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PLANNING BOARD COUNTY OF ALBANY  
TOWN OF COLONIE

\*\*\*\*\*  
BRANCH BANK - 98 WOLF ROAD  
SKETCH PLAN REVIEW  
\*\*\*\*\*

THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on February 15, 2011 at 7:01 p.m. at the  
Public Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- THOMAS NARDACCI
- LOUIS MION
- PAUL ROSANO
- KATHY DALTON
- ELENA VAIDA, Esq., Attorney for the Planning Board

Also present:

- Joseph LaCivita, Director, Planning and Economic  
Development
- Dan Hershberg, Hershberg and Hershberg

1           CHAIRMAN STUTO: This is just a sketch  
2 plan review this evening for the branch bank  
3 at 98 Wolf Rd.

4           MR. HERSHBERG: Thank you, Mr. Chairman  
5 and Board Members. My name is Daniel Hershberg  
6 and I'm with Hershberg and Hershberg. I'm here  
7 today representing BBL Construction Services,  
8 who is the applicant, to build a branch bank  
9 at 98 Wolf Road.

10           This is actually the driveway off of  
11 Wolf Road. This is Sand Creek Road  
12 (Indicating.).

13           CHAIRMAN STUTO: That's the existing  
14 drive right now?

15           MR. HERSHBERG: Yes, it is.

16           I have a plan that I can pass around. I  
17 have a large asterisk where it is.

18           We met with the DCC and talked about  
19 some issues that we have; the dumpster and  
20 some easements.

21           We originally had parking on the side. We  
22 moved the parking back to this area right here  
23 (Indicating.) However, the circulation  
24 driveway, in order to make the site plan work,  
25 will have to be within 50 feet of the road.

1           They haven't showed specific landscaping,  
2           but we do plan on doing that. They are going  
3           to have landscaping along the side of the road  
4           (Indicating).

5           The one issue here has to do with the  
6           density. When the site was developed, it was a  
7           .9 acre parcel in the rear. The owner had the  
8           time and dedicated it to the Town and made a  
9           roadway out of it. That became the extension  
10          of Computer Drive South. That used to be part  
11          of the site right here (Indicating). If they  
12          had not dedicated it to the Town, there would  
13          be no density issues at all because we would  
14          be 39.9 percent green. However, if you take  
15          off that almost one acre worth of property  
16          that's impacted by that roadway, we have  
17          34.4 percent green. That is somewhat under the  
18          requirement. We would ask the Board for  
19          consideration due to the fact that the  
20          applicant donated that land to build a roadway  
21          at their own expense. Whether or not a  
22          consideration would be required here, would be  
23          a question to the Board.

24                 Traffic will come out right here  
25                 (Indicating). Traffic will go this way out to

1 Sand Creek Road.

2 We took a look at the drainage out there.  
3 We drilled some test pits today. This was  
4 probably the coldest day of the year to be out  
5 there with a backhoe doing test pits in the  
6 wind. We've done that and it turns out, is it  
7 is as anticipated; sand. It is very porous. It  
8 is our intent to use porous pavement for all  
9 of our asphalt. We think there is enough  
10 separation of the groundwater to actually take  
11 the roof drainage and put that in a subsurface  
12 infiltration to handle that. If not, there's  
13 plenty of capacity across this roadway at  
14 another detention basin that lies between this  
15 access road and the property on the other side  
16 (Indicating).

17 We think it's a reasonable project. This  
18 bank believes that they need a branch here. I  
19 know quite often when we say we're putting in  
20 the bank branch, people say another bank? This  
21 is a banking strip and of course every bank  
22 thinks they need their presence within the  
23 Wolf Road corridor. That's a bank that we're  
24 trying to satisfy here.

25 Sewer and water are no issue here. There

1 is a very low demonstration of sewer and  
2 water. The sewer easement remains to the side  
3 and is unaffected by these plans. Later on in  
4 the process we will provide an application for  
5 a freestanding sign which we think will make  
6 the setback requirements. We will probably  
7 need a sign variance because of the total  
8 signage for the entire site. This is just a  
9 part of the entire complex.

10 We are governed by the green for the  
11 entire site and we're governed by the entire  
12 site. So, I anticipate that we'll have to ask  
13 for sign variance to put in a freestanding  
14 sign.

15 CHAIRMAN STUTO: Will that be before us  
16 or before the Sign Review Board?

17 MR. HERSHBERG: I think that will be  
18 before the Sign Review Board.

19 The bank site by itself is not overly  
20 dense all by itself. We anticipate a very nice  
21 landscaping plan, both along Wolf Road and  
22 along the driveway.

23 We would be happy to answer any questions  
24 that the Board would have.

25 CHAIRMAN STUTO: Joe, I know I usually

1 start with you. We're sort of a state of flux.  
2 I don't know if you have anything to say  
3 before you turn it over.

4 MR. LACIVITA: No, that's quite all right  
5 Peter.

6 CHAIRMAN STUTO: Kathy?

7 MS. DALTON: I have no questions.

8 CHAIRMAN STUTO: Lou?

9 MR. MION: I have a question concerning  
10 the parking. If I see it correctly, people  
11 have to get out of the car and walk across the  
12 parking lot?

13 MR. HERSHBERG: They have to walk across  
14 the driveway.

15 MR. MION: Is there anyway that you can  
16 put that - like they do over at CVS - put it  
17 up against the buildings? The way that it's  
18 set up now I would think would be a safety  
19 hazard.

20 MR. HERSHBERG: We could do it but it  
21 would mean that we would have to add more  
22 pavement. We'd have to extend the driveway  
23 further around the corner. It would extend the  
24 impervious pavement. But, actually, it  
25 wouldn't concern us much because we're doing

1 the porous pavement.

2 MR. MION: Myself, I'd like to see that  
3 up against the building.

4 MR. HERSHBERG: The point is well taken.  
5 We'll take a look at that.

6 MR. MION: Is one handicapped space going  
7 to be sufficient?

8 MR. HERSHBERG: It meets the code  
9 requirement, whether or not it's sufficient.  
10 What we could do is perhaps take the  
11 driveway in here and pull this in  
12 (Indicating).

13 CHAIRMAN STUTO: How does that affect  
14 your greenspace?

15 MR. HERSHBERG: It only makes a slight  
16 increase in the impervious area.

17 MR. NARDACCI: Do you have to change the  
18 entry and exit of the plaza or does that all  
19 stay the same?

20 MR. HERSHBERG: No, that's the same.  
21 We're just putting in a curb cut back here  
22 (Indicating). About five years ago we came to  
23 this Board when we put a new sidewalk in.

24 We changed the landscaping plan. The  
25 landscaping plan was part of a previous

1 approval. We came here and we did an amended  
2 landscaping plan for this site here. We  
3 rejuvenated the landscaping down here and some  
4 landscaping here (Indicating). At that time we  
5 put a new sidewalk in here. We're going to  
6 break the sidewalk at a point back here and do  
7 a couple of handicap walks across there  
8 (Indicating).

9 MR. NARDACCI: You provided us with a  
10 rendering which is really nice looking. Can  
11 you just talk about what you think the idea is  
12 for what you're going to use for materials?

13 MR. HERSHBERG: This is virtually  
14 identical to a bank that Berkshire has in  
15 Latham. I think you'll be familiar with it. It  
16 has large lights on both sides of the door.  
17 There is an EIFS area here, a sign and there  
18 are two drive-throughs at this location here  
19 (Indicating). This is actually a side view of  
20 the north elevation. Originally, we were to  
21 put the building in the other direction.

22 This is going to be the view from the  
23 driveway of Hannaford.

24 MR. NARDACCI: It looks really good.

25 I don't have any other comments.



1 MR. ROSANO: Dan, the A/C units are all  
2 going to be hidden by the roof?

3 MR. HERSHBERG: I'd have to take a look.

4 Yes, it will all be within the building.  
5 They have this large area of uninhabitable  
6 space.

7 MR. ROSANO: Okay, that's all I had.  
8 Thank you.

9 CHAIRMAN STUTO: Joe Grasso is our  
10 engineer and he's paid for by the developer,  
11 but of course works for the Town.

12 Do you want to give us your thoughts on  
13 this?

14 MR. GRASSO: Yes. This project went to  
15 the DCC Committee review on January 26<sup>th</sup>. We  
16 don't provide comments at that point, but  
17 there were a couple of specific reasons that  
18 we recommended that this project come in for  
19 initial sketch plan review.

20 First, there was something that Dan had  
21 talked on in his introductory remarks  
22 regarding the greenspace and whether or not  
23 they will need to apply the incentive zoning  
24 to allow a greenspace less than 35 percent.  
25 That's going to be a decision by the Planning

1 Board whether or not the Planning Board feels  
2 comfortable with that previous Town road  
3 conveyance at the back of the Windsor Plaza  
4 and if it can count as greenspace towards this  
5 project. You have to remember that this branch  
6 bank site is not subdivided out of the Windsor  
7 Plaza. It's all one property. If you look at  
8 the site the way that the parcel lines are  
9 right now, this project is going to push the  
10 greenspace less than 35 percent. I think that  
11 it's about one percent.

12 MR. HERSHBERG: It's 1.42.

13 MR. NARDACCI: Was the project built  
14 after the incentive zoning was removed? Did it  
15 precede the Land Use Law?

16 MR. GRASSO: Yes, it did. I believe the  
17 minimum greenspace requirements were still  
18 35 percent so I think that when that roadway  
19 was built and dedicated to the Town, that  
20 would have pushed that site to -- what is it  
21 now? I think it's 37 percent. It's still in  
22 conformance right now. That's a discussion  
23 item for the Planning Board.

24 Any more comment for me to provide  
25 regarding that issue?

1 MR. NARDACCI: This drives it down to  
2 34 percent?

3 MR. GRASSO: Yes, and I'm not familiar  
4 with what the cost for that reduction would  
5 be.

6 MR. NARDACCI: What would the cost be?

7 MR. HERSHBERG: At 34.4 percent, I'm not  
8 sure of the computation.

9 MR. LACIVITA: Tom, we can do a  
10 calculation for you when his comes back for  
11 final. I know that the conversations that were  
12 had is that the amount of land that they  
13 conveyed for the connector road at the request  
14 for the Planning Board - when I talked to the  
15 Town's Attorney about this - it was considered  
16 open space. The greenspace issue was a small  
17 percentage and would not be of concern. We  
18 will calculate this so you know what it will  
19 be. We'll get an opinion from the Attorney's  
20 office, too.

21 MR. NARDACCI: Given the fact that there  
22 is road conveyance with me and that you're  
23 going from 35 to 34.4, in my opinion, it's not  
24 a big deal. To go for the incentive zoning  
25 when the applicant had already given the Town

1           that road -

2           MR. LACIVITA: Right, that was prior to  
3           the mitigation area coming in. That was part  
4           of the incentive for that project - for that  
5           connector road to be put in as a  
6           recommendation by the Town and the Planning  
7           Department.

8           CHAIRMAN STUTO: Was that part of the  
9           greater site plan review of the Hannaford?  
10          When was the road conveyed, and what was the  
11          context of that?

12          MR. HERSHBERG: That was part of the  
13          original Windsor Plaza application.

14          CHAIRMAN STUTO: That goes all the way  
15          back to the origination of the plaza?

16          MR. HERSHBERG: Yes, when it was built.  
17          It was requested because traffic was starting  
18          to build at the time coming off of  
19          Computer Drive. People were coming out and  
20          making a short right and then another right  
21          onto Sand Creek Road when they could go right  
22          through.

23          They came to the developer and they said,  
24          would you grant us the roadway to the back?  
25          So, they did. Our hope is that they won't

1 suffer from that. Granted, it was still  
2 greenspace.

3 MR. NARDACCI: You could have kept it as  
4 greenspace, you're saying?

5 MR. HERSHBERG: That roadway was a  
6 greenspace. If in fact they hadn't dedicated  
7 it to the Town for a roadway, it would still  
8 be at 35 percent.

9 CHAIRMAN STUTO: I'm personally going to  
10 reserve opinion on that, but I appreciate it.

11 MR. GRASSO: When the project comes in  
12 for concept review, we'll have definitive  
13 numbers. That would be in terms of if we  
14 looked at the 34.4 percent and the incentive  
15 zoning having to be paid. We can discuss what  
16 that fee would be at that time.

17 Another issue was raised by the Planning  
18 Department during the DCC review indicating  
19 that the building as proposed doesn't conform  
20 to the Land Use Law design standards for the  
21 COR district in a couple of different areas.

22 First, a waiver to allow the building  
23 front yard setback to exceed the maximum of 20  
24 feet. There is a 30-foot utility easement that  
25 cuts across the front of the site which would

1           require the building to be set back out of the  
2           easement. The building is pushed back an  
3           additional 39 feet from the easement. So, I  
4           think that the front yard setback is 69 feet -

5                     MR. NARDACCI: That's 63.9.

6                     MR. GRASSO: Whereas the code requirement  
7           is 20 feet maximum.

8                     CHAIRMAN STUTO: The code would have you  
9           push it way up more toward the street.

10                    MR. GRASSO: That's right. So, that's  
11           one.

12                    Paving within the front yard is  
13           prohibited. Obviously, we have a drive aisle  
14           and parking spaces across the front.

15                    A decorative wall or fencing should be  
16           added to provide the minimum frontage  
17           build-out of 80 percent. Right now there is  
18           nothing reflected on the plan. They would need  
19           to go for a waiver.

20                    CHAIRMAN STUTO: What's the final one  
21           that you're talking about?

22                    MR. GRASSO: The last one is that there  
23           is supposed to be a decorative wall or fencing  
24           or building façade that provides a minimum  
25           frontage build out of 80 percent. Across the

1 frontage of your project site - 80 percent of  
2 that should be either be building façade, a  
3 wall, or decorative fencing which basically  
4 establishes that streetscape look. That's in  
5 the design standards and they aren't showing  
6 anything on the plan, currently.

7 Obviously, part of the site is encumbered  
8 by that utility easement so if they're going  
9 to try to meet that requirement, we're going  
10 to have to work with the constraints imposed  
11 by the Town on that sewer easement. I think  
12 that it's something that we should start to  
13 comment with the Planning Board on.

14 CHAIRMAN STUTO: We're going to try to  
15 hold pretty close to the 20 minutes on the  
16 sketch plan.

17 MR. GRASSO: Okay, well, I'm done.

18 CHAIRMAN STUTO: For the newer  
19 members - and I don't know if you've heard  
20 this issue come up - there are some areas of  
21 the Town where the Land Use Law requires that  
22 you be within 20 feet of the road. A number of  
23 people, myself included, think that's not a  
24 good provision of the Land Use Law. I've had  
25 many conversations with Joe Grasso on this and

1           they have to look at the context of what it's  
2           around. We shouldn't be bound by that. The  
3           surrounding context suggests that you could  
4           push it back further and it fits in - that's  
5           not such an objectionable thing.

6           MR. NARDACCI: I feel the same way. There  
7           has been times when projects got built and  
8           then you look at it and it just doesn't make  
9           sense. I think that you have to look at the  
10          context of the easement.

11          CHAIRMAN STUTO: The façade thing - I'm  
12          not as well educated on that. I would like to  
13          think about that one, as well.

14          MR. NARDACCI: As far as the pavement in  
15          the front yard - if you have no pavement in  
16          the front of your yard, you can't circulate.  
17          You can't have a drive-through.

18          MR. HERSHBERG: I will say that our next  
19          submission will include a decorative fence for  
20          a significant portion of the project. It will  
21          be someplace within this 30-foot easement that  
22          the Town requires. We've entered into an  
23          agreement with the Town regarding any  
24          obstruction within that easement so we have a  
25          certain location that needs to meet



1 Pure Waters definition of where they want it.

2 CHAIRMAN STUTO: Thank you, very much.

3 MR. HERSHBERG: Thank you.

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*(Whereas the proceeding concerning the  
above entitled matter was adjourned at  
7:20 p.m.)*

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**CERTIFICATION**

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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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16           ***NANCY STRANG-VANDEBOGART***

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19           ***Dated March 7, 2011***