

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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5 SHAKER DEVELOPMENT PLAZA  
6 447 ALBANY-SHAKER ROAD  
7 SKETCH PLAN REVIEW  
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9 THE STENOGRAPHIC MINUTES of the above entitled  
10 proceeding BY NANCY STRANG-VANDEBOGART, a shorthand  
11 reporter, commencing on May 24, 2011 at 7:05 p.m.  
12 at the Public Operations Center  
13 347 Old Niskayuna Road, Latham, New York 12110

10

11 BOARD MEMBERS:

12 PETER STUTO, Chairman  
13 LOUIS MION  
14 KATHLEEN DALTON  
15 PAUL ROSANO  
16 TOM NARDACCI  
17 TIMOTHY LANE  
18 MICHAEL SULLIVAN  
19 ELENDA VAIDA, Esq., Attorney for the Planning Board

20 Also present:

21 Joseph LaCivita, Director, Planning and Economic  
22 Development

23 Tom Johnson, PE, Barton and Loguidice

24 Frank Palumbo, PE, CT Male

25 Pasquale Ferracane

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1                   CHAIRMAN STUTO: Good evening everybody.  
2                   Welcome to the Planning Board meeting. The  
3                   meeting is now called to order. We're going to  
4                   try to stick to our schedule.

5                   First item on the agenda is Shaker  
6                   Development Plaza. This is a sketch plan  
7                   review of 447 Albany-Shaker Road.

8                   Joe LaCivita, do you have an  
9                   introduction?

10                  MR. LACIVITA: Mr. Ferracane is here this  
11                  evening along with CT Male to present on  
12                  447 Albany-Shaker Road, which is a proposal  
13                  for two 10,000 square foot office buildings  
14                  and a one-story commercial building and it is  
15                  off Albany-Shaker Road, just down from Erica's  
16                  Tailors.

17                  MR. PALUMBO: The closest landmark is  
18                  probably Shaker Drive. That's here  
19                  (Indicating) and the closest is the cleaning -

20                  MR. LACIVITA: Right, Erica's Taylors.

21                  So with that, I'll turn it over to Frank.

22                  CHAIRMAN STUTO: Please identify yourself  
23                  for the record.

24                  MR. PALUMBO: I'm Frank Palumbo with  
25                  CT Male Associates. As Joe has said, the

1 sketch plan is for two 10,000 square foot  
2 buildings. Both would be one-story buildings.  
3 We have a rendering that I'll show you in a  
4 second.

5 Our goal this evening is to get your  
6 opinion and feedback on a sketch plan  
7 approval, but also one of the most important  
8 parts of this layout, as you now see, is that  
9 we would be seeking a waiver on parking. What  
10 we would have a need for under the ratios for  
11 general business - we would need 100 parking  
12 spaces on-site. What we are showing on the  
13 plan is 75 parking spaces. What we look to do  
14 is actually build those all in the first phase  
15 so that they are situated. As the second  
16 building is to indeed to come, it would then  
17 require the waiver at that time. We wanted to  
18 get the Board's opinion in terms of whether  
19 they would look favorably upon that waiver.

20 The site has some hardships that led to  
21 this. There was the inability to get more  
22 parking on the site. As I mentioned,  
23 Shaker Drive is here. There are residences  
24 that abut this side of the property  
25 (Indicating). What we have is greenspace and a

1 50-foot parking setback, which is what we've  
2 gone to, and a 100-foot building setback.  
3 That's because we are an adjacent zone. We are  
4 in the NCOR zone. With this plan, we have over  
5 35 percent greenspace. The building is brought  
6 forward. As far as I know we meet all the  
7 other NCOR standards.

8 What we would be looking to do is develop  
9 the buildings to this side of the  
10 property - which we have to because of the  
11 setbacks - and try to maintain the stormwater  
12 detention in as a small area as possible so  
13 that the greenspace -- there are a lot of good  
14 size trees on the property right now. Our goal  
15 would be to try to preserve as many of those  
16 because it is the most immediate buffer that's  
17 there.

18 Mr. Ferracane lives here (Indicating). He  
19 has gone to, I think, good extents to present  
20 what - he's interested in doing a quality  
21 project.

22 This is an architectural rendering that  
23 we would hope to be able to move forward with  
24 the concept plan, as it is now, and market  
25 more tenants to bring in. Right now we don't

1 have any set tenants. Our parking ratios were  
2 based on the highest for this area. As tenants  
3 would be found for the first building, it may  
4 be that the ratio and the percentage of the  
5 waiver that we would need would actually  
6 decrease, but we're at the larger standard in  
7 terms of the parking ratios to be required.

8 At this point, there really isn't that  
9 much more to say about the property and we're  
10 open to any of your questions.

11 CHAIRMAN STUTO: Tom, are you going to  
12 make any comments?

13 MR. JOHNSON: No, we have no comments  
14 tonight,

15 CHAIRMAN STUTO: Tom?

16 MR. NARDACCI: Given the surrounding  
17 neighborhood, and as you get further away from  
18 the entrance corner, it's very residential.  
19 It's a 1.73 acre site, right?

20 MR. PALUMBO: Yes.

21 MR. NARDACCI: I know that you're coming  
22 in asking if we will accept a waiver, but the  
23 question that I have is that it seems like a  
24 lot of building for that site.

25 MR. PALUMBO: In terms of the waiver and

1 in terms of the percentage of the building, we  
2 could decrease and actually have a sketch plan  
3 that was not economically favorable to  
4 Mr. Ferracane in terms of doing it that way.  
5 We can get parking and reduce the building and  
6 have the same amount of site use. We think  
7 that it's better in terms of the overall  
8 development to get the amount of buildings  
9 that we could, reduce the parking, and then  
10 make the project more economically viable.

11 With respect to the character of the  
12 neighborhood: Yes, the next street down is  
13 Shaker and there are residents there, but at  
14 the same time across the street - there is a  
15 Yamaha bike and pizza place. Right next door,  
16 as I mentioned, is the cleaners. You always  
17 have that transition zone. You will always  
18 have a transition zone there. You have already  
19 accounted for that in the zoning, which is why  
20 we have the 50 foot and 100 foot setback. So,  
21 we are trying to maximize the use of the  
22 property, but we're doing in within the  
23 parameters that have already been set based on  
24 those setbacks.

25 MR. NARDACCI: If you had a smaller

1 building, you wouldn't require parking waiver  
2 though, right?

3 MR. PALUMBO: Well, it wouldn't require a  
4 parking waiver, but it would make it very  
5 difficult for Mr. Ferracane to do the project.

6 MR. NARDACCI: The other comment would be  
7 this: This is my fourth year on this Board and  
8 always when there is a transition especially  
9 in a zone like this where you have residential  
10 and commercial -- but when new commercial  
11 properties come up, you have coordination and  
12 communication with the neighbors. That  
13 communication with the neighbors is very  
14 important. You have at least four abutting  
15 neighbors. Fortunately, since we're at sketch  
16 plan, there is no notice for this meeting. Do  
17 you have a plan or strategy to talk to the  
18 neighbors? Is that something that you would  
19 do?

20 MR. PALUMBO: Mr. Ferracane has had this  
21 property for about 30 years. He is well aware  
22 of the neighbors. I think that he probably  
23 knows many of them. They have turned over more  
24 than his property has turned over.

25 MR. NARDACCI: Have you showed the

1 neighbors this?

2 MR. PALUMBO: I don't know that anything  
3 has been done at this point for that purpose.

4 MR. NARDACCI: It's a major concern.  
5 There are impacts. What do they perceive as  
6 potential impacts?

7 MR. PALUMBO: We don't disregard that.  
8 Again, when you have property which is in the  
9 zone - we didn't establish the zoning and we  
10 didn't establish the setback, but the setbacks  
11 are there.

12 We actually had done some sketch plans  
13 because up on the front corner where this lot  
14 is - this is a larger lot and it faces  
15 Albany-Shaker Road. There is certainly  
16 somewhat of a character differential between  
17 these and these units here (Indicating). We  
18 don't have because of that zoning, and we  
19 don't have the ability to move parking up  
20 closer to this lot and spare some of the  
21 impact on the lots here (Indicating). We are  
22 the transitional property and we are working  
23 within the requirements of the zone. We  
24 actually could have put more building on the  
25 property if we had gone with a two story but



1 we experimented with those and then the  
2 project economics were not as viable.

3 MR. NARDACCI: In terms of architecture  
4 and use: What is the plan of use for this? Is  
5 it going to be some kind of retail or food?

6 MR. PALUMBO: The goal would be to market  
7 them to uses that are allowed within the zone.

8 MR. NARDACCI: So you don't have a  
9 perspective tenant.

10 MR. PALUMBO: No, we don't have one yet.  
11 Really what Mr. Ferracane in hoping to do is  
12 to be able to market it much more aggressively  
13 with potential tenants knowing that there is  
14 likelihood that the project could be headed  
15 for approval.

16 MR. NARDACCI: What tenants are you  
17 expecting here, given the zone?

18 MR. PALUMBO: The tenants that will come  
19 in and pay rent. We have no drive-thru uses.  
20 If we had a restaurant that fit within the  
21 airport zone and we could allow a certain  
22 amount of that 10,000 square feet, we would  
23 adjust the building to that. Would there be a  
24 restaurant use that would come in and want  
25 10,000 square feet? We don't think so.

1 MR. NARDACCI: There are food uses  
2 nearby. That's my question. Is that something  
3 that you're actively pursuing? You'd want food  
4 or a food establishment?

5 MR. FERRACANE: My name is Pasquale  
6 Ferracane and we are currently working with  
7 some interested parties. We're not  
8 anticipating a food use here.

9 MS. DALTON: So, it's mostly office space  
10 that you're planning? You're thinking office  
11 space?

12 MR. FERRACANE: Yes.

13 MR. NARDACCI: The only question that I  
14 have is: This Board has architectural review.  
15 I see that there is a rendering. Is that a  
16 good transitional fit to that area?

17 MR. PALUMBO: It's certainly something  
18 that can be discussed. Whatever happens with  
19 the exterior of the building would not change  
20 what we would be asking for in terms of the  
21 size of the building. It is a unique situation  
22 with that 100-foot building setback. We're  
23 pulling the building forward as far as we can.  
24 There is an easement of a water line or a  
25 sewer line. I'm not sure exactly what it is.

1 We've brought the building forward in  
2 accordance with NCOR and that really does lead  
3 to this front being a rectangular building.

4 CHAIRMAN STUTO: The setback is something  
5 that we'd probably be more inclined to  
6 grant - just as a proposition.

7 MR. PALUMBO: We still would not be able  
8 to fit parking in front of the building.

9 CHAIRMAN STUTO: Because why?

10 MR. PALUMBO: Because the further that we  
11 go back -- and also that is another issue with  
12 the zone. It's my understanding that we're not  
13 allowed to have the parking in front.

14 CHAIRMAN STUTO: I don't want to say  
15 that's something that we routinely waive -

16 MR. PALUMBO: We've never been given an  
17 indication that was the direction to go. We  
18 went for what we knew was a waiver that is  
19 listed. We were not ever told that we could  
20 put parking in front of a building in this  
21 zone.

22 So, moving this back and taking that  
23 parking over to here - it also doesn't change  
24 if we were to go for the same amount of square  
25 footage. It does not change the need for the

1 waiver of the parking still. If you just look  
2 at it this way and we move the building back  
3 and have it set back from the road a little  
4 bit, it does change the other dynamics that  
5 we've been talking about.

6 CHAIRMAN STUTO: You seem to be blaming  
7 the fact that you can't put parking up front  
8 for some reason. I'm not sure what you're  
9 blaming that on.

10 MR. PALUMBO: No, you said that you would  
11 allow that to go back. I understand that you  
12 could allow the buildings to go back, but we  
13 can't put the parking in the front. It leaves  
14 us no other place to put parking. So, we would  
15 actually have to ask for a larger waiver and  
16 at that point I think that we're already at  
17 the maximum of what we could ask for.

18 MR. NARDACCI: Having two 10,000 square  
19 foot buildings on the site - what size  
20 building could you build and not require a  
21 parking waiver?

22 MR. PALUMBO: I would have to go back to  
23 our earlier sketches. I think that the maximum  
24 that is allowed on a one story is a  
25 15,000 square foot with the zone.

1           MR. NARDACCI: I can look it up. I think  
2           that before you come back here for concept, I  
3           would highly recommend that you reach out to  
4           all the adjoining neighbors and have a  
5           conversation with them and be fully prepared  
6           to talk about that. What's the reaction? What  
7           were the discussions and impact concerns that  
8           they had and how do you mitigate that? I think  
9           that would be very helpful for the Board.

10          CHAIRMAN STUTO: Lou?

11          MR. MION: I agree with Tom. I think that  
12          you should have some dialogue with the  
13          neighbors. We have found that's very helpful.  
14          It makes it friendly for everybody.

15          MS. VAIDA: I think that we require that  
16          at concept - the neighborhood notification.

17          CHAIRMAN STUTO: There will be notice.

18          MR. NARDACCI: I'm not talking about  
19          notice. I'm talking about having discussions  
20          with the adjoining property owners. What  
21          impact concerns do you have and how can we  
22          mitigate them?

23          MR. PALUBMO: Well, we can have that  
24          dialogue. They may say well, we think that you  
25          have too much building on the property.

1 Mr. Ferracane is one who has to make the  
2 property work financially.

3 MS. DALTON: Just to give you an example,  
4 we've had other neighbors come in and because  
5 of what else was going on in that  
6 neighborhood, we do see that parking in that  
7 particular lot could be problematic for them.  
8 They would have gone for a number of other  
9 options including giving up more space rather  
10 than to have an additional possible car  
11 problem. That's something that you would learn  
12 from neighbors in that really going for waiver  
13 A would be better than going for waiver B.  
14 That's the kind of information that you could  
15 get from your neighbors.

16 With regard to following up on a question  
17 that Tom asked you: I wondered a little bit  
18 more about why it is that a two-story building  
19 will not suit your needs in the way that two  
20 one-story buildings will. It looks to me that  
21 the two one-story buildings pretty much look  
22 like they're the same height.

23 MR. PALUMBO: Yes, they are. You do have  
24 some increased costs of construction when you  
25 go to the two-story building. You lose the

1 square footage. You put those two 10,000  
2 square foot blocks on top of each other and  
3 you do lose some interior area for the  
4 abilities of getting between floors. So, two  
5 10,000 square foot spaces do not equate to  
6 20,000 square feet in a two story.

7 I believe that there was also some  
8 requirement within the NCOR zone that affected  
9 the amount of total area that we could get  
10 within the second story. Again, we went  
11 through a couple of sketch generations, some  
12 went through the department to find out where  
13 those limitations were. As it continued to pan  
14 out, this was just the more practical. The two  
15 building option, as we mentioned -- the goal  
16 would be to get approval and concept for both.  
17 Mr. Ferracane was planning on building the  
18 one. If you have a two-story building, you  
19 don't have to go through the entire two  
20 stories. If the market does not support that  
21 second building, then he would not proceed  
22 with it. Whereas, if he had to do the two  
23 story, you'd have to build it all at once.

24 MS. DALTON: Thank you.

25 CHAIRMAN STUTO: Mike?

1           MR. SULLIVAN: I had a question about the  
2 size of the building. I found a memo in our  
3 packet stating that you originally applied for  
4 a 16,000 square foot building - the big one  
5 story. And now you're asking for 20,000 square  
6 feet. I'm wondering if you would have two  
7 8,000 square foot buildings, if you would then  
8 need fewer parking spaces for a waiver.

9           MR. PALUMBO: That plan, I can tell you,  
10 ate up as much of the site as this plan is  
11 now. By the time that we fit that parking in  
12 there, it really did - I think that we had  
13 that plan. We can bring it and show it as the  
14 alternatives and we could bring along the  
15 alternatives that we considered for the  
16 buildings at the concept level so you can see  
17 what we went through. At the time, there were  
18 some other considerations that we had with  
19 that 16,000 square foot building, such as the  
20 possibility of some different tenants; those  
21 who might have a drive-up like a bank. So,  
22 there were some other factors that were  
23 involved with that. Yes, it would probably  
24 decrease the need for the waiver, but at the  
25 same time, it makes the project more



1           difficult.

2                   MR. SULLIVAN: I agree, but I think that  
3 I share the concerns of the other Board  
4 Members that we'd be going into a project  
5 knowing that in the second phase you'd be  
6 asking for the maximum amount of parking  
7 waivers. To me, I'm heading down that road and  
8 I prefer to see something scaled back such  
9 that you would have less need for the waiver.  
10 It wouldn't be right to the maximum of  
11 50 percent. In looking at it, I understand  
12 what you're saying. You're putting in for the  
13 maximum amount of parking based on use and a  
14 different type of use may require less  
15 parking, so you wouldn't have to have a  
16 waiver.

17                   MR. PALUMBO: We're talking about maxing  
18 out the site. Yes, we're maxing out the site  
19 from the standpoint of getting on that  
20 transitional property. Another property right  
21 next door that doesn't have those same  
22 setbacks could actually have fit with the same  
23 size property.

24                   Mr. Ferracane does have the hardship of  
25 being on that transitional lot. That's

1 something that he owned the property before  
2 that so a change had occurred and he's trying  
3 to make the most of his property.

4 MR. SULLIVAN: I understand that and I  
5 understand the problem that you have meeting  
6 Town requirements. I think that there is room  
7 in the middle and I think that it could be set  
8 back a bit. That's just my opinion. Thank you.

9 CHAIRMAN STUTO: Tim?

10 MR. LANE: I agree with Mike, entirely.  
11 It seems like it's pushing the limit on the  
12 lot. There is also the parking waiver and  
13 that's a huge parking waiver.

14 In addition, the way that the lot is laid  
15 out, it's going to be very difficult to  
16 maintain as far as plowing, snow storage,  
17 etcetera. Can you explain how that is going to  
18 work?

19 MR. PALUMBO: The green area that will be  
20 here -

21 MR. LANE: Up against the neighborhood  
22 property.

23 MR. PALUMBO: Well, there is 50 feet  
24 there. The snow removal for this area isn't  
25 going to be piled up against the neighbor's

1 property. It's going to be along the edge here  
2 (Indicating). We'll have to do some clearing  
3 within that 50 feet, as it is. The goal would  
4 be to maintain as much of the natural  
5 vegetation along there. If I had a 20-foot  
6 strip over here (Indicating), I think that we  
7 could handle the snow removal for that side of  
8 the parking lot fairly easily. I do not see us  
9 pushing over to the back of those properties.

10 MS. DALTON: The other concern that I  
11 have is while you have the first building  
12 operational, and should you decide to build  
13 the second building, you're going to use up a  
14 bunch of those parking spaces with building  
15 materials and vehicles and construction stuff.

16 MR. PALUMBO: The first building - we can  
17 do the first building without any waiver. We  
18 could put 50 spaces there. We could have this  
19 whole area here (Indicating) as that sort of a  
20 laid out area in that construction zone so  
21 that when the operational aspects of  
22 constructing the second building, it would not  
23 interfere with the amount of parking. At that  
24 point, the site would be prepared essentially  
25 for fitting up for the building.

1                   CHAIRMAN STUTO: Paul?

2                   MR. ROSANO: I have just one request.  
3                   When you do reach out to these neighbors, I  
4                   need to know who owns these homes and if the  
5                   people that are living in the homes are not  
6                   homeowners - I want to make sure that the  
7                   homeowners know about the project, because  
8                   these could all be rental homes. I don't know  
9                   who lives in them. We found throughout the  
10                  Town that we're having problems with  
11                  neighbors. People that live here may not be  
12                  the owners. Those are the ones that are paying  
13                  taxes. So, if you could do diligence and reach  
14                  out to these people and find out if they're  
15                  homeowners -- If they're not, find out who  
16                  they are and reach out to them. If you could  
17                  do that for me, I would appreciate it.

18                  CHAIRMAN STUTO: I want to make sure that  
19                  I understand this. Can you tell me where the  
20                  tailor shop is? I don't know if it's shown on  
21                  there or not. The building isn't reflected on  
22                  the map, right?

23                  MR. PALUBMO: Correct.

24                  CHAIRMAN STUTO: Okay, I want to make  
25                  sure that I understand that.

1           It seems to me that you're trying to do a  
2           little too much for this lot. I want to make  
3           sure that I understand what would be permitted  
4           without any waivers. How many square feet  
5           could you do with one-story buildings without  
6           any waivers? Do you have that figure?

7           MR. PALUMBO: Not off the top of my head,  
8           no. We have sketches that we did through the  
9           process.

10          CHAIRMAN STUTO: Do you have an  
11          approximate?

12          MR. PALUMBO: I know that we had a  
13          16,000 square foot. I don't recall the reasons  
14          why we were not able to do that -

15          CHAIRMAN STUTO: That was two story?

16          MR. PALUMBO: That one was a single  
17          story. Essentially, it went further back here  
18          and there was more parking back in this area  
19          (Indicating).

20          CHAIRMAN STUTO: The memo that we have in  
21          our file - I think that this is from staff  
22          here.

23          "The proposed building's footprint of  
24          16,000 square feet exceeds the maximum  
25          allowable 15,000 square feet."

1                   MR. PALUMBO: That's correct. In order to  
2                   get a one-story footprint - single  
3                   building - you can't have more than  
4                   15,000 square feet. We had shown 16,000  
5                   because we were working towards what we  
6                   thought was a maximum of 18,000. Through the  
7                   discussions, we couldn't fit that with getting  
8                   the parking in there. We fit the 16,000 and  
9                   then found out, well, you can't do that. You  
10                  can only get 15,000 on a single floor. We felt  
11                  that 15,000 was not enough to make the project  
12                  viable.

13                 CHAIRMAN STUTO: So, the answer to my  
14                 original question was one story would be  
15                 without any waivers and would be 15,000 square  
16                 feet?

17                 MR. PALUMBO: I believe that the first  
18                 plan that we did required no waivers.

19                 CHAIRMAN STUTO: Although there was a  
20                 disagreement with staff, is that what you're  
21                 saying?

22                 MR. PALUMBO: It was an oversight of the  
23                 maximum allowable for any single  
24                 building - the 15,000.

25                 CHAIRMAN STUTO: You could break up

1 16,000 but you couldn't do it in one building.

2 MR. PALUMBO: I believe that is correct.  
3 If we did two 8's, that would hinder our  
4 ability to get those parking spaces. If I took  
5 off 2,000 here and 2,000 here, it's not going  
6 to give me the space I need to put in -

7 CHAIRMAN STUTO: Okay, the answer is in  
8 the precise layout.

9 MR. SULLIVAN: You would need fewer  
10 parking spaces if you had two 8,000's. Say  
11 it's 16,000 total, you would only need 80  
12 spaces. You'd require a waiver of five spaces.

13 MR. PALUMBO: Right. What I'm saying is  
14 that I have no where else to go with parking.

15 MR. SULLIVAN: I'm not opposed to the  
16 waiver. I'm just opposed to going to the  
17 absolutely maximum of the waiver and starting  
18 out with that.

19 MR. PALUMBO: I understand. When it says  
20 up to 50 percent -- we would require 100 if we  
21 used the maximum. If the tenants that came in  
22 actually were something that required less  
23 than that, the waiver reduction would be less.

24 MR. SULLIVAN: Right.

25 CHAIRMAN STUTO: I'm going to ask a

1 couple more questions.

2 Can you pass the architectural around the  
3 Board so that they can get a closer look?

4 I think that it's a little too much - the  
5 waiver that's being requested, as well. I  
6 agree with the general requirements here. It's  
7 very difficult without hearing from the  
8 neighbors, to give you a strong feeling on  
9 that.

10 MR. PALUMBO: In just a hypothetical  
11 here, someone was referencing maybe not having  
12 stuff behind them - if you brought the  
13 building forward and you went for what you're  
14 allowed to give as a waiver, if we were to do  
15 a building up front here so that it wasn't  
16 behind these neighbors, we could be facing  
17 having to get a variance. To the neighbors  
18 that sounds like, hey, fine. Going through a  
19 variance process is - first you have no  
20 guarantee on it. That's why I'm questioning  
21 what the developer would have to go through in  
22 terms of trying to maximize his project and  
23 going through an uncertain process in terms of  
24 getting a variance. A variance may be  
25 something that might be very appealing to the



1 neighbors, but it's a difficult road. All we  
2 are asking is during concept that not only  
3 would we have those conversations, but some  
4 sort of discretion to what the developer is  
5 seeking as well.

6 CHAIRMAN STUTO: Well, we definitely have  
7 an open mind. We need to hear the feedback.  
8 It's kind of hard to figure out what exactly  
9 what our reaction would be to what they have  
10 to say.

11 The other thing is this: I'm not in favor  
12 of maximizing parking. I don't think that  
13 anybody is here, if it's not going to be used.  
14 If you can convince us that it's not going to  
15 be used - we're not in favor of just paving  
16 over the whole Town. However, sometimes land  
17 banking the parking is a good idea so that you  
18 don't have to build it all out. At least it's  
19 there if you have a use for it, if you need  
20 it.

21 The second part of that is that a lot of  
22 times that's dependant upon the type of tenant  
23 you have. Some uses require more parking than  
24 others.

25 MR. PALUMBO: The land banking connotates

1           that you would never be able to put the  
2           building there. What we're saying is if the  
3           particular tenants that come in here - if the  
4           Code allows for the calculation to be somewhat  
5           less than that - based on a per person unit,  
6           there are different measures of code.

7                     When Mr. Farrakane gets this 10,000 up  
8           and tenants in place, we may find that the 50  
9           is not the requirement for this. It may only  
10          be 40; therefore your ratio would go down in  
11          terms of the percentages of the waiver that  
12          you're asking for. You would do that before  
13          building the second building.

14                    I see where you're going in terms of  
15          banking it but once you bank it, we're not  
16          going to be allowed to put a another building  
17          in there.

18                    CHAIRMAN STUTO: It depends on the  
19          configuration.

20                    MR. PALUMBO: Well, you won't have to  
21          build as much, but it's not like it will net  
22          any more economic revenue from the square  
23          footage.

24                    CHAIRMAN STUTO: Tom, how does the  
25          banking work on that one? I though that you

1 could just save the parking if you need it -

2 MR. LACIVITA: If you remember what we  
3 did with Angio Dynamics, we parked it to the  
4 capability or to the need of that building. We  
5 banked a certain amount. They were going for  
6 greenspace and a lead certification. We parked  
7 it based on the calculation.

8 What I haven't seen here as of  
9 yet - maybe you did this with the people in my  
10 office - how you came to the configuration or  
11 the number that was needed. Right now it seems  
12 like this is a spec building that's being  
13 built with the potential for various tenants.  
14 Yet, you came up with an idea that would need  
15 100 spaces. I don't know what the floor plans  
16 are that gave you that number.

17 MR. PALUMBO: We calculated it all on the  
18 general office - I think that's the one for  
19 200. That's what I'm saying. If different  
20 tenants were within this building and this  
21 were subdivided within the building, and there  
22 were three or four tenants and they each had a  
23 different parking requirement, the actual  
24 parking might be less - the ratio might be  
25 less. We took the more conservative approach

1 to say, and show you what we need and if every  
2 one of those met the general office ratio.

3 CHAIRMAN STUTO: We've got to wrap this  
4 up.

5 MR. NARDACCI: I have one more follow-up.  
6 It's in regards to the architecture. I think  
7 just as important as the building layouts and  
8 the parking is the architectural. In the Land  
9 Use Law, in the NCOR zone, there is a clear  
10 design guideline. I know that you're just  
11 providing us something generic and this is  
12 what it could look like, right?

13 MR. PALUMBO: Right.

14 MR. NARDACCI: I think that there are a  
15 few things. First of all, where is the front  
16 door facing? Is it on Albany-Shaker? I think  
17 that's something that you need to consider.

18 Also, I think that there is a section  
19 about neighborhood accountability and in  
20 addition to the scale and the colors and the  
21 materials that are similar, there is also the  
22 fact that it says:

23 "Larger buildings shall be permitted when  
24 designed to be perceived as several buildings  
25 clustered together."

1                   This doesn't do that. That's not what  
2                   that does. I would ask that before you come  
3                   back for concept, take a look again at the  
4                   NCOR design standards and have a design that  
5                   fits the guidelines that we have. This is the  
6                   Land Use Law.

7                   MR. PALUMBO: And it was my understanding  
8                   that the architect that put that together had  
9                   actually talked with the department. One of  
10                  the things that was an add on, whether or not  
11                  it works for you or not, the two peaks on the  
12                  top -

13                  MR. NARDACCI: Some things are good, like  
14                  the brick.

15                  MR. PALUMBO: We will be sure that we are  
16                  meeting the standards.

17                  CHAIRMAN STUTO: There is some  
18                  subjectivity that this Board is very attune to  
19                  the architectural and the way that it looks.  
20                  My personal opinion is that the insurance  
21                  building across the street has a good look to  
22                  it. The tailor shop - not so good.

23                  MR. NARDACCI: The dentist's office is a  
24                  look that fits in that residential mix.

25                  MR. PALUMBO: We'll talk with the

1 architect.

2 CHAIRMAN STUTO: I don't know if we've  
3 given you much help, but I think that you get  
4 a sense of where we are. Maybe there is not  
5 enough specificity for you.

6 Thank you. We have to move on to the next  
7 project.

8

9

10 ***(Whereas the proceeding concerning the above***  
11 ***entitled matter was adjourned at***  
12 ***7:41 p.m.)***

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**CERTIFICATION**

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

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

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19            **Dated July 14, 2011**

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