

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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LIFE COVENANT CHURCH
685 WATERVLIET SHAKER ROAD
SKETCH PLAN REVIEW AND UPDATE

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7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY STRANG-VANDEBOGART, a Shorthand
9 Reporter, commencing on August 12, 2014 at 8:30 p.m.
at The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 SUSAN MILSTEIN
13 LOU MION
14 BRIAN AUSTIN
15 KATHY DALTON

16 ALSO PRESENT:

17 Kathleen Marinelli, Esq., Counsel to the Planning Board
18 Joe LaCivita, Director, Planning and Economic Development
19 Donald Zee, Esq.
20 Brian Sipperly, PE, Sipperly and Associates
21 Michael Wieszchowski, Greenman-Pedersen, Inc.
22 Mark Allen, Life Covenant Church
23
24
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1 CHAIRMAN STUTO: Next project on the agenda is Life
2 Covenant Church, 685 Watervliet Shaker Road. This is a
3 sketch plan review and update.

4 Joe LaCivita, did you have any introductory
5 remarks for this?

6 MR. LACIVITA: Just to put on the record, this
7 application came in June 12, 2013 through the DCC, the
8 Development Coordination Committee meeting, and it was
9 at the Board for a sketch plan review on September 10,
10 2013 shortly thereafter. There has been some questions
11 and concerns regarding the access point to this
12 property, the Town Departments, the TDE and the
13 Department of Transportation. We are here tonight to
14 hear from a sketch plan perspective as to some of the
15 improvements that have been made toward that and the
16 overall site.

17 MR. ZEE: Good evening. My name is Donald Zee.
18 With me tonight is Andy Brick, my law partner. We have
19 a traffic consultant here as well from Greenman-Pedersen
20 and a representative of the applicant from the Life
21 Covenant Church, Mark Allen is here.

22 I know that it is late and you had a lengthy
23 presentation beforehand and we're here for a sketch
24 plan. I have to say that we have been trying to get
25 back onto the Planning Board for five months. I

1 believe that the reason why we haven't been on is
2 because of one major issue which is the issue of
3 traffic access.

4 Before I get to that, as Joe LaCivita had
5 indicated, we've been here for sketch plan review on
6 September 10, 2013. Shortly after that sketch plan
7 appearance, in fact, by email dated September 13th,
8 three days later, we received a letter from Michael
9 Magguilli, the Town Attorney with regard to an
10 application for an ODA for use of Moffit Lane for a
11 means of ingress and egress to the site and that was
12 rejected.

13 Since that time, we had modified the sketch
14 plan because at that point in time the sketch plan
15 showed a two-lot subdivision along with the project
16 as part of this project. We have eliminated the
17 two-lot subdivision. That's point one.

18 Following the notification that the Town Board
19 would not entertain an ODA, we went to the Zoning
20 Board of Appeals to request the development of a
21 church of 36,601 square feet, which was larger than
22 what is permitted under the Zoning Code. We were
23 granted that variance by the Zoning Board.

24 We then met with both New York State DOT
25 individually as well as with New York State DOT with

1 the Town Planning Staff and the TDE. In our initial
2 meeting with the joint group of DOT and Town staff
3 and the TDE -- at that point in time it was stated
4 that the Town Planning Staff thought it was possible
5 for this project to have means of ingress and egress
6 directly via Moffit Lane and we then sought an
7 application and then we were advised by the Town
8 that could not occur. So, the meeting that we had
9 with the Planning Development Committee and DOT
10 occurred on January 13, 2014. So, we had then asked
11 to be placed back on the Planning Board agenda and
12 ultimately pulled three times by the Planning Staff
13 and the Town Attorney.

14 Finally, we submitted a revised application and
15 we received confirmation by Mike Lyons on March 31,
16 2014 that our application was complete and scheduled
17 for a May 6th Planning Board meeting and then we
18 were pulled from that agenda and it was recommended
19 that we ask for a meeting with, once again, the
20 Planning Staff as well as DOT.

21 As a result we had a meeting on May 22nd of
22 this year. Present in that meeting was Rebekah
23 Kennedy, the Assistant Town Attorney, Kathleen
24 Martinelli, the Planning Board Attorney, Joe
25 LaCivita, Mike Lyons and I think that Joe Grasso was

1 present as well. We had Lynn Sipperly and Brian
2 Sipperly at the meeting and our traffic consultant
3 Mike Wieszchowksi was present as well as I was. At
4 that point in time there was discussion again about
5 reapplying to the Town Board for an ODA. At that
6 time I said listen we have been before the Town, and
7 requested the Town Board on a couple of occasions
8 for an ODA classification. The Planning Staff, TDE
9 and everyone representing the Town thought that they
10 could make the argument to have the Town Board
11 reconsider having an ODA classification for this
12 property. At that meeting I said listen, I have no
13 problems with the Town Staff going to ask for the
14 ODA, but we need to get back on the Town Planning
15 Board agenda. My client, just so you know, is not a
16 contract vendee. They have purchased the property.
17 They're the owners of the property for close to a
18 year, if not more. They have a substantial
19 investment in the property. So, they needed to know
20 where this project is moving forward. That meeting,
21 as I said, was on May 22nd. My law partner, Andy
22 Brick, attempted to contact the Town Attorney's
23 office on several occasions; emails, phone calls and
24 no response. Finally we received an email
25 indicating that the Town Board - this was on June 13

1 - via email that the ODA would not be before the
2 Town Board agenda and stated that Mr. LaCivita would
3 follow up with us. We then attempted to contact
4 Joe, and in fact I have spoken to Joe on a couple of
5 occasions and he was unfamiliar with Rebekah
6 Kennedy's email to us. Ultimately, Andy Brick spoke
7 to Mike Magguilli and ultimately we were advised
8 that we were on tonight's agenda.

9 So, I think that the DOT, the Planning Staff
10 and the TDE all recommend that access be via Moffit
11 Lane. Unfortunately, we don't have access to Moffit
12 Lane. We can't get access to Moffit Lane or use
13 Moffit Lane without an ODA designation and to the
14 best of our knowledge, we have never received a
15 formal letter following our May 22nd meeting saying
16 that the Town will not accept it. All we know is
17 that we received an email from Rebekah Kennedy
18 saying that the Town Board was not putting us on for
19 an ODA. So, we can assume that we are not getting
20 it.

21 At the same time I wanted to point out that an
22 ODA, in our opinion, is not required based on New
23 York State DOT standards. That's why Andy Brick
24 just passed out to you the DOT regulations dealing
25 with driveway locations standards. Attached we gave

1 you two sheets. One is the cover sheet of the
2 regulations and those regulations are dated April
3 16, 2014. So, obviously they have been recently
4 promulgated. Attached to that two-page document was
5 in fact an 11 x 17 plan or notes generated by DOT,
6 and there are two foot notes that we have
7 highlighted in yellow. Footnote C says adjacent
8 driveways or multiple driveways to a commercial
9 property - the minimum distance between the driveway
10 opening limits shall be 23 meters, which is in fact
11 75 feet.

12 What I want to point out is we have this color
13 drawing which had been presented without the colors
14 to the Town Planning Board as part of our submittal.
15 This is part of the package -- before we found the
16 April 16th regulations or standards, we had a
17 distance between Moffit Lane and our proposed
18 driveway of 25 feet. We have now revised the plan
19 and we in fact shown in this area here (Indicating)
20 the distance between Moffit Lane and the driveway of
21 90 feet. So, as I said, the first criteria is if
22 they are two commercial properties -- and we would
23 respectfully submit that the post office which owns
24 Moffit Lane though it is a separate tax parcel than
25 the post office building itself -- is in fact a

1 commercial driveway. Being that our church's
2 driveway that we would propose to build is a
3 commercial driveway, the driveway is 90 feet apart,
4 and under DOT standards it says that it has to be a
5 minimum of 75 feet apart. So in fact, we meet that
6 criteria.

7 If, in fact, the Town DOT says hold it, either
8 Moffit Lane is not a commercial driveway or if they
9 don't deem our church's driveway to be commercial,
10 there is a second standard. That says the distance
11 between the edge of a driveway projected to the
12 travel way and a side road travel lane edge shall be
13 at least twice the width of the driveway plus 4.6
14 meters, which is 15 feet. So, the width of our
15 driveway is 36 feet. You double that, and that's 72
16 feet. You add the 4.6 meters or 15 feet and it
17 totals 87 feet. We have provided 90 feet. So, even
18 on either standard, we meet both the DOT standards
19 for the project for roadway access.

20 I do want to point out a little bit about why
21 this becomes an issue where the placement is.
22 Obviously, we have the Northway entrance ramp right
23 here (Indicated). We have just over 400 feet of
24 road frontage along Watervliet Shaker Road but 260
25 feet of the 398 feet is called right of way without

1 access. You cannot get a curb cut in this area and
2 that's because of the turning lane going into the
3 on/off ramp of the Northway. The remaining portion
4 of our road frontage of 137.9 feet is a right of way
5 with access and we would propose to put our curb cut
6 within that area, as permitted under the DOT's
7 regulations.

8 Now there is one other thing that I want to
9 point out with regard to our curb cut and our uses.
10 Obviously, there is a Life Covenant Church on Sand
11 Creek Road. This would be proposed to one of the 19
12 churches in the congregation and this would be here
13 (Indicating). We would propose for traffic control
14 measures at all times whenever we have services. It
15 would be Saturday evening or during Sunday that we
16 would hire the Town of Colonie Police Department to
17 handle all traffic safety and traffic controls
18 there. Even though it's not particularly required,
19 we would permit that and we would do that as a
20 normal course so if there are concerns about traffic
21 ingress and egress from this curb cut, you would
22 have the Colonie Police directing and handling all
23 the traffic.

24 Ryan Sipperly has contacted the Police
25 Department and we have the terms of what they would

1 require which is one week's notice. They have a
2 certain hourly rate and that's something that my
3 clients would budget for and we would have no
4 problem having that placed as a condition of any
5 approval with regard to the fact that we have that
6 police service contracted for any of the times that
7 we have services. Right now we would not anticipate
8 initially having any services on Saturday. All
9 services would be Sunday and we would anticipate
10 initially that there would be two services on Sunday
11 and they would last starting around 8:30 in the
12 morning or so. There would be an hour to an hour
13 and fifteen minutes for service, and then obviously
14 you would have a little time between one service to
15 the next. I believe that we have traffic control
16 measures.

17 It was deemed on March 31st that our
18 application was complete and we should normally be
19 on for concept approval, but because of the issue
20 with regard to the means of ingress and egress and
21 desires of everybody to have Moffit Lane, we
22 understand that we're back on for sketch.

23 I also want to point out that during this
24 entire period of time my clients have charged me
25 with the responsibility of contacting the postal

1 service. As I indicated Moffit Lane is a separate
2 tax parcel from the post office building itself. I
3 contacted them for the possibility of having the
4 church buy Moffit Lane. After several months of
5 discussions and going through half a dozen
6 departments of the postal services, they said, no
7 and that they did not want to sell the property.

8 When we met with DOT initially - and this is
9 before we had a joint meeting with DOT and the Town
10 Planning Staff - we had some discussions with regard
11 to why Moffit Lane was a private road and why was it
12 built in the manner in which it was. They had
13 indicated that they don't have official records.
14 There had been dialogue with the Town at that point
15 in time with the hope and desire that Moffit Lane
16 and this property were to be developed or adjoining
17 properties would be dedicated to the Town of Colonie
18 and turn into a public roadway. We understand that
19 back in June 13, 2013 the Town had indicated that
20 they did not want to accept Moffit Lane as a Town
21 road, though it was constructed to that level. We
22 had talked about possibly building it with a
23 cul-de-sac.

24 Basically, what we would be looking for now is
25 hopeful because our plans are detailed enough for

1 concept review that the Planning Board will consider
2 scheduling us for a concept hearing.

3 CHAIRMAN STUTO: Okay, thank you.

4 Joe Grasso?

5 MR. GRASSO: I'll go through the status of our
6 review. We had reviewed the application as it was
7 presented to the Planning Board back in May. That was
8 our concept review letter and there were a dozen or so
9 items noted as concern at that time.

10 Just in summary of the most significant
11 comments: The first one was the level of traffic
12 impact associated with the project. They did a
13 traffic study, but we had questions and concerns
14 regarding the traffic study and the basis for some
15 of the numbers as well as some of the findings.
16 Although they demonstrated that the existing traffic
17 conditions are pretty favorable out there on
18 Watervliet Shaker Road and that they would meet,
19 quote, end quote, acceptable levels of standard,
20 after the project was built, our concerns were that
21 there will still be a significant increase in the
22 amount of traffic caused by the project. So, the
23 level of delay out there for certain turning
24 movements would substantially increase. So, we had
25 a concern with that.

1 We also had a concern regarding the traffic
2 study. We noted its reliance on a traffic control
3 officer at certain times that we have heard services
4 will let out and there hasn't been anything from the
5 Town regarding the acceptability of the Town
6 providing traffic control officer out there for this
7 facility at the time that it's going to be needed on
8 a perpetual basis. I know that there has been some
9 discussions with the Town and I saw an email in the
10 packet trying to memorialize the conversation, but I
11 think that if we're going to rely on the traffic
12 data which is going to rely on the traffic control
13 officer being there I think that it's really
14 important that we understand whether or not the Town
15 wants to commit its resources - I won't say
16 full-time, but a perpetual basis for all the
17 services that they are going to rely on for the
18 definite future. I think that's important for us to
19 get something from the Town acknowledging that is
20 their intent to provide that. Based on my
21 experience we haven't heard that being done any
22 place else in the Town like that by the Town.

23 The other thing was regarding the access
24 arrangement. We had always expressed a concern on
25 this project trying to develop a new access point

1 along Watervliet Shaker Road that is based on the
2 constraints; it's a limited access like Don was
3 describing. Our preference was that access would be
4 provided from Moffit Lane which is an existing
5 developed access. We would still have to look at
6 the impacts to Moffit Lane and the adjoining roadway
7 network in developing that access. But tonight we
8 have an application before us that doesn't purpose
9 using Moffit Lane. They're proposing it right next
10 to Moffit Lane. So, what we are looking at tonight
11 doesn't meet the standards that Don was going
12 through. I think that what he is trying to describe
13 is the ability for him to move that access point
14 further to the west and closer to the Exit 5
15 interchange.

16 Again, we don't have the traffic study that is
17 based on that new access arrangement, nor have we
18 had a chance to really go through to see if there is
19 any other constraint with developing another access
20 on Watervliet Shaker Road. We've got Holly Lane and
21 Feiden Lane across Watervliet Shaker Road. We
22 really want to look at whether we are creating a
23 offset intersection with another roadway on the
24 other side and to look for conflicting turning
25 movements.

1 We also don't know if we're now getting into
2 the right turn lane as you head westbound on
3 Watervliet Shaker Road. There is a right turn lane
4 that allows you to get onto the Northway ramp. It
5 looks like once we shift off of Moffit Lane and head
6 west, it looks like we're going to be into that turn
7 lane. That would be a concern of ours,
8 operationally.

9 So the first three things that we have touched
10 on is traffic, use of the town police and access.
11 The last one that we said could be a significant
12 item of concern was the visibility from the
13 Northway. We haven' seen any new information
14 provided as it relates to that issue.

15 CHAIRMAN STUTO: Can you explain that a little bit?

16 MR. GRASSO: Yeah, the project is situated along
17 the Northway corridor. It's a relatively heavily wooded
18 site right now. It's a large scale project that's going
19 to result in quite a bit of clearing in order to build
20 out, and we would like to see what the visibility of the
21 site will be from the Northway.

22 I know that the Planning Board was expressing
23 concerns regarding the architecture of the church
24 and that it is not the typical architecture that you
25 would see from much older church structure. It's

1 more of a modern type of architecture. So, I think
2 that it's important for us to understand just where
3 that church is going to be visible from and what
4 it's going to look like form the Northway corridor.

5 CHAIRMAN STUTO: Thank you.

6 MR. GRASSO: So, that's where we are at with our
7 review. Like I said, the review that we did May 15,
8 2014 is basically on the plan that you have. All those
9 concerns that you raised in that letter remain valid and
10 we have not had a chance to react to the new information
11 that Don was describing during the presentation.

12 MR. ZEE: If I may, my traffic consultant is here
13 and he has responded to all those comments with regard
14 to traffic. We have copies of the letters here. I can
15 just have my traffic consultant come up and address
16 that. Obviously, I don't want this Board to believe
17 that we received a comment letter and didn't attempt to
18 address the traffic concerns.

19 At the same time, as Mr. Grasso had indicated,
20 yes, they have desired as everybody has, to use
21 Moffit Lane. That is not possible because the Town
22 Board has not granted an ODA status. If the Town
23 Board does not grant ODA status and if this Board
24 does not grant the access that we are proposing --,
25 as I said, here about the 90 feet which is in excess

1 of what is required. We will present that on the
2 plans.

3 I think that at the same time, I would ask the
4 Board to consider placing this on your next
5 available agenda meeting for concept approval. I do
6 want to point out that we are a religious
7 institution that I represent here. Under New York
8 State Law Planning Boards should make reasonable
9 accommodations for churches because of the benefits
10 that they provide to the community. I just want to
11 read to you a little bit of case law with regard to
12 this.

13 One of the reasons that I'm really emphasizing
14 the desire to get on the next possible agenda is
15 that Mark Allen is headquartered in Oklahoma and as
16 I indicated earlier, Mark is our contact person with
17 regard to the church. We deal with him and as I
18 said, we were placed on several agendas, several
19 meetings and he's had to cancel six flight
20 reservations. He's had to buy six tickets when we
21 were told that we going to be on the agenda. Within
22 72 hours of the meeting or the day of the meeting or
23 the day before, they were cancelled. We have been
24 waiting around, as I said, for approximately six
25 months from the time that we've gotten our area

1 variance beyond tonight's agenda. We didn't yell
2 and scream despite the fact that Mike Lyons said
3 that we had a complete application. We have
4 responded to the questions and we would ask the
5 opportunity to have our traffic consultant respond
6 to Mr. Grasso's comments and then once again ask the
7 Board to place us on the next available agenda for
8 concept.

9 MR. WIESZCHOWSKI: Hello everyone. I'm Mike
10 Wieszchowski. I'm a professional operations engineer
11 with Greenman-Pederson.

12 With regard to the traffic, we had performed
13 the traffic study in March of 2014. After that time
14 there was a question about Moffit Lane not being
15 able to be used. The access was changed to add that
16 second driveway, which was placed fairly close to
17 Moffit Lane. I did a review letter of that on April
18 9th recommending that if you couldn't use Moffit
19 Lane to get the New York State DOT standards which
20 is if you're beyond that 87-foot distance it meets
21 the standards.

22 In May there was a letter from the TDE and we
23 did provide a response letter. I'm not sure if the
24 TDE had gone through that and reviewed that, but the
25 response pretty clearly addressed all these issues

1 with the driveway where it's proposed now, 90 feet
2 away, there are no queueing issues with the ramps.
3 That increase in delay - as it is, is not a typical
4 measure of effectiveness. For example if you had
5 two seconds of delay and you doubled it to four
6 seconds of delay, that's a 100 percent increase.
7 Yet I don't think that anyone would suggest that
8 four seconds of delay required any improvement.
9 It's not an accurate way of doing it.

10 There are standards for level of service and
11 capacity of a roadway. Those standards state that
12 if a signalized intersection at peak periods have a
13 level of service D or better, that it's an
14 acceptable amount of delay. As shown in the report,
15 all approaches are level of service D or better.
16 All intersections operate at level of service C or
17 better. We also have to remember that this
18 particular peak hour that causes the level of
19 service C is in the Sunday morning when there is not
20 a lot of traffic on the roadway. It only delays
21 things for about a half hour. It still is only in
22 that level of service C area.

23 Generally, there is an hour in between the
24 services but most of the traffic - about 75 percent
25 of the traffic will be in the first half hour.

1 Fifty percent will be in the first 15 minutes after
2 a service. So, there is a very limited time that
3 these levels of service would even be increased to
4 this point and the increase point is still well
5 within the capacity limits. I'm not sure that we
6 can address any kind of other comments that you
7 have. I believe that if you re-read through the
8 response that we had, it should address everything
9 that you had. We'd be happy to address more, if
10 need be.

11 MR. SIPPERLY: I'm Brian Sipperly with Sipperly and
12 Associates. I have one thing to add.

13 Mike, can you make a comment? We didn't really
14 prepare this traffic study saying that it's only
15 going to work with traffic control. The report says
16 build and no-build, it's going to be okay. The
17 report then said, oh, by the way, if you're going to
18 supplement this with traffic control it's going to
19 be that much better. I want to make sure that we
20 make that point in that it is not hinged on traffic
21 control being present.

22 MR. WISCHOWSKI: For most services, there will not
23 be the need for a traffic control officer. However, in
24 the morning when you have their two major services back
25 to back, there won't be any degradation of service on

1 Watervliet Shaker Road. The only issue that you would
2 have without a traffic control officer is the vehicles
3 would be backed up on the driveway. So, it would only
4 be the site's traffic that would be delayed in you
5 didn't have the traffic control officer and there would
6 be very little to no change in the operation on
7 Watervliet Shaker Road.

8 MR. GRASSO: I don't understand because it says to
9 maintain these acceptable levels of service at Moffit
10 Lane during a Sunday morning peak hour, a traffic
11 control officer will be required to direct traffic at
12 that location.

13 MR. WISCHOWSKI: That was in the original study.
14 In a follow-up letter I had done another analysis of
15 that without a traffic control officer and it did show a
16 level of service F for the driveway approach, but on the
17 mainline approach it showed level of service B for the
18 turning movement which was 11.9 seconds of delay. The
19 through movements are not delayed more than 5.2 seconds.

20 MR. GRASSO: So, you gave us levels of service
21 summary that shows a level of service F? I don't see it
22 in my data.

23 MR. WISCHOWSKI: It was in the response that we
24 sent in May.

25 MR. GRASSO: The response that I got May 21 is this

1 (Indicating).

2 MR. WISCHOWSKI: Yes. There is a level of service
3 -- there should have been a level of service analysis
4 sheet - computation sheet that was attached to that.

5 MR. GRASSO: It didn't make it. Okay, well then
6 it's something that we'll have to review. Obviously, we
7 have a concern anytime that we get levels of service D,
8 so I assume that F is going to be worse. We'll have to
9 review it and kind of put it in context so that the
10 Panning Board can understand what we're talking about.

11 MR. WISCHOWSKI: Are there any other traffic
12 related questions?

13 CHAIRMAN STUTO: I'm relying on our engineer here.
14 He has raised some substantial issues. We were talking
15 about the pagination here and we do have a thing here
16 from May 21st, but we don't have the schedule on here.
17 We'll look at it closely.

18 I don't know if the Board Members had
19 questions.

20 MS. MILSTEIN: This is obviously a large church.
21 How many members of the congregation are there?

22 MR. ALLEN: At our current location we're running
23 about 700 on the weekend.

24 MS. MILSTEIN: Where is the current location; Sand
25 Creek?

1 MR. ALLEN: Yes.

2 MS. MILSTEIN: What is the size of this church
3 compared to that one?

4 MR. ALLEN: At a peak service that auditorium would
5 hold 800 people and we usually don't put 800 seats in.
6 We usually put in about 750. Normally you can only get
7 about 80 percent of those filled. So, it would be
8 something relatively less than that.

9 MS. MILSTEIN: So, is this church larger - the one
10 that you are proposing - is it larger or smaller than
11 Sand Creek?

12 MR. ALLEN: Oh, it's larger. They have outgrown
13 where they are at and it's actually stopping them from
14 growing further. That's why we're building this
15 building.

16 MS. MILSTEIN: So, how many seats are you proposing
17 in the new one?

18 MR. ALLEN: The current one is 180.

19 CHAIRMAN STUTO: I think that she's asking what is
20 this design?

21 MR. ALLEN: That's 800. The one that we're in now
22 is 180. The one that we're proposing would seat
23 probably 750 and that's actually what we will have in
24 chairs. I think that it's actually rated at about 800.

25 MR. AUSTIN: How many services do you have right

1 now?

2 MR. ALLEN: Right now we have five.

3 MR. AUSTIN: And how many services do you propose
4 to have?

5 MR. ALLEN: We would start out with two, but we
6 would grow eventually to as many as seven.

7 MR. GRASSO: Not to interrupt, but did you do
8 traffic counts at your Sand Creek facility?

9 MR. WIESZCHOWSKI: No, we never did any kind of
10 traffic counts there.

11 MR. GRASSO: Is there a reason why? We've got a
12 great test case right there. I know that you have
13 provided some information -- I think that you have
14 provided it from Oklahoma. Is there a reason why we
15 couldn't get traffic data from the Sand Creek facility?

16 MR. WIESZCHOWSKI: I don't know how that would
17 relate to this new building - going from 108 seat
18 facility to an 800 seat facility.

19 MR. GRASSO: That's where I would just extrapolate
20 from 180 to 800 and take the traffic counts and factor
21 it. Seems like it would provide good data for us to
22 rely on.

23 MR. ZEE: Joe, they provided data based on, I
24 believe, five churches which are all the same size of
25 this specific church in urban settings. I believe that

1 was in the traffic studies. It was Tulsa, Oklahoma;
2 Owasso, Oklahoma; Wellington, Florida; Stillwater,
3 Oklahoma. All those facilities are somewhere between
4 32,000 and 36,000. All of the trips from those churches
5 were within 20 of the ones that we were proposing here.
6 We took a comparable size church in a comparable type
7 setting to use for the traffic.

8 MR. GRASSO: But this church is a replacement for
9 the Sand Creek facility?

10 MR. ZEE: That's correct.

11 MR. GRASSO: I would think that would be useful
12 information for us to look at the trip generation from
13 that. I would think that would be useful for us to
14 understand what trip generation that facility has and as
15 we look as it grows from 180 to 800, we could look at
16 the amount of traffic that it was generating before and
17 try to project. I think that the information from
18 Oklahoma can be useful but, again, I don't know if it
19 provides a complete picture and I won't be able to say
20 is it the right context or the right setting or similar
21 to Colonie.

22 MR. WISCHOWSKI: The trip generation rate was based
23 on ITE data. The stuff from the other sites were just
24 to confirm that this type of church of this size
25 generates similar ITE data and it actually generates

1 slightly less. We were conservative in how we used trip
2 generations.

3 CHAIRMAN STUTO: You're our engineer and I would
4 tend to agree with what you're saying.

5 Anybody have any other questions or comments?

6 (There was no response.)

7 We'll review it and we'll talk about what else
8 we need and when it goes on the agenda.

9 MR. GRASSO: Just to understand where we are at, if
10 they get scheduled for formal concept review by the
11 Planning Board based on a certain site plan -- either
12 this plan or a modified plan, we'll do another concept
13 review letter and then present it to the Planning Board.

14 CHAIRMAN STUTO: Do they need to revise their
15 application, or make a new application because they
16 changed the site plan?

17 MR. GRASSO: That's up to them. I think that what
18 Don was discussing was a possible change for the site
19 plan, but all we have got is the plan that we had
20 reviewed back in May. They provided some information
21 and we have not provided a formal response.

22 MR. ZEE: If I may, my biggest question before this
23 Board is you have heard the Planning Staff, the OT and
24 the TDE and I believe that Mike Lyons' most recent
25 comment letter on behalf says that there should be no

1 access but for Moffit Lane. That is the Planning
2 Staff's recommendation to this Board. I would rather
3 know from this Board that if that is the Planning
4 Staff's recommendation that no other curb cut be
5 permitted from this property - if that is going to be
6 the final word on this application.

7 CHAIRMAN STUTO: In order to get a definitive
8 answer on that, you have to present an application.
9 That's how we are going to answer. The way that you
10 presented the question - whether all those things that
11 you said are accurate, and even if it were, I'm not
12 prepared to give an answer on that. I don't think that
13 we have a complete application.

14 MR. ZEE: As I said, Mike Lyons said on March 31st
15 that there was a complete application.

16 CHAIRMAN STUTO: But you revised it tonight, if I
17 understand this correctly.

18 MR. SIPPERLY: If I may, let's just start over. We
19 have deeded access over Moffit Lane to use the parcel.
20 The original concept showed Moffit Lane access. We
21 don't want to revisit why we don't show Moffit Lane
22 access because it was denied an ODA. At that point we
23 met with DOT and we said, we know that you don't like
24 driveway spaces next to one another. We know that if we
25 push it too far to the left, we're going to be close to

1 the right of way without access. We haven't done a
2 traffic study yet so I can't tell you where to place the
3 driveway. Let's submit a concept with access to
4 Watervliet Shaker Road to be determined on where it
5 should be pending the traffic study's results. Kevin
6 Novak with DOT was in the office with us. What would
7 you like to see in this traffic study? We want to see a
8 few things like a GPI and out came the results that
9 indicated that you have plenty of road frontage to have
10 a curb cut that meets DOT spacing, push it as far to the
11 west as possible, you still do not encounter movement
12 issues and queueing issues that DOT does not want to
13 have. I don't understand why we couldn't push to a
14 concept meeting -- we would ask the Board to say pending
15 a possible driveway movement. I don't know why we can't
16 entertain something like that where we can keep the
17 process going.

18 CHAIRMAN STUTO: We didn't say that we weren't
19 going to keep the process going.

20 MR. SIPPERLY: We have to resubmit another drawing.

21 CHAIRMAN STUTO: I asked the question of my TDE -
22 what is the form of the application?

23 MR. SIPPERLY: I'm standing back here asking --

24 CHAIRMAN STUTO: Donald Zee asked whether we agree
25 that access could only be through Moffit Lane. That was

1 the questions that I was answering in that - basically I
2 can't answer that. That's for me, personally. The
3 question that I had asked prior to that was of Joe
4 LaCivita and Joe Grasso, which was do we have enough
5 information to go forward with the concept review
6 because it's changing a little bit.

7 MR. SIPPERLY: And I want to clarify again that
8 we're not coming here to change the concept. This is
9 what is on the record today and we know that it does not
10 meet certain requirements. We agree with you
11 completely. It was kind of a place holder location for
12 the driveway pending results from a traffic study that
13 can then help us site the location of that driveway.
14 That led us to the discussion when we came back to the
15 Board and said, it's doable. By rights, there is enough
16 road frontage with access to do this. We don't really
17 want to call this another concept submission. We've got
18 a complete concept submittal with this. I don't
19 understand why we couldn't go to the Planning Board
20 concept and say, can you vote on it, pending a driveway
21 placement that works.

22 CHAIRMAN STUTO: You can present that and if we get
23 it on the agenda, we'll address that.

24 MR. SIPPERLY: Is it necessary to resubmit a
25 concept application with that?

1 CHAIRMAN STUTO: That's what I was asking.

2 MR. GRASSO: We definitely do. If there is going
3 to be any change, we would want to see it and get a
4 chance to review it and incorporate any comments into a
5 letter that we can present to the Planning Board when
6 that plan is presented. I think that we have enough
7 concerns about the access arrangement that we would not
8 want to have the Planning Board condition its approval
9 on a change to the concept plan from what we are
10 actually seeing and what we are reviewing. We don't
11 feel comfortable with that.

12 MR. ZEE: I believe that there is precedent for
13 modifications for us to be able to have a concept
14 meeting subject to -- with the understanding that we
15 would be moving this with other changes. For example, I
16 know that the Lazare project that Howard Carr had
17 presented -- in fact, it even received concept approval
18 with the fact that there wasn't a sanitary sewer study
19 completed and changes were necessary. I think that we
20 are just asking to be placed on for concept approval for
21 review at this point in time for a public hearing for
22 that.

23 CHAIRMAN STUTO: Yes, we are going to try to do
24 that. How we vote on it or what conditions we place on
25 it, we'll find out then.

1 MR. SIPPERLY: Just in clarifying, I didn't want
2 the Board to think that we were submitting a new drawing
3 today that was different than the one on the record.
4 This is merely a talking piece to the fact that we can't
5 do that.

6 In some leaving comments here, Mr. Stuto, I
7 know that you mentioned that the TDE had brought up
8 some significant comments, but I just want to ground
9 ourselves to what the significance really is.
10 Visibility from the Northway -- Marini Cornerstone
11 Apartments, the Desmond, Lowes - I think that we
12 have plenty of precedent from the populated area of
13 the Northway to 7 down that kind of says that we're
14 not creating a rubber-necking event here on the
15 highway.

16 CHAIRMAN STUTO: The RVs is the latest one. We
17 asked them for renditions of what it would look like
18 from the highway.

19 MR. SIPPERLY: I can give them to you right now.
20 It's been clear and I can see it every day from the
21 Northway. I just want to point out to you that this is
22 a cleared area of a 24 acre parcel today. As you drive
23 by just north of the DOT maintenance facility at the
24 Exit 5 north off-ramp, you'll see a cleared portion of
25 the site. That's kind of where you see the building

1 cited today. We're not really proposing massive
2 clearance to cite the building. I just want to make
3 that clarification.

4 CHAIRMAN STUTO: Thank you.

5 Any more questions?

6 (There was no response.)

7 Okay, thank you.

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10 (Whereas the above referenced proceeding was
11 concluded at 9:13 p.m.)

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CERTIFICATION

I, NANCY STRANG-VANDEBOGART, Shorthand
Reporter and Notary Public in and for the State of
New York, hereby CERTIFY that the record taken 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 August 29, 2014

