

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

OLD MAXWELL SHOPPING CENTER

645A OLD MAXWELL ROAD

SKETCH PLAN REVIEW

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6 THE STENOGRAPHIC MINUTES of the above entitled  
7 matter by NANCY STRANG-VANDEBOGART, a Shorthand  
8 Reporter, commencing on May 5, 2015 at 7:19 p.m. at  
The Public Operations Center, 347 Old Niskayuna  
Road, Latham, New York.

9

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

16 ALSO PRESENT:

17 Kathleen Marinelli, Esq. Counsel to the Planning Board

18 Joseph LaCivita, Director, Planning and Economic  
19 Development

20 Don Fletcher, PE, Barton and Loguidice  
21 Dan Clarey, PE, Clarey Development Services  
22 Andrew Crystal, O'Connell Development  
23 Wendy Holzberger, Creighton Manning Engineering  
24 Bob Riley  
25 Rob Dagget  
Kevin Carey  
Jackie Friedman  
Todd Girvin  
Joseph Grasso, PE, CHA  
Richard Oppedisano  
Rose Oppedisano  
Brandy Bornd  
Tom Johnson, PE, Creighton Manning Engineering

1           CHAIRMAN STUTO: The next one is Old Maxwell  
2 Shopping Center, 645A Albany Shaker Road. This is  
3 sketch plan review. This one has been in the  
4 newspapers.

5           Why don't you give it a little introduction,  
6 Joe and tell us something about this.

7           MR. LACIVITA: I think that this one got out a  
8 little bit before in the news.

9           This applicant is before us. We have what they  
10 call the Old Maxwell Shopping Center located at 645A  
11 Maxwell Road. It's the 50-plus acre parcel behind  
12 the Times Union building.

13           This is a proposal to combine several parcels  
14 off of Old Maxwell Road and create a shopping  
15 center, two large buildings for retail and three  
16 out-parcels for retail and restaurant totaling  
17 approximately 273,000 square feet of development.  
18 The applicant is O'Connor Development Group out of  
19 Holyoke, Massachusetts. The parcel is actually  
20 under ownership of the Times Union. As I said,  
21 approximately 55 acres, plus, to be converted to the  
22 retail use which will have to be approved through  
23 special use and that's through the Zoning Board of  
24 Appeals.

25           The applicant is here tonight through our

1 typical process where once they go through the  
2 department coordination review they are here tonight  
3 for sketch plan to get any comments and questions  
4 from our Planning Board to move forward through the  
5 application process.

6 I can turn it over now to Dan Clarey who is the  
7 applicant's engineer and he will take us through the  
8 project.

9 MR. CLAREY: Good evening, Mr. Chairman and Members  
10 of the Board. I'm Dan Clarey from Clarey Development  
11 Services.

12 The first person that I'd like to speak to you  
13 is the applicant, Andrew Crystal from O'Connell  
14 Development. Andrew is going to give you a little  
15 background of who O'Connell Development is and their  
16 history and their plans for the site. I'll come  
17 back and do a little overview of the site and then  
18 we have Wendy Holsberger here from Creighton Manning  
19 to give a brief traffic summary for the Board.

20 CHAIRMAN STUTO: You are slotted for 15 minutes.  
21 We want to know about the project. You can do an  
22 introductory or whatever. That's not to say that  
23 you're going to go over 15 minutes. Do you know what  
24 I'm saying?

25 MR. CLAREY: I know what you're saying. I'll go as

1 quickly as I can.

2 CHAIRMAN STUTO: We do want to know about the  
3 project, though.

4 MR. CLAREY: I would like Mr. Crystal to get up and  
5 speak.

6 MR. CRYSTAL: I'll be very brief.

7 I'm Andrew Crystal and I'm Vice President of  
8 O'Connell Development. We're located in Holyoke with  
9 a Boston area office and a lower Hudson Valley  
10 office. We're a 135 year old privately owned  
11 company that's done development all throughout New  
12 England.

13 Dan Clarey is our project coordinator and I'll  
14 let him get to the specifics of this project.

15 CHAIRMAN STUTO: Thank you, and welcome to Colonie.

16 MR. CLAREY: The project, as proposed, is on 50.7  
17 acre piece of land directly behind the Times Union on  
18 Old Maxwell Road with I87 -- what would be the northwest  
19 corner of the site. There is a residential area; Roger  
20 Drive -

21 CHAIRMAN STUTO: Can you pull the gauze off of  
22 that? I know that I'm making a joke.

23 MR. CLAREY: No, I know. It's the quality of the  
24 photograph off of the Internet.

25 Swayze Drive and Roger Drive are in this area

1 (Indicating). Maxwell Road is here (Indicating) and  
2 Old Maxwell Road is here (Indicating), Serviceberry  
3 is here (Indicating) and the Times Union is here  
4 (Indicating). I87 is here and Albany Shaker Road  
5 and Wolf Road interchange is here (Indicating).

6 As you can see from the fuzzy photo, the lot is  
7 mostly wooded. It's fairly flat. There are  
8 wetlands on the site. It's comprised of, as Joe  
9 said, approximately six parcels and two large  
10 parcels. One is the main parcel in here  
11 (Indicating) and then several smaller parcels.  
12 There is one structure on one of the parcels which  
13 is a rental unit which is owned by the Times Union.

14 There are wetlands on the site. We are in the  
15 process of locating those. We believe that the  
16 majority of these are either isolated jurisdictional  
17 or federal. There is a protected watercourse that  
18 we will be going to SEAMAB for which is in this  
19 area. The reason that we have to go to SEAMAB is  
20 that we are proposing our access at that point.

21 We will be doing a historical review as well as  
22 habitat review on the site as well. It was part of  
23 SEQRA.

24 What we are proposing is 273,000 square feet of  
25 retail. We're proposing five buildings. Retail A in

1 this area is a 106,000 square foot building. Retail  
2 B is the south side of the site. That's 150,000  
3 square feet. The multi-tenant is shown on this  
4 drawing right now (Indicating). We have three  
5 out-parcels. There is a small 5,000 square foot  
6 retail building and two 6,000 square feet restaurant  
7 pads. Access is proposed by Serviceberry and  
8 Maxwell Road. The primary access will come in off  
9 of Serviceberry and come into the site. We will be  
10 providing sidewalks and transit amenities, if  
11 requested, as well as sidewalks and pedestrian  
12 accessibility, bike lockers, bike storage and those  
13 types of amenities to encourage alternative  
14 transportation to and from the site. We are  
15 proposing to extend the sidewalk on Serviceberry out  
16 to Maxwell as part of this project. We are  
17 proposing a secondary emergency only access in this  
18 area.

19 For emergency vehicles it will be gated and  
20 there will be no access through that unless the main  
21 access is blocked. Truck deliveries will occur via  
22 the main access here (Indicating).

23 There is approximately 625 parking spaces on  
24 the site, as currently shown.

25 CHAIRMAN STUTO: You may have addressed that when I

1 was trying to figure out -- are you connecting to  
2 Swayze?

3 MR. CLAREY: No. There will be no connections  
4 other than the two that you see here.

5 There is a proposed utility connection in this  
6 area (Indicating). There will be a utility  
7 connection, but there will be no access other than  
8 if somebody had to maintain the pipe or something.

9 There are 625 parking spaces. We have parked  
10 this according to zoning and according to our  
11 tenant's needs at this point. I think that you'll  
12 see in one of the comments that Planning had asked  
13 in reducing that number somewhat. Our response is  
14 basically we'll see what tenants come and what their  
15 demands are and if we can be considerate. If not,  
16 we are basically showing the parking per zoning.

17 We will be landscaping and screening the site.  
18 We will be maintaining a buffer in this area  
19 (Indicating). This is part of our site. This is a  
20 wetland area that will be undisturbed except for a  
21 utility connection - a utility corridor right here  
22 (Indicating).

23 MR. LANE: What is the width of that buffer?

24 MR. CLAREY: About 250 feet at its shortest. We  
25 will be enhancing the screening along there as well to

1 block the visual. At this time of year, you can still  
2 see some houses and you can see the two roads from the  
3 site. So, we anticipate that we will put some screening  
4 or berming along that line to help cut off the site  
5 lines from the neighborhood. We're also proposing  
6 screening along the I87 side and we will screen the  
7 neighbors on this side as well (Indicating).

8 Off to this area, it's largely wooded. There  
9 are several hundred feet of woods and a National  
10 Grid corridor there as well.

11 We will be handling drainage in the customary  
12 way, according to DEC standards. We will be using  
13 the drainage patterns that currently exist in the  
14 field today and detaining and treating the water  
15 on-site before its released.

16 Water and sewer - again, our thinking is at  
17 this point in working closely with the Town, we'll be  
18 looking at connecting water and sewer at least in  
19 this location, potentially out to Old Maxwell as  
20 well, depending on how the drains work.

21 CHAIRMAN STUTO: Not to cut you off, but the those  
22 types of technical things I think that are less  
23 concerning at this point than the impact on the  
24 neighbors and the screening and so forth and also  
25 obviously traffic.

1           MR. CLAREY: The only other thing that I have to  
2 talk about is lighting. That's a concern because of the  
3 neighborhood impacts. It will all be cut-off lighting.  
4 I don't know the exact height of it or the exact number  
5 of lights yet but again, we'll work with the Town on  
6 that part of the design and all the light will be  
7 contained by the type of design. It's basically  
8 required by your code that all light stays on the site.

9           With that, we will talk about traffic and Wendy  
10 Holzberger will come up and give you a brief  
11 overview of what we know at that point. We are  
12 still working on our study. We are completing it as  
13 we speak and we expect to have a full traffic study  
14 within the next two weeks.

15           CHAIRMAN STUTO: Thank you.

16           Wendy, before you start -- actually I'm going  
17 to ask Joe LaCivita.

18           Joe, you've had numerous conversations about  
19 traffic impact, right?

20           MR. LACIVITA: Yes.

21           CHAIRMAN STUTO: Can you give an introduction of  
22 your view -- what needs to be studied? Are you  
23 comfortable doing that?

24           MR. LACIVITA: Sure. In fact, we had a meeting  
25 today with the applicant, with Andrew, with Dan Clarey,

1 the Town Designated Engineer and the Traffic Engineer as  
2 well, Tom Johnson. We did have that meeting in Planning  
3 and Economic Development.

4 One of the specific conversations was the  
5 traffic study that needed to be done on this site.  
6 First, because of what we have been hearing from the  
7 neighborhoods around the site about the impact and  
8 potentially what could happen to the residential  
9 component, and also what was potentially happening  
10 around the area. There are several developments  
11 that are happening within that Maxwell Road area and  
12 the Albany Shaker area which is just out this side  
13 here (Indicating). What we have asked the applicant  
14 to do is to include in the traffic study the impacts  
15 from the connection of the Aviation Road area.

16 CHAIRMAN STUTO: Can you explain that? It looks  
17 like there is a member of the public that might want to  
18 know about that.

19 MR. LACIVITA: Sure. The Aviation Road connectors,  
20 if you're unfamiliar with the area - it's always been on  
21 the planning process that there will be a connection  
22 coming from Central Avenue all the way through to  
23 Maxwell Road through the couple of roundabouts that have  
24 already been designed.

25 CHAIRMAN STUTO: In other words, there is a

1 roundabout behind Macy's.

2 MR. LACIVITA: Correct.

3 CHAIRMAN STUTO: And there is a roundabout at  
4 Maxwell and Albany Shaker. That's going to be  
5 connected. You only have one more lot to get through  
6 and that's all going to be connected; correct?

7 MR. LACIVITA: Correct.

8 CHAIRMAN STUTO: That's going to change the whole  
9 dynamic over there.

10 MR. LACIVITA: Yes, so what we have asked the  
11 applicant to do is look at all of that traffic that is  
12 going to come into this area as well as the impact of  
13 the development of the 80-unit townhouses from the  
14 Foegtli Farm which is down further on Albany Shaker  
15 Road. Also, from the First Columbia project that has  
16 the hotel and the office, along with the PDD -

17 CHAIRMAN STUTO: Can you identify the location of  
18 that? The public should know.

19 MR. LACIVITA: Sure. That's the site that is right  
20 to the west of the Afrim's site which is located at 652  
21 Albany Shaker.

22 CHAIRMAN STUTO: So, it's between Afrim's and  
23 Moe's.

24 MR. LACIVITA: Correct. So, that site is inclusive  
25 into the study as well as the PDD 51-unit done by Jim

1 Finney that was actually reviewed by Barton and  
2 Loguidice as well. So, they are very familiar with it.  
3 That's the townhouses that are right across from the  
4 library. Also included into the study is the Exit 4 and  
5 the flyover that will probably come down the road later  
6 on in the year. That's the inclusive study that we've  
7 asked because there is a lot happening here. We wanted  
8 to make sure that it's inclusive of all of that.

9 CHAIRMAN STUTO: Thank you.

10 We'll give you as much time as you need.

11 MS. HOLZBERGER: Again, for the record, Wendy  
12 Holzberger, Creighton Manning Engineering and Joe  
13 actually said a lot of what the beginning of my  
14 discussion was going to be about; the timing of our  
15 project and the coordination and our efforts. We have  
16 looked into all of these projects knowing and  
17 understanding that all of those projects really changed  
18 the dynamics in the study area. There is a lot of  
19 diverted traffic. There are changes in the traffic  
20 patterns that obviously would impact this site as well,  
21 and how vehicles are getting in and out of the site.  
22 That is not typical to most sites. It's a little unique  
23 that there are so many infrastructure projects that are  
24 kind of right at the forefront so that has taken us a  
25 little more time than usual and we're really trying to

1 get a good understanding for the base conditions in the  
2 study area. Again, we have talked to the Town and we  
3 talked to the New York State Department of  
4 Transportation and the Capital District Transportation  
5 Committee. They're the local MPO and they do a lot of  
6 the large scale diversion modeling of all these changes  
7 in the area. Also, we talked to the county as well.  
8 So, we have really put a lot of effort into the back end  
9 to make sure that our basic condition is really  
10 accurate.

11 As far as the study itself, we have looked at  
12 our typical institute of transportation engineers  
13 industry standard for the trip generation for the  
14 site. Based on those and what is proposed, it is  
15 estimated for the P.M. peak hour which is the  
16 critical peak that we're looking at - is going to  
17 generate approximately 552 new vehicle trips. It's  
18 about 50/50 with entering and exiting. That's about  
19 275 trips in and 275 trips out and that does get  
20 distributed onto the network. So, we're estimating  
21 about 75 percent of those trips will come to and  
22 from the Albany Shaker Road area. There will be  
23 about 25% that do go north toward the Maxwell Road  
24 area.

25 CHAIRMAN STUTO: That's to Old Niskayuna Road.

1 MS. HOLZBERGER: Yes, to Old Niskayuna Road. So,  
2 obviously our key intersections -- some of the prime  
3 focus and of course we're looking at the study area and  
4 really looking at the diversion of trips and where we  
5 need to analyze, but obviously the key -- some of the  
6 key intersections are obviously the access point on  
7 Serviceberry. There is the Old Maxwell Road connection  
8 to Albany Shaker Road and it also connects through to  
9 the site that is a right-in and right-out -- and that's  
10 another mechanism for vehicles to get in and out. The  
11 Serviceberry Avenue intersection - we anticipate that  
12 there would be a traffic signal -

13 CHAIRMAN STUTO: Can you put up the other diagram  
14 and start from the beginning on the ingress and egress?  
15 Can you show us where Old Maxwell is?

16 MS. HOLZBERGER: This is Old Maxwell here  
17 (Indicating).

18 CHAIRMAN STUTO: Where is new Maxwell?

19 MS. HOLZBERGER: It's actually down here  
20 (Indicating). So, the Serviceberry Road intersection is  
21 there. This is Serviceberry (Indicating).

22 CHAIRMAN STUTO: I want to make sure that the Board  
23 and the public understands where you're talking about.

24 MS. HOLZBERGER: That connects to Maxwell Road.

25 CHAIRMAN STUTO: What buildings are right near

1           there?

2           MS. HOLZBERGER: The church is behind there. If  
3           you're coming form Albany Shaker Road, the first  
4           intersection that you hit is the library and the next is  
5           Serviceberry.

6           CHAIRMAN STUTO: So, coming from there you would  
7           take a left.

8           MS. HOLZBERGER: Correct, and the next is Coyote  
9           which is where the Shaker Veterinary is. Those are the  
10          three intersections that are off of that road.  
11          Serviceberry actually has a very long left turn lane  
12          that was actually constructed as part of the Maxwell  
13          Road project. It's about 380 feet of storage which is a  
14          very substantial storage area that will actually be  
15          utilized by this site.

16          CHAIRMAN STUTO: So, if you're coming from the  
17          roundabout towards Serviceberry, the left hand turn lane  
18          is about 300 feet long.

19          MS. HOLZBERGER: It's almost 400 feet long. If you  
20          compared that at Albany Shaker Road and Wolf Road, that  
21          left turn lane is about 430. It's really about two cars  
22          longer than the left turn lane that is actually provided  
23          at this intersection. So, again, we would anticipate a  
24          traffic signal would be put at that main primary access  
25          point as well as likely the Serviceberry would be

1 widened to two lanes, exiting. One would be for left  
2 and one for right turns.

3 MR. LACIVITA: Wendy, could we anticipate that  
4 extra lane or length of lane was added during the design  
5 based on the potential build-out of that site in the  
6 future?

7 MS. HOLZBERGER: I don't know the exact history.  
8 We didn't work on that project specifically, but you  
9 would guess that it could have been from an anticipation  
10 of the site. The other thing is because you have a left  
11 turn lane at the library and if you were going to even  
12 provide a left turn lane at the Serviceberry, it is a  
13 better design to actually not have the road go in and  
14 out. The advantage is 380 feet is obviously a long  
15 storage to be provided at that intersection.

16 The secondary access is the right-in and  
17 right-out which is existing intersection.

18 CHAIRMAN STUTO: Lets stay on Serviceberry for one  
19 second. Are you going to have to widen Serviceberry?

20 MS. HOLZBERGER: We are still working through the  
21 numbers and finalizing, but it is anticipated that we  
22 would widen that to provide a left and a right -- it's  
23 one lane in and one lane out. We would anticipate that  
24 it would be widened to provide a left turn lane and a  
25 right turn lane. We would anticipate a protected

1 movement and then the right turns could overlap which  
2 would help get the vehicles in and the vehicles out and  
3 provide us better movements for the people leaving the  
4 site.

5 CHAIRMAN STUTO: Thank you. Any other questions  
6 on that so far?

7 (There was no response.)

8 MS. HOLZBERGER: So, really I just wanted to also  
9 point out obviously the next intersection to the north  
10 is the Old Niskayuna Road/Maxwell Road intersection.  
11 That is obviously a key intersection that we will be  
12 looking closely at and then also to the south of the  
13 Maxwell Road roundabout. Obviously, 75% or so of our  
14 traffic is anticipated to go through that intersection.  
15 So, we would anticipate that there may be some  
16 improvements recommended there. We haven't defined them  
17 but those are obviously two intersections that we know  
18 we will be looking at very closely.

19 CHAIRMAN STUTO: You're saying the roundabout and  
20 also Maxwell and Old Niskayuna?

21 MS. HOLZBERGER: Right.

22 CHAIRMAN STUTO: And you're going to look at that  
23 intersection and whether it can handle it and also the  
24 roundabout that is currently there.

25 MS. HOLZBERGER: Correct.

1           CHAIRMAN STUTO: I'm just going to ask as a  
2 citizen. Going in the northerly direction of Route 9, I  
3 don't know where else it's going to disperse at the  
4 intersection that you just discussed which is Maxwell  
5 and Old Niskayuna. As you go further north, sometimes  
6 you have trouble at Maxwell and Route 9. I don't know  
7 if that needs to be studied or not.

8           MS. HOLZBERGER: We would anticipate of that 25%  
9 that we talked about, about 10% would probably go  
10 straight through to go to Route 9. Since it's a direct  
11 line to a state highway. That's also a location where  
12 with this connector road there is some diversions -

13           CHAIRMAN STUTO: Can we go to Loudonville too?  
14 What percentage is going there?

15           MS. HOLZBERGER: Fifteen.

16           CHAIRMAN STUTO: Okay. That's significant  
17 actually. At least continue with your presentation.

18           MS. HOLZBERGER: That's all. We know that the  
19 traffic is the concern. We are working on a study and  
20 we have been doing a lot of work behind the scenes and  
21 talking to the agencies and really getting a handle on  
22 the projects. We understand that there is always  
23 concerns and we are definitely working on it and we know  
24 what some of the key locations are and certainly you're  
25 talking about a few more.

1           CHAIRMAN STUTO: Don, do you have anything to say?

2           MR. FLETCHER: I think that it's all been said.

3           It's primarily residential impacts and traffic.

4           Stormwater will obviously have to be looked at, but it's  
5           early.

6           MS. HOLZBERGER: The other thing that I just wanted  
7           to point out in that this site is located within the  
8           Airport Area GIS. So, there is a fee that will be paid  
9           - a traffic mitigation fee that will be paid as part of  
10          this development project that is specifically to go  
11          toward traffic mitigation.

12          CHAIRMAN STUTO: Joe, do you have anything to add  
13          before we turn it over to the Board?

14          MR. LACIVITA: Yes, one of the things that in  
15          talking with Dan and Andrew today and Tom as well, as  
16          this starts to wrap up the study and we start to get all  
17          the information that is needed, we're going to get all  
18          the agencies together and that means the state, county,  
19          Ttown Designated Engineer, the Town itself making sure  
20          that we are hitting all the fine points before we bring  
21          that traffic study back. We do realize that is going to  
22          be a major impact in the area with this type of  
23          development and we want to make sure that we're not  
24          missing anything within the site.

25          I don't know if Tom has anything to add from

1           our meeting today or the current review of the site  
2           as well.

3           MR. JOHNSON: Well, just from our internal  
4           discussions we were thinking that the traffic study  
5           should be looked at as an extended study area. So,  
6           going out to Old Niskayuna Road and possibly even Exit 5  
7           including the infrastructure improvements of Aviation  
8           Road and Exit 4 -- those are going to be critical as  
9           well as additional developments on Albany Shaker Road  
10          itself. So, from hearing what we have heard tonight, it  
11          sounds like they are well on their way to providing a  
12          complete study.

13          CHAIRMAN STUTO: Can you talk about the right in  
14          and right out? We spent so much time on the he first  
15          one.

16          MS. HOLZBERGER: The existing right-in and  
17          right-out which is in between the library and the Times  
18          Union building - so, again, it's off of this plan and  
19          you probably can't see it here.

20          CHAIRMAN STUTO: I'm talking about the secondary  
21          road.

22          MS. HOLZBERGER: That is just an emergency access.  
23          That will be gated. That will not be for patron or  
24          traffic. That is just for emergency to have a secondary  
25          point.

1           CHAIRMAN STUTO: What about Old Maxwell, right next  
2 to the Times Union building and the library and the old  
3 engineering building from the town. What is going to  
4 happen at that spot?

5           MS. HOLZBERGER: Right now that is just proposed to  
6 stay as a secondary access of in and out. It's  
7 obviously a right-in and right-out access only. It will  
8 be maintained as a right-in and right-out access.

9           CHAIRMAN STUTO: So if you were coming from Albany,  
10 you could either take a right at Maxwell or you could go  
11 through the circle and take another right. I don't know  
12 if people would do that or not.

13          MS. HOLZBERGER: The statistics show that more  
14 people tend to turn into the first access they hit but  
15 certainly it's an option and they can take the right and  
16 go in at Serviceberry Avenue.

17          CHAIRMAN STUTO: How many right-ins are there now?  
18 Probably not many right-ins at that intersection.

19          MS. HOLZBERGER: There is not a lot of traffic  
20 there. It's really services.

21          CHAIRMAN STUTO: If you're coming down Maxwell from  
22 Old Niskayuna or Route 9 you would have already have hit  
23 -

24          MR. CLAREY: You would have to go Serviceberry to  
25 Old Maxwell out.

1 MS. HOLZBERGER: There are a couple of homes and  
2 businesses and the Times Union building is actually  
3 where most of the traffic comes that use that right-in  
4 and right-out now.

5 CHAIRMAN STUTO: You can see that we're very  
6 interested in this aspect of it.

7 Okay, we'll turn it over to the board.

8 MR. CLAREY: Mr. Chairman, I did want to spend one  
9 minute on process.

10 Forty-one acres of this project is locate din  
11 the CO zone and retail is not allowed so we require  
12 special use permit from the Zoning Board of Appeals  
13 before we can even file the concept plan with this  
14 board. As such, we have filed the paperwork on that  
15 and we have met with the ZBA once already. They are  
16 seeking lead agency status so that we can complete  
17 the SEQRA review necessary during that process so  
18 that they can make their decision. Then, we will  
19 file concept with this board. In the interim, the  
20 way that we have designed this process is that we'd  
21 like to be able to come back to this board as we  
22 develop more information and present to you to get  
23 your input and keep you in the loop with regard to  
24 the SEQRA review going forward so that your  
25 constructive criticisms are all incorporated into

1           what the ZBA ultimately will be deciding on this  
2           project in the next couple of months hopefully. The  
3           TDE will be working - we met today. The TDE will be  
4           working with the Zoning Board so you will have that  
5           connection as well and obviously we'll be  
6           coordinating strongly with Joe as well as Paul  
7           Shepard in building to make sure that everybody is  
8           sharing the information necessary. We would like to  
9           come back to this board particularly on the traffic  
10          issue as we work that through.

11           CHAIRMAN STUTO: Thank you for talking about  
12          process. You're always welcome to come back on this and  
13          I'm sure that the public is interested in this project  
14          because we want it to be an open project with public  
15          input and come up with the best possible scenario here.

16           MS. DALTON: So, I'm glad that you brought that up  
17          because I'm really concerned about the amount of  
18          greenspace that you are displacing here. As everyone  
19          knows I'm the Bambi Member of the Board. So, when you  
20          do your SEQRA and your environmental review, I would  
21          appreciate some special attention given to what kinds of  
22          animals are currently in that habitat and how they are  
23          going to be displaced and if there is a migration  
24          pattern that they can take to go someplace else, if we  
25          are going to make them go someplace else. I would

1 appreciate that being part of your review.

2 MR. CLAREY: A habitat study is part of the review  
3 so we will be doing that.

4 MS. DALTON: Awesome, thank you.

5 CHAIRMAN STUTO: Craig, do you have any questions  
6 or comments?

7 MR. SHAMLIAN: If I understood correctly, PM peak  
8 traffic, 550 trips?

9 MS. HOLZBERGER: That's 550 to new vehicle trips.

10 MR. SHAMLIAN: Of which, 25% are going to go north  
11 on Maxwell to the intersection. So, we're talking about  
12 130 trips to that intersection.

13 MS. HOLZBERGER: It is split. Half of them would  
14 go north and half would be coming south during that same  
15 hour.

16 MR. SHAMLIAN: Dan, why not right-in and right-out  
17 only on Albany Shaker in between the Times Union and the  
18 library as being the primary and sole primarily ingress  
19 and egress to the site?

20 MR. CLAREY: You couldn't do it. Most of the  
21 people are coming from the interchange and they have to  
22 take a left into the site. They'd have to loop back  
23 around the rotary to do that.

24 MR. SHAMLIAN: Most of them are already going to do  
25 270 degrees anyway.

1           MR. CLAREY: It doesn't give us the best access to  
2 the site to accommodate the types of volumes that we are  
3 talking about here.

4           MR. SHAMLIAN: But it keeps the traffic away from  
5 the residential areas completely.

6           MR. CLAREY: They are not going to the residential  
7 areas with or without that. You're still going to have  
8 that, as Wendy said, a portion of the traffic that is  
9 coming down Maxwell Road. That's not going to change  
10 regardless if you brought them in through the right-in  
11 right-out or not.

12          MR. SHAMLIAN: I'm not sure that I entirely agree  
13 with that. Some people will go out that way that would  
14 go a different way because of where that exit on  
15 Serviceberry is.

16          CHAIRMAN STUTO: Can you repeat your last sentence?

17          MR. SHAMLIAN: If I understand Dan's comment, it  
18 was that regardless of whether the ingress and egress  
19 was solely limited to off of Albany Shaker, the traffic  
20 would still come down Maxwell and go back out Maxwell.  
21 There is a certain amount of traffic that is correct.  
22 Some people who exit at Serviceberry will automatically  
23 put more traffic back onto Maxwell because if it was  
24 right-in and right-out only on Albany Shaker, they  
25 couldn't get back to Maxwell.

1 MS. HOLZBERGER: So, you're saying not to make a  
2 connection between Serviceberry and the site.

3 MR. SHAMLIAN: I'm asking whether that's been  
4 looked at; correct.

5 MS. HOLZBERGER: We can certainly look at that.  
6 Dan, what he is saying is that obviously when you have a  
7 retailer, the way that the network is in Colonie is that  
8 a lot of people use the interstate to travel from the  
9 south end of town. What he is saying is a lot of people  
10 would come and we have like 55% of the trips coming from  
11 that Exit 4 area. That would require all those trips to  
12 use that Maxwell Road roundabout to loop around and then  
13 take a right into the site.

14 MR. SHAMLIAN: Which is already going to have to  
15 do. They are already going to have to do 270 degrees of  
16 a 360 degree circle.

17 MS. HOLZBERGER: We can certainly look at that and  
18 see what it does. It's more difficult from a  
19 marketability standpoint from that side of things.  
20 Having a right-in and right-out access to a major  
21 retailer is a difficult sell, perhaps. I'm not the  
22 expert on the marketing aspect of it, but we can  
23 certainly look at that and see what it does. It would  
24 certainly have to fit with the plan for the developer as  
25 well.

1           CHAIRMAN STUTO: Thank you.

2           Susan?

3           MS. MILSTEIN: No.

4           CHAIRMAN STUTO: Tim?

5           MR. LANE: Joe, I have one question for you. In  
6 relation to the requirements on building orientation,  
7 how are we meeting this under this layout here?

8           MR. LACIVITA: I think that's one of the comments  
9 that we've had already with the applicant.

10          MR. LANE: I'm addressing comment number eight in  
11 particular.

12          MR. LACIVITA: Right, it's the building closest to  
13 the Northway. It's the 105,000 square foot pad. That's  
14 going to have a southerly facing. We have talked to the  
15 applicant about how that could be -

16          MR. LANE: So, basically that's a faux facade?

17          MR. LACIVITA: I think that's going to be tenant  
18 driven - the design of that building. We have to work  
19 with them at that time.

20          MR. LANE: And that will meet the requirement?

21          MR. LACIVITA: We will try to meet the requirement.

22          MR. LANE: Were there any other layouts that were  
23 looked at? Was this the only one that worked or was  
24 this -- did you go through some other iterations?

25          MR. CLAREY: Oh yes, we went through a lot but

1 basically in order to get the type of visibility that is  
2 retail, tenants would want -- they want people to see  
3 them from 87. There wasn't another configuration that  
4 worked that gave you the kind of visibility within the  
5 constraints that we have on the site with the wetlands  
6 and everything else. Staff has made some comments  
7 regarding these two buildings and turning them and  
8 changing the parking layout. We're looking at that and  
9 again, we'll look at that based on what our ultimate  
10 tenancy is and whether or not we have to dress up the  
11 backside of the building.

12 MR. LANE: I think that's going to be an absolute  
13 necessity under what our requirements are. If it's not  
14 an actual -

15 MR. CLAREY: From a marketing standpoint, we don't  
16 want to see loading docks.

17 MR. LANE: We don't want to see the back of a  
18 building.

19 MR. CLAREY: Neither would the tenant. They would  
20 want to have something that looks like you'd want to  
21 attract people to them. The design of the building is  
22 really going to be tenant driven. We will work with the  
23 staff on the best layout.

24 MR. LANE: And of course all the other concerns  
25 about traffic and the impacts on the residential -

1 they've already been asked. I appreciate that you're  
2 working hard on that. Thank you.

3 CHAIRMAN STUTO: We're going to be back many times  
4 on this project. Normally on a sketch plan, we don't  
5 take public comments but there are a lot of people that  
6 turned out. It's a high-profile project and we normally  
7 don't take comments, but maybe if anyone has any  
8 spokespersons that could tell us what their thinking is,  
9 we would entertain some comments if they could be brief.  
10 We'll see how it goes and hopefully it will be brief.

11 Does anybody want to be heard on this project  
12 or have a question?

13 MR. RILEY: First of all I want to thank the Board  
14 and Joe for making sure that there is a comprehensive  
15 study of traffic and not just for this site. I think  
16 that's very important. I think that two of the problems  
17 have been identified. That is the traffic and the  
18 concern that the neighbors have.

19 Two more, which I have to gloss over -- it does  
20 irritate me. The zoning does not allow this. Let  
21 me repeat. The zoning does not allow this. You can  
22 come up and have your variances and all of that, but  
23 right in this neighborhood many years ago there was  
24 a pig farmer. We still tell this story 40 and 50  
25 years later. When people moved in they said the

1 farmer was there first. Well in this case, the  
2 neighbors were here first. Now, you're moving in  
3 and you want to change what the Comprehensive Plan  
4 was. So, I think that the Board should look very,  
5 very carefully at that. In other words, just follow  
6 the rules guys. Don't string us along. Don't  
7 string them along. Tell them to go over to [SIC]  
8 Annuals Farm where it's permitted.

9 My last point, Peter, and I'm just commenting  
10 -- I wish that they had identified that everything  
11 is going to be in two or three weeks. There is a  
12 protected water course that goes right through the  
13 center of this project. I walked it this morning  
14 and there is a pond right in the middle that is the  
15 size of this room. If you look at your own overlay  
16 in your department, the water course is right in the  
17 center of this project - a protected watercourse.  
18 So, I think the fact that the zoning doesn't allow  
19 it and the watercourse as well as the wetlands -  
20 that should be able to be identified. This  
21 shouldn't be allowed. There are also traffic  
22 concerns and of course the impact on the  
23 neighborhood. Those are my four things. I do  
24 appreciate your comprehensive look at this. Thank  
25 you.

1           CHAIRMAN STUTO: Thank you. Those are good points  
2           and I'll ask staff to correct me if I'm wrong.

3           It's not a permitted use, strictly speaking.  
4           It is a use that could be granted with a special use  
5           permit. The body that is going to consider that is  
6           the Zoning Board. In one respect that takes the  
7           heat off us, just in terms of a technicality.  
8           That's not our decision to make. You may want to  
9           communicate that to the Zoning Board as well.

10          If they do grant it, then it comes back to us  
11          for site plan review. Then the use will be a  
12          permitted use at that point. I just want to add  
13          clarity to that. The other comments were good. I  
14          don't have any comment about that. I did want to  
15          clarify that.

16          Any other representative type people that want  
17          to speak?

18          (There was no response.)

19          There will be a lot more process here. There  
20          is an environmental review and it is going to -- the  
21          key initial decision will be before the Zoning  
22          Board.

23          Sir, with the lavender tie, if you would go up  
24          to the microphone?

25          MR. DAGGET: I'm Rob Dagget.

1           Mr. Shamilian, thank you. I appreciate the  
2           idea of redirecting the traffic. I live on Carriage  
3           Hill Drive. I'm actually a neighbor of Bob's. So,  
4           every Friday rush hour -- pretty much every day is  
5           rush hour, but specifically Fridays. Every day  
6           during the summer, when it snows, when it rains and  
7           when there is an accident at the twin bridges, every  
8           day, this is an issue. There is a back-up and we  
9           talked about passage through 9. It doesn't really  
10          follow that traffic pattern. It follows up Maxwell  
11          Road, you take a left on Old Niskayuna and you sit  
12          in line with everyone else. So, I must say that I'm  
13          not standing in the way of anything.

14          I would love a Costco. I was privileged to be  
15          in a number of them in multiple states. I welcome  
16          it. I think that the area and the idea of the  
17          concept that you presented with a right-in and a  
18          right-out would alleviate an awful lot of that to  
19          start. I think that some of the other pieces and  
20          parts of it, as we look at it and go deeper - I  
21          don't see anywhere in the plan where the developer  
22          and the owner of the property are actually looking  
23          to improve their areas or give up some of their  
24          space to work with it.

25          By no means do I know traffic law, but is there

1 a way that you can offer access and egress at least  
2 access onto the Northway from this plan? If we are  
3 looking here, would a passage way here to alleviate  
4 traffic make sense? I don't know these answers, but  
5 I would hope that they would be part of the  
6 Comprehensive Plan. I do find it amazing and my  
7 name is not David Copperfield, but when I looked at  
8 the plans this afternoon I thought that I saw  
9 something off of Swatling - a road that came in. I  
10 was a little bit enthusiastic about it even though  
11 it was residential that there would be two ways in  
12 and out. Upon coming to this, I see that has  
13 disappeared. So, maybe we could make the service  
14 barrier disappear, following that pattern and maybe  
15 something else. I'm open to it all.

16 CHAIRMAN STUTO: Thank you and I hope that the  
17 traffic engineer is listening, too.

18 MR. CAREY: I'm Kevin Carey and I'm Rob and Bob's  
19 neighbor as well.

20 My major concern is that traffic circle. It's  
21 not designed properly to handle any more traffic  
22 than it already is. I drive it every day and for  
23 anybody that comes from Maxwell Road up to that  
24 traffic circle every day, it says that we have a  
25 yield sign but we really have a stop sign because

1 the people on Albany Shaker treat it like a  
2 through-road. Now you're going to add an access  
3 road from Aviation Road and put in on that traffic  
4 circle. It has got to be a lot bigger or there is  
5 going to be a lot of safety concerns. It just can't  
6 handle that volume in its current design. I'd like  
7 to see a safety study done on the number of  
8 accidents that are already occurring there and when  
9 you double the amount of traffic that is going to be  
10 on there, it's going to be a disaster and that's my  
11 biggest concern. My children are grown. If I had  
12 young kids that were going to be driving, I'd be  
13 scared every day that they have to up there and get  
14 on that traffic circle. Those people on Albany  
15 Shaker are going about 40 miles an hour. They look  
16 to their left and they just go right through. They  
17 do not even get close to stopping.

18 The other thing is that some of the traffic is  
19 going to be taking a left onto Maxwell Road and  
20 going up to Old Niskayuna. Anybody that has driven  
21 Maxwell Road knows that's a windy road and every  
22 street that comes off of that - it's already  
23 difficult to see right and left when you're getting  
24 on there so you're already taking your life into  
25 your own hands. If I had to try to take a left from

1 Carriage Hill onto Maxwell Road and there is going  
2 to be increased traffic, there is going to be so  
3 many more accidents. The sidewalks end about 100  
4 yards down the road on Maxwell Road and there is no  
5 sidewalks on Maxwell. It's a one-lane road that is  
6 very windy and I'm very, very concerned about the  
7 safety. Thank you.

8 MR. LACIVITA: Mr. Carey, I can tell you that the  
9 traffic circle that you spoke about in your first  
10 comment - it is being looked at in total. It's being  
11 looked at being redesigned with the connection to  
12 Aviation. I know that Joe Grasso from Clough Harbour is  
13 involved with that Aviation Road connector. He has  
14 already looked at it and it's been discussed several  
15 times as to the impacts and what has to be done in order  
16 to improve that. So, it would be widened through this  
17 project and through others that are happening that are  
18 in the corridor. So, it's going to be approved.

19 MR. CAREY: Who designed that originally? Did you  
20 pay for it?

21 MR. LACIVITA: It predated me.

22 NS, FRIEDMAN: Hi, I'm Jackie Friedman and I live  
23 on the corner of Carriage Hill and Maxwell Road.  
24 Maxwell Road is always busy. There are no sidewalks.  
25 There are a lot of people who try and jog or walk on it

1 and it's dangerous already. What is going to happen to  
2 them when the road is even more busy? It's always  
3 backed up. My neighbors are very concerned.

4 CHAIRMAN STUTO: Thank you.

5 MR. GIRVIN: I'm Todd Girvin, also on Carriage Hill  
6 Drive. I was concerned a couple of years ago when I saw  
7 the size of Maxwell Road and the turning lane, even  
8 though it has a lot of storage on it.

9 I grew up adjacent to Corporate Woods and I  
10 remember my dad telling me a long time ago that they  
11 were kicking around an idea of building a  
12 residential neighborhood there and my dad said, they  
13 didn't build it and exit it off of I90 to going to a  
14 residential neighborhood. Whoever designed that  
15 roundabout, get your money back, guys. Regardless  
16 if there was something going on off of Aviation Road  
17 or not, it's always been too small. It's ridiculous  
18 regarding the size of it.

19 My thing is, and Kevin said earlier, is the  
20 safety. I don't agree with your counts. If they  
21 are during the week or whatever, I can't imagine at  
22 Christmastime with the retail what that is going to  
23 look like. Rob spoke of a daily occurrence at times  
24 because of the weather and things that happen on the  
25 Northway and holiday weekends. Now you're going to

1 have Aviation Road and Maxwell Road go all the way  
2 to Route 9 and be parallel to the Northway and to  
3 Wolf Road. You cannot agree with those counts  
4 whatsoever. They are grossly, grossly low. If they  
5 were weekday counts, I can't imagine that they  
6 wouldn't be five times the amount on a busy Saturday  
7 at Christmastime. If this is not done, there is a  
8 wonderful development over on the roundabout on  
9 Sandcreek and the development over there that has  
10 the 55 older and plus -- wouldn't that be a nice  
11 option because we could work around Bob Riley's  
12 pond. Riley's pond - I like the sound of it.

13 There are some other areas that there wouldn't  
14 be an impact to the schools. It would be a nice tax  
15 base. So, like Bob said, the residents were there  
16 first and we could add some more there as well and I  
17 think that everyone could be safe. If this thing is  
18 going, you have to have sidewalks. God knows why  
19 and wherever it is on this plan, it ended in the  
20 middle of the block. Let's look at our bids before  
21 they go out and make sure that they go all the way  
22 down to the corner. Literally, the sidewalk that  
23 comes in off of Shaker Road ends in the middle of  
24 nowhere. Talk about dangerous? So, if you're  
25 making it a thoroughfare from basically Central

1 Avenue over to Sandcreek all the way to Route 9, I  
2 think that you have to have sidewalks the whole way  
3 through too, because kids walking or riding a bike  
4 or grown-ups and adults -- you do take your life  
5 into your own hands as Kevin said earlier because it  
6 serpentines all the way though. If you're going to  
7 add 10,000 cars a week, that's going to be a lot  
8 more carnage.

9 CHAIRMAN STUTO: Joe Grasso, I don't know if you  
10 want to speak on this. I know that you've studied the  
11 connection from Aviation and the circle. If you don't  
12 have anything to add at this point, that's fine.

13 MR. GRASSO: No.

14 CHAIRMAN STUTO: A couple more comments.

15 MR. OPPEDISANO: My name is Richard Oppedisano and  
16 I live on York Court. The York Court and Coventry Court  
17 people are here tonight too.

18 I agree with 99% of what everybody has already  
19 said. I like Bob's idea. Has anyone given  
20 consideration to the Ingalls Farm? That way, you  
21 wouldn't have any of the traffic considerations at  
22 all. You have a new Exit 4 coming off the Northway  
23 that could extend that right across Shaker Road.  
24 That could be an entrance. Traffic coming south off  
25 of the Northway could exit to a service road because

1 I guess the Northway is a state road or whatever and  
2 it can't exit right into a private corporation or  
3 whatever. Do a service road into that particular  
4 program, or whatever it is. I don't care how many  
5 stores you put in there. That land is a lot more  
6 available than what we are talking about behind the  
7 Times Union building.

8 I have two concerns. The first one is tractor  
9 trailers coming off the Northway, either south or  
10 north - they're going to have to come down to Shaker  
11 Road, go around that roundabout which we talked  
12 about is ridiculous as it is now. How are we going  
13 to get either a tractor trailer, a double trailer or  
14 a tandem trailer around that to get it to be able to  
15 service the stores that are going to be located in  
16 this area? That's one of my major concerns.

17 The other thing is sidewalks on Maxwell Road.  
18 Every morning we have kids standing in the road  
19 waiting for the school busses. How is that going to  
20 be accomplished? That's got to be looked at.

21 The young lady with her traffic - I totally  
22 disagree. You have 1,600 parking spaces and you're  
23 considering only 500 cars a day? That doesn't make  
24 sense.

25 Joe, on your figure, you forgot to put

1 Crisafulli's new development that the Town has  
2 already approved on Winner's Circle.

3 MR. LACIVITA: Thank you. We'll add that to it.

4 CHAIRMAN STUTO: There will be other forums for you  
5 to speak.

6 MS. OPPEDISANO: I'm Rose Oppedisano. I live on  
7 York Court. I'd like to add to what my husband said in  
8 regard to the tractor trailer traffic that's going to be  
9 supplying warehouses constantly. I also understand that  
10 Costco has not been mentioned in the newspaper or  
11 elsewhere, but they do have a gas station. They  
12 generally have eight pumps for 16 cars and it generates  
13 a lot of traffic and pumps inexpensive gas. I  
14 understand that people wait in line with their motors  
15 running 25 to 30 minutes to buy this gas. How is that  
16 going to impact the environment in our neighborhood?  
17 How are those huge gas trucks that are going to be  
18 driving around our neighborhood - I don't like it.  
19 Thank you.

20 CHAIRMAN STUTO: Thank you.

21 This is the last comment.

22 MS. BORND: My name is Brandy Bornd. My concern is  
23 the environment. I see a lot of birds and I hear the  
24 frogs and I can't even imagine what it would look like.  
25 It doesn't matter what they do with lighting or how good

1           they angle buildings or put up a big fence. I'm still  
2           going to see this, instead of looking at woods. My  
3           entire neighborhood comes out and take walks at night.  
4           That's what concerns me greatly. I'm sorry that more  
5           people aren't here if they don't know about it - if they  
6           didn't know about this. That's also my concern. Thank  
7           you.

8           CHAIRMAN STUTO: There will be a number of other  
9           public meetings on this including before the Zoning  
10          Board and back before here. If there is going to be a  
11          vote taken, there is a certain perimeter where they have  
12          to mail notices to the neighbors. In addition, I would  
13          say watch the website.

14          MS. BORND: If they are mailing to the neighbors,  
15          is it just abutted against the property?

16          CHAIRMAN STUTO: Joe, can you help me with that?

17          MR. LACIVITA: It's anywhere between 200 and 500.  
18          It depends on the use that's going in. This typically  
19          does not get a sketch plan review and it does not get  
20          notification because there is no action taken. It's the  
21          first time an applicant has the opportunity to talk  
22          freely with the Planning Board as to the process. At  
23          that point when it comes to a concept approval or any  
24          action that this Board has to take, that notification  
25          will go out. It's anywhere from a 200 to 500 range and

1 again, it depends on the use.

2 CHAIRMAN STUTO: If they give their address to you,  
3 will you put them on the notice list?

4 MR. LACIVITA: Sure. We can certainly do that. In  
5 fact, if you go to our website and type in  
6 PEDD@colonie.org. Just send me an email and say that  
7 I'd like to be on the notification list.

8 MS. BORND: That would be great. Thank you.

9 CHAIRMAN STUTO: I think that we are going to close  
10 this one down in fairness to the other applicants.

11 Thank you. We look forward to the process.

12

13 (Whereas the above referenced proceeding was  
14 adjourned at 8:00 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 June 30, 2015

