonstrate
18 that if a regulation is unnecessarily
19 stringent for reasons such as unique use,
20 shared dual use, availably of regular public
21 transit or participation in a transportation
22 management association, then the Board
23 actually can grant a waiver of 50 percent of
24 the requirement. The Board has the authority
25 to do that. So, I'm explaining this to the

1 Board so that you can understand what the
2 first floor is being used for. It's all
3 medical and we're using it under the current
4 guidelines, which is 175 square feet per
5 space.

6 My client now has an opportunity here to
7 lease a portion of the second floor for a
8 dentist. This dentist currently has his
9 practice on Western Avenue, but he lives in
10 the Town of Colonie and would like to bring
11 his practice into the Town of Colonie. It's a
12 dental office. I would read this to the Board
13 and will make it a part of the record.

14 CHAIRMAN STUTO: Can you tell me what
15 percentage of your presentation you're
16 through?

17 MR. CAPONERA: I'm almost done.

18 "I'm interested in leasing space at
19 399 Albany-Shaker Road. The premises is in
20 Loudon Square operated by Crisafulli. I
21 presently employ six staff members. Two of the
22 staff members are hygienists. Each provider
23 sees a patient every 45 minutes. My schedule
24 varies. However, there are an estimated two
25 patients per hour. If there are any other

1 questions - "

2 This is Doctor Polsinello.

3 The bottom line to this request is that
4 we only need a three space waiver from this
5 current layout. That's all we're looking for.
6 The reason that we're here tonight - and Joe
7 was good enough to put us on - is to get a
8 flavor from the Board as to whether or not
9 you're interested. My client won't enter into
10 a contract with this dentist who wants to come
11 in unless we can be pretty sure that we're
12 going to get a parking waiver. That's pretty
13 much it.

14 CHAIRMAN STUTO: Mike, I'm going to start
15 with you.

16 MR. SULLIVAN: I have no problem with the
17 request for the parking waiver.

18 CHAIRMAN STUTO: Any questions?

19 MR. SULLIVAN: No questions.

20 CHAIRMAN STUTO: Tim?

21 MR. LANE: The space that is dedicated to
22 the bank - that's entirely dedicated, so the
23 spaces that are needed are for the bank.

24 MR. CAPONERA: In fact, we're going to
25 have 18 spaces for the bank.

1 MR. LANE: But if a bank comes in, are
2 there spaces so that if someone that is going
3 into the medical office park over on the
4 bank's side -- is there's an issue there?

5 MR. CAPONERA: It is shared. It's not
6 exclusivity. The code only requires nine.

7 MR. LANE: I'm just asking - there is not
8 going to be issues between who is parking
9 where.

10 MR. CAPONERA: Absolutely not.

11 MR. LANE: Say there is suddenly a rush
12 of people coming in, the dentist overbooks,
13 etcetera.

14 MR. CAPONERA: No.

15 MR. LANE: I really have no issue with
16 this.

17 MR. ROSANO: I have nothing, Peter.

18 MR. NARDACCI: I think that just in
19 general, we've come up against this on other
20 projects where the Town has pretty strict
21 parking requirements. It's something that I
22 know the Town is looking at, overall. Not
23 every development is a shopping mall. I don't
24 have a problem with that at all.

25 MR. MION: I don't have any problem with

1 it.

2 CHAIRMAN STUTO: Kathy?

3 MS. DALTON: I'm new so I apologize up
4 front if I'm asking something that everybody
5 else already knows.

6 I have no problem with the parking, but I
7 did notice that only 50 percent of the
8 building was put for medical use so we can say
9 that dental is non-medical?

10 MR. CAPONERA: Dental would be a medical
11 use.

12 MS. DALTON: And do you already have a
13 waiver for that?

14 MR. CAPONERA: I don't know if we have to
15 have a waiver for that. We self-imposed the
16 50 percent. It was the Board's approval, but
17 it didn't say 50 percent has to be medical and
18 50 percent has to be office. That's what we
19 put on it. The answer would be no.

20 MS. DALTON: Okay, then I have no
21 problem.

22 CHAIRMAN STUTO: Okay. We want to hear
23 anyone from the public who has an interest in
24 this.

25 MR. KITTS: I'm Jim Kitts from the Green

1 Meadows Civic Association. We, as an
2 association, do not have a problem with the
3 three spaces. We do want to be aware in the
4 future where we're talking 10, 20 or 30 car
5 variances on it. We have no problem with this
6 variance at all.

7 CHAIRMAN STUTO: How have the issues gone
8 through construction and the initial tenants?

9 MR. KITTS: It's been fine. We're very
10 happy the way that it's been.

11 CHAIRMAN STUTO: Okay. Anybody else on
12 this project?

13 MR. ZABATTE: I was here at the last
14 meeting. My name is Phil LaBatte. I was here
15 at the last meeting for three and a half
16 hours. They were talking about the Van Buren
17 subdivision. We thought that this was going to
18 be the first item on the agenda tonight. I'm
19 disappointed that we have deviated from the
20 notice here.

21 CHAIRMAN STUTO: I understand what you're
22 saying. We thought that this was going to be -

23 MR. ZABATTE: We thought that before and
24 we were here at 7:30.

25 CHAIRMAN STUTO: This one will be

1 wrapping up soon because we're not taking a
2 vote.

3 Any other questions?

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

5 I'll speak for myself. I don't have any
6 problem with it.

7 MR. MAHOTA: I have a question from a
8 planning standpoint - if you're going to grant
9 a variance or at some point a waiver - look at
10 the property as being conditional upon no
11 subdivision. Do you understand?

12 CHAIRMAN STUTO: No.

13 MR. MAHOTA: Future subdivision of that
14 land would affect how those individual
15 properties then discuss parking rights.

16 MR. LANE: That went to the question that
17 I had.

18 MR. MAHOTA: I agree. I was just thinking
19 that it should be considered for the future.

20 CHAIRMAN STUTO: If you ever decide to
21 subdivide it, it will come before this Board
22 again. That would be major. We'd be able to
23 address it at that time.

24 ***(Whereas the proceeding concerning the above***
25 ***entitled matter was adjourned at 9:07 p.m.)***

CERTIFICATION

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

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15 -----
16 ***NANCY STRANG-VANDEBOGART***

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19 ***Dated January 25, 2011***