

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 LANDS OF ENGEL
5 681 ALBANY SHAKER ROAD
6 APPLICATION FOR CONCEPT ACCEPTANCE

6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY L. STRANG, a Shorthand Reporter,
9 commencing on August 25, 2015 at 8:05 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York

10

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN (RECUSED)
13 TIMOTHY LANE
14 LOU MION, ACTING CHAIRMAN
15 KATHY DALTON
16 TIMOTHY LANE
17 SUSAN MILSTEIN
18 CRAIG SHAMLIAN

16 ALSO PRESENT:

17 Kathleen Marinelli, Esq., Counsel to the Planning Board
18 Joseph Grasso, PE, CHA
19 Joseph LaCivita, Director, Planning and Economic
20 Nick Costa, PE, Advanced Engineering
21 Stephen A. Iachetta, Albany International Airport
22 Richard Oppedisano
23 Paul Bergdorf

24

25

1 CHAIRMAN STUTO: I'm recused for the next item so
2 Lou Mion is going to walk us through that.

3 ACTING CHAIRMAN MION: Now we have the lands of
4 Engel that is up next.

5 MR. COSTA: I'm Nick Costa from Advanced
6 Engineering. What we have here is the conceptual
7 subdivision plan for the two-lot subdivision of the
8 Engel Farm. I think that everybody is pretty much
9 familiar with the site. It's a 38 plus acre site that
10 we are proposing to subdivided into two lots; one large
11 lot that will remain and the second lot which is about
12 two acres.

13 Additionally, we also have a portion of the lot
14 also being dedicated for future highway purposes to
15 the Town of Colonie and basically this is aligned
16 with the future exit from the new exit off the
17 Northway.

18 The site topography is fairly flat. There are
19 two street corridors that come through here. The
20 site drains towards the northwest and there are the
21 two drains in the upper area of the drainage basin.

22 Current access to the site is through here
23 (Indicating). There were several buildings that
24 were located in this general area. Those buildings
25 were part of the agriculture process that went on

1 for the site, historically. All of those buildings
2 have been removed. All that remains is a little bit
3 of gravel right in this area (Indicating) and some
4 asphalt parallel to Albany Shaker Road where there
5 was historically a stand right in this general area.

6 The site is adjacent to the Albany
7 International Airport on the northwest side. It has
8 frontage along Terminal Drive which is at this
9 location (Indicating) and that comes off of Old Wolf
10 Road. The hotel is located here and the rental
11 place is located at this site (Indicating). On the
12 south side it's bounded by Albany Shaker Road.

13 ACTING CHAIRMAN MION: There are wetland in there
14 too, right?

15 MR. COSTA: Yes, I'm sorry. Those drainage ways
16 are also wetlands. This being a farm, they also use
17 some of that ponds were used historically for farm
18 processing. It is fairly flat in the topography.

19 ACTING CHAIRMAN MION: Joe?

20 MR. GRASSO: This project had gone through a sketch
21 plan review just a couple of weeks back where we stated
22 some initial comments that we had on the application and
23 it's basically the same plan that we reviewed then.
24 Since that time, we have memorialized our comments in a
25 conceptual review letter dated August 25th, so I'm going

1 to go through those half-dozen or so items in that
2 letter. The application represents a three-lot
3 subdivision with two lots apparently proposed for future
4 private development and one lot reserved for the future
5 Town road. Based on the applicant's presentation during
6 a sketch plan review meeting and subsequent
7 conversations that we have had with the applicant's
8 side, the proposed two acre lot will ultimately be
9 proposed for a Stewarts store and the remaining 35 acres
10 would be reserved for future development.

11 The property lies across from the planned
12 future off-ramp and on-ramp for the Northway Exit 4
13 interchange and it's our understanding that those
14 improvements have been through a conceptual design
15 stage and environmental assessment. Final design of
16 those Exit 4 improvements hasn't been initiated and
17 because those improvements haven't been funded yet,
18 there is no definitive time table set for
19 construction of those improvements, which I think is
20 important to this project site.

21 The development of the subject property and the
22 proposed Town road have the ability to negatively
23 impact the future Exit 4 improvements if not
24 properly planned. So, careful coordination between
25 the two projects is going to be required.

1 I know that Nick has obtained some mapping from
2 DOT relative to the Exit 4 interchange project and
3 based on the comparison of the mapping between the
4 two projects it appears that the location of the
5 Town road right of way on the subdivision plan is
6 consistent with that as shown on the latest DOT
7 design plans.

8 A note on the subdivision plan before us
9 states that it is the intent for all future
10 development within the lands of this subdivision to
11 have sole access for the proposed future Town
12 highway. That basically means that there would be
13 no development of any additional points of access on
14 Albany Shaker Road which is a county road. We agree
15 with that condition and if the intent is to develop
16 this access prior to the Exit 4 interchange
17 improvements going in, a traffic study needs to be
18 prepared to demonstrate the need for any public
19 infrastructure improvements including the proposed
20 configuration of the Town road, traffic signal at
21 Albany Shaker Road and any turn lanes either exiting
22 the project site or along Albany Shaker Road.

23 It should be noted that building a fourth leg
24 to the planned Exit 4 interchange has the potential
25 to impact the overall operation of the interchange

1 signal. It needs to be demonstrated as sufficient
2 development is going to occur within the site or
3 that connection to adjacent properties provides
4 sufficient public benefit to justify the fourth leg
5 of the Exit 4 interchange to be built.

6 The airport, which is adjacent to the west, has
7 provided correspondence requesting consideration be
8 given to extension of a roadway to the airport
9 property to allow traffic from the airport's economy
10 parking lot to access Albany Shaker Road, thereby
11 accommodating left turn out movements which are now
12 restricted coming out of the economy lot. In
13 addition, the Town Planning Department has requested
14 a Town road connection to Terminal Drive to the
15 northwest also be considered. In concept we agree
16 with both connections at this time and the future
17 planning of the property should take these possible
18 connections into account.

19 Nick did state during his presentation that the
20 project site has frontage on Terminal Drive, but I
21 don't think that's the case. I think that Terminal
22 Drive just stops a couple of hundred feet from the
23 property and there is a strip of private property
24 owned by the [SIC] Durantes.

25 MR. COSTA: That's correct.

1 MR. GRASSO: The site analysis investigation
2 submitted as part of the concept subdivision application
3 indicates the presence of two environmentally sensitive
4 stream corridors bisecting the site. We recommend that
5 the associated adjacent wetlands buffer areas and the
6 regulatory jurisdiction of those be better defined to
7 help us inform the planning of roads and future
8 developments of the project site.

9 Lastly regarding the SEQRA review of the
10 project, the subdivision along with the planned Town
11 road right of way would be considered an unlisted
12 action. That said, development of the two acre
13 parcel and a Town road would trigger a Type I action
14 with the coordinated review required because it
15 involves disturbance of greater than 2.5 acres
16 within an AG district. To avoid segmentation
17 between the proposed subdivision and future site
18 plan applications, we recommend that the subdivision
19 only be considered along with a site plan
20 application for at least a portion of the project
21 site and at the SEQRA review look at the impacts of
22 full build-out of the project site.

23 One caveat to that is that if the plans for the
24 two acre parcel are more advanced than planning of
25 the rest of the property, future development of the

1 property can be shown and addressed schematically at
2 a higher level of analysis. Assuming a phased
3 development approach to the property is planned,
4 which it appears to be, all phases of development
5 should be evaluated in the traffic study that we
6 mentioned earlier in our letter. The Town
7 Attorney's office has already initiated coordinated
8 review with the request to have the Town Planning
9 Board be the lead agent and that solicitation was
10 issued on August 12th and assuming that no other
11 involved agencies request lead agency status which
12 we don't think that any other agency will, the
13 Planning Board can accept lead agency status any
14 time after September 12, 2015. That is that 30-day
15 minimum time period given to other involved
16 agencies.

17 Our last comment is that a full EAF should be
18 prepared to allow appropriate evaluation of the
19 project's potential environmental impacts. I think
20 that the full EAF was submitted along with the
21 recent application materials, but that form does not
22 address full build-out of the project site or any
23 site plan aspects that may come with future
24 development proposals and we think that it's
25 important that it does.

1 It's a lot for the Board to grasp in a letter.

2 MR. LANE: I do want to ask: To do the stuff that
3 they are doing is the unlisted action. You're saying
4 that when they start the developments of the lot, that
5 would become a Type I action.

6 MR. GRASSO: That's right. SEQRA doesn't want you
7 to look at different actions individually. It wants you
8 to look at the impacts of the whole project.

9 MR. LANE: Is that because we know that they are
10 going to develop it? Somebody can subdivide their lot.

11 MR. GRASSO: It's incumbent on the Board that when
12 you are looking at subdividing property to look at how
13 that property is going to be developed in terms of
14 access, utilities -

15 MR. LANE: Is the unlisted still required? Will we
16 look at it together?

17 MR. GRASSO: It's not required. Our recommendation
18 is that we jump into a coordinated review process, have
19 the Planning Board accept lead agency status and have a
20 full EAF that describes development of the project
21 site -

22 MR. LANE: Is that the cause of any complications
23 to have them make sure that they develop the two acre
24 site and then bring it all back with the subdivision at
25 the same time?

1 MR. GRASSO: Our recommendation is that the
2 subdivision application be looked at simultaneously with
3 a site plan application.

4 MR. LANE: So, basically with the Stewarts -

5 MR. GRASSO: Yes, or at least with the first one.
6 With better answers regarding how access is going to be
7 provided. This is an important fourth leg intersection.
8 We want to make sure that we don't develop a fourth leg
9 that only serves a Stewarts. That would be disastrous.
10 We want to make sure that if the fourth leg is going to
11 be developed, that it is done in such a way that
12 maximizes development of the project site and also looks
13 at other traffic that may be routed through the project
14 site to this traffic signal. No doubt when you build
15 the fourth leg of this intersection, it's going to have
16 an impact on the other three legs of the intersection.
17 We want to have that holistic view of things as we make
18 planning decisions. It's easy for us to say right now,
19 well, it's only a subdivision application but with that
20 subdivision application we start to put lines on the
21 paper that other people are going to have the rights to
22 in the future. Sometimes it's difficult to change those
23 lines after the fact. That's why we strongly encourage
24 the Planning Board to not act on the subdivision
25 application until we have more information to go on.

1 MR. SHAMLIAN: Nick, what is the timetable on the
2 Stewarts? Do you have any sense of that?

3 MR. COSTA: No.

4 MR. SHAMLIAN: But presumably they're going to move
5 forward to develop that before DOT gets around to the
6 interchange.

7 MR. LANE: Stewarts moves fast.

8 MR. SHAMLIAN: They have 20 years to catch up.

9 Joe, what happens if this gets laid out in this
10 way with the current DOT plan and DOT shifts where
11 they are coming out by 100 feet for some reason?

12 MR. GRASSO: It's a valid question. The project
13 moving forward and developing that leg impacts the Exit
14 4 interchange and in some respects it can lock them in.
15 What I would say that the Exit 4 interchange project has
16 gone through years of rigorous review of various
17 alignment alternatives, environmental impact studies and
18 it has advanced to a point where we are very confident
19 and DOT is very confident that this is the right
20 location. When the Exit 4 interchange is built, it's
21 going to be in that location. When I ask the designers
22 just how close are we, they say that if we are two feet
23 off, that would be a lot. I asked the very same
24 question. What if it's off 100 feet? They said that the
25 likelihood is very slim. Obviously, when you are

1 dealing with an Exit 4 interchange project, if something
2 has to move, they'll move it. They'll just take
3 property to make that project go. I think that we've
4 gained a lot of ground over the last couple of weeks in
5 making sure that we understand all the issues effecting
6 development of this site.

7 MR. SHAMLIAN: At what point are we looking at the
8 rest of the road through the property to Terminal?

9 MR. GRASSO: From a schematic standpoint I think
10 that we need to look at that now.

11 MR. SHAMLIAN: Should that not be on the drawings
12 now?

13 MR. GRASSO: It doesn't necessarily need to be as
14 part of the subdivision, it would be good if we could
15 look at a master plan development of the project site
16 with a better delineation of the wetlands and the
17 streams and where that access may go.

18 MR. COSTA: Joe, one of the reasons why we showed
19 that access to the extent that we did is that it would
20 provide access. There is a potential that if that is
21 not done, the entire frontage could end up without
22 access.

23 MR. GRASSO: I'm going to describe another scenario
24 that we want to watch out for. This is the reason why
25 we need to look at what the likely development of the

1 entire project site is. Let's say that the Exit 4
2 interchange doesn't go in until 2020 so we have five
3 years.

4 A signal can only go in if warrants are met
5 that require the signal to go in. If signal
6 warrants aren't met, you can't develop that fourth
7 leg and have safe left turns out. That's the
8 situation that the airport is facing at its economy
9 lot. We will not recommend approval of a project
10 that doesn't have a signal and doesn't allow lefts
11 out because our fear is that people are going to take
12 an illegal left hand movement, which is going to be
13 extremely unsafe based on the traffic conditions on
14 Albany Shaker Road. There is no center two-way left
15 turn lane. If you don't do the signal, there is
16 probably no opportunity to develop that property.
17 That's why we really need to know those answers so
18 that we can have a confidence level that putting the
19 signal in temporarily is a smart thing to do.

20 MR. SHAMLIAN: It almost sounds like there is a
21 little bit of a chicken and an egg here.

22 MR. GRASSO: The traffic study is the chicken.
23 That should come first. The subdivision should really
24 fall after that, along with the process.

25 MR. SHAMLIAN: This is all part of the traffic

1 study that is being conducted by the Ad Hoc?

2 MR. GRASSO: No. I'm not familiar with that
3 traffic study, but based on what I've heard -

4 MR. LACIVITA: The county and CDTC are doing a
5 corridor study. The TU is site specific. We asked them
6 to look at certain areas within it and study it and up
7 to the Engel Farm - that intersection right there.

8 ACTING CHAIRMAN MION: So, what you are suggesting
9 is that we do a study before this?

10 MR. GRASSO: That we wait on the review of the
11 subdivision until we have more information and something
12 real in terms of site plan application to go on.

13 MS. MILSTEIN: Joe, the one on number 5 - are
14 those the folks that are opposed to -- having that road
15 go through there which they said would be the airports -

16 MR. GRASSO: Yes. We support, in concept, the
17 connection to the airport, but we're not saying that it
18 would need to be a Town road. We don't know whether or
19 not it would need to be built now, but we think that a
20 possible future connection should be planned and looked
21 at to see if it makes sense. We don't have a lot of
22 information in terms of what is to the west and the
23 airport's property or what their future development
24 plans may be, but I think that's all information that we
25 want to take into consideration. It's not to say that

1 we need to make a final decision on that road connection
2 at this time, but it adds valuable information and I
3 think that from a planning perspective we should
4 definitely take it into consideration. On its face, it
5 does appear to have merits.

6 MS. MILSTEIN: I can also see the right to the
7 property owner, too.

8 MR. GRASSO: Absolutely.

9 MS. MILSTEIN: I have some very serious concerns
10 about that one.

11 MR. GRASSO: Absolutely.

12 MR. SHAMLIAN: I agree with Sue. The airport
13 authority has eminent domain, correct?

14 MR. GRASSO: I don't know.

15 MR. SHAMLIAN: I believe that they do. They either
16 need to work something -- in my opinion, they need to
17 work something out with the property owner or they need
18 to take it. It's one of the two. I don't think that
19 it should be our -- we shouldn't be taking land to give
20 to the airport authority. It's one thing for a Town
21 road. That's my opinion.

22 ACTING CHAIRMAN MION: I agree with you
23 wholeheartedly on that.

24 Anybody here that would like to talk on this?

25 MR. IACHETTA: Thanks, very much. I'm Steve

1 Iachetta, planner for the Albany County Airport
2 Authority. I was asked to make a second appearance.
3 Our Chief Executive John O'Donnell was here the last
4 time.

5 I'd like to thank all the Planning Board
6 members for this opportunity to speak. I would like
7 to make just a very few brief comments.

8 First and foremost, the airport wishes the
9 Engel Brothers well in the development of their
10 land. The best long-standing best neighbor
11 relations go back decades.

12 The airport has absolutely no opposition to the
13 development of this two-acre site as a Stewarts. The
14 careful planning of this development at this
15 intersection is crucial to ensure optimal efficiency
16 of auto traffic in this most important airport
17 access corridor. We urge the Planning Board to
18 postpone your vote until the traffic and other
19 studies of the impact of this development are
20 completed and as stated in our airport authority
21 letter and at the last Planning Board meeting, an
22 internal road connection to the airport should be
23 firmly established as part of an approval and turns
24 in and out of the parcel at this point should be
25 restricted to right-in and right-out for safety

1 considerations, at this new Stewarts intersection.

2 As suggested in the County of Albany,
3 Department of Public Works, all development
4 scenarios of the larger 38.4 acre parcel should be
5 studied from a traffic impact standpoint before
6 approvals are granted. The county has suggested a
7 coordinated meeting occur with all interested
8 parties including the airport authority to discuss
9 the traffic and infrastructure issues. In support
10 of this we, the airport authority, has commissioned
11 an engineering study with Creighton Manning
12 Engineers for the future development to assist in
13 this effort of this land adjacent to our 1,200 acre
14 airport - to assist this planning effort along.
15 Some meetings have been conducted and that is being
16 advanced. We expect a product that we can share
17 with the applicant and any and all interested
18 parties in approximately two weeks. The airport
19 will gladly participate and help facilitate ongoing
20 review and discussions. We also agree with all the
21 other comments of the County Department of Public
22 Works relative to this development. We also agree
23 with comments of the Albany County Planning Board
24 issued today August 25th, which supports local road
25 connections to the airport. In addition they

1 suggest among other things that a master plan of the
2 parcel be developed due to the location of the
3 property adjacent to the airport. Busy county
4 highway - part of the national highway system. The
5 planned major reconstruction DOT for I87 access -
6 airport access project to this most important
7 industrial and commercial area of the Town.

8 The last item in my prepared remarks are that
9 we strongly urge that the site plan review of this
10 two acre parcel be combined with the subdivision
11 application prior to your final vote on the
12 subdivision. This will avoid piecemeal consideration
13 on the project as traffic infrastructure drainage
14 and the other environmental impacts to avoid
15 segmentation as previously noted.

16 In conclusion, we would encourage the Planning
17 Board to postpone a vote until the necessary studies
18 and discussion timely occur so that we can ensure
19 intelligent highest and best use of this site and to
20 avoid the environmental concerns of segmentation.
21 We specifically ask for a road connection to the
22 airport and that ingress and egress be restricted at
23 this point until the full intersection is developed.
24 We look forward to working with all affected parties
25 to timely accomplish these goals. Thank you, very

1 much.

2 MR. LACIVITA: Can I ask one question? You guys
3 commissioned a study for this site and you've had
4 meetings already about the study?

5 MR. IACHETTA: Yes.

6 MR. LACIVITA: Were you part of those meetings?

7 MR. IACHETTA: No.

8 MR. SHAMLIAN: So, the study that you commissioned
9 is studying specifically what?

10 MR. IACHETTA: Traffic impacts of this section of
11 county highway, also the highway system. We'll assist
12 with facilitating tying in the various and many prior
13 studies, regional studies, airport area GEIS -- so many
14 studies of our intermodal regional airport facility.
15 The traffic impacts are key, among other areas of
16 concern. It's timely, appropriate and we're doing our
17 very best to assist with facilitating timely review and
18 frankly continue good neighbors with the adjoining
19 parcel.

20 MR. SHAMLIAN: If the last part of that statement
21 is true, you would have reached out to the applicant to
22 coordinate a common goal of the study as opposed to
23 going off on your own.

24 MR. IACHETTA: Fairly stated. I can't add much to
25 that. Many levels of dialogue are progressing. It's an

1 ongoing process. That's about all I can say. It's a
2 long standing review and now it's coming to a
3 culmination.

4 ACTING CHAIRMAN MION: Maybe going forward you'll
5 want to bring the applicant into it.

6 MR. IACHETTA: As you know, there are multiple
7 owners, two equal brothers represented by separate legal
8 teams. Certainly we are in full communication and
9 dialogue with all neighbors that we are familiar with.

10 I'm staff. I'm doing my best to answer your
11 questions.

12 ACTING CHAIRMAN MION: Thank you.

13 MR. OPPEDISANO: My name is Richard Oppedisano and
14 that gentleman did an outstanding job and addressed a
15 lot of our concerns that we have in the neighborhood.

16 Mr. Grasso, your firm did a fantastic job on
17 the review and I thank you for your recommendations.

18 The one thing that bothered me is the idea with
19 the Ad Hoc study that is going on with the traffic
20 study now - why this was not part of this study.
21 You're only talking about a quarter of a mile
22 difference between Wolf Road and what we are talking
23 about with the project. I just don't understand why
24 it wasn't part of that project and I'd like to ask
25 the Board if they could possibly get that added in,

1 taking into consideration the airport's concern that
2 he just expressed.

3 MR. LACIVITA: We had asked that the applicant look
4 at that - Creighton Manning. We did ask that they
5 include it. They only brought it up to the development
6 corner of the traffic impact and conversations with DOT.

7 MR. OPPEDISANO: Old Wolf Road?

8 MR. LACIVITA: Old Wolf Road; that's where the
9 major traffic impact was going to be.

10 MR. OPPEDISANO: But if and when that Exit 4 ever
11 does get developed -

12 MR. LACIVITA: Since this Ad Hoc Committee has come
13 together, there has been concerns by the county and they
14 have commissioned its own study regarding the corridor
15 which actually takes in this parcel and actually the
16 Constantine Farm. We are looking at about an additional
17 158 acres, I believe it is, of undevelopable land in
18 their study. It would be Albany County through CDTC who
19 is helping as a metropolitan planning board
20 organization.

21 MR. OPPEDISANO: Do you have any idea when these
22 plans will be pulled together and coordinated?

23 MR. LACIVITA: We just had a second meeting
24 regarding the Times Union traffic study.

25 MR. OPPEDISANO: That's my main concern; you know

1 that.

2 MR. LACIVITA: Yes, and we had that meeting
3 yesterday. The traffic study - I know they had an
4 initial kick-off meeting; the county and CDTC. I know
5 that the next meeting - I'm going to be attending that
6 one and after that we're going to be merging the two.

7 MR. OPPEDISANO: I'm assuming that the public will
8 have a chance to review this?

9 MR. LACIVITA: Yes, probably mid to late September
10 that we're looking at bringing the public in and then
11 we'll talk about that at the Crossings. It would
12 probably be mid to late September.

13 MR. OPPEDISANO: How would the public be notified
14 of the meeting, itself?

15 MR. LACIVITA: Probably through mailings. One will
16 be in that region of 200 to 500 feet. We'll also
17 probably put that in the Spotlight as they are the
18 public record. Probably more than likely it will also
19 be in the Times Union, as well. We want to make sure
20 that everyone is notified. We're trying not to leave
21 anyone out.

22 MR. OPPEDISANO: I appreciate it.

23 Again, Mr. Grasso, great job.

24 MR. BERGDORF: My name is Paul Bergdorf. I live at
25 7 Chippendale Court. I've been there 31 years off of

1 Old Niskayuna Road.

2 When I was here and we were talking about the
3 horse farm, you gave an update on the corridor
4 study. You had said that you expanded the corridor
5 study so that it included Shaker Road, Maxwell Road,
6 Old Niskayuna Road and even the northern part of
7 Maxwell all the way up to Route 9 and Old Niskayuna
8 through the junction of 155. I heard something
9 before which I found a little bit troubling. You
10 seem to indicate that the parcel that is owned by
11 the Times Union that is being considered is going to
12 be looked at separately or it's not part of the
13 overall study?

14 MR. LACIVITA: No, I think that you took everything
15 out of context.

16 MR. BERGDORF: Believe me, I would be very glad to
17 know that I heard it wrong.

18 MR. LACIVITA: You did. Besides the fact that you
19 called it a corridor study and it's not. The study
20 itself is site specific to the Times Union and the
21 development that is going to be done at that site. What
22 we did was we expanded the study to include several
23 corridors with traffic impacts and that's with several
24 intersections with traffic impacts which brought it into
25 a larger study for off-site. So, it was all traffic

1 impact components that were added to this study.

2 MR. BERGDORF: To which study?

3 MR. LACIVITA: To the Times Union study - to the
4 Times Union site development. It's specific to the
5 Times Union. There is a corridor study that Albany
6 County is commencing with -

7 MR. BERGDORF: What about your Ad Hoc study? Where
8 is that?

9 MR. LACIVITA: You're really messing things up as
10 far as vernacular -

11 MR. BERGDORF: I apologize for that. I'm not
12 trying to do that. I'm trying to understand. Everybody
13 is talking about a different study. I just heard about
14 an airport study that nobody knew about until tonight.
15 Maybe we're all a little bit confused.

16 MR. LACIVITA: I just heard about it, as well. The
17 Times Union is a site specific study. As we were going
18 through that when we first had it because of the large
19 demand of retail, it was a recommendation by the
20 Supervisor to make sure all the stakeholders were put
21 together in an Ad Hoc Committee. That's why we brought
22 in DOT to review it, CDTC, Albany County and several
23 departments within the Town. Site specific study -
24 Times Union -- just as Mr. Grasso would do for this site
25 - site specific.

1 As we started reviewing it, the county had
2 concerns. It started to get a little bit deeper.
3 There was so much going on in the Albany Shaker
4 area, we expanded it. We actually asked the
5 applicant to look at several intersections impacts.
6 The county then enlisted their own study which has
7 become a corridor study on the road that they own.
8 That's why it goes from here all the way down to
9 Albany Shaker and Osborne as we are doing. Anything
10 right off of that - taking in the Constantine Farm -
11 specific to the Albany County corridor. I think
12 that it actually takes a small leg of Maxwell Road.
13 That's their study.

14 MR. BERGDORF: But I was of the impression that you
15 had an Ad Hoc development committee.

16 MR. LACIVITA: Correct, we do. No study.

17 MR. BERGDORF: No study, but you were going to take
18 a look at transportation, traffic, density,
19 infrastructure and you were going to make
20 recommendations for the best use of the development in
21 that area.

22 MR. LACIVITA: I don't think that component was
23 part of it. We looked at it from a quantitative and
24 qualitative study. Qualitative was what was happening
25 within the corridor, what was happening with the

1 residents behind it and then we started looking at
2 numbers and the analysis that was given to us. So, it
3 encompasses everything that you're saying, but it wasn't
4 to come back out with highest and best uses of each
5 site. That is not part of this study.

6 MR. BERGDORF: So, the residents aren't going to
7 know -- I won't speak in the negative.

8 What is the timing of that?

9 MR. LACIVITA: I think that I mentioned it earlier;
10 probably the middle to the end of September. We're
11 going to then try to have all the residents in a large
12 room and get together and then go from that point. Then
13 we would present our findings of the study - specific to
14 the Times Union. I don't know what the county plans to
15 do and how they plan on bringing that out. Whether they
16 do as a legislative thing - I don't know. We shall see
17 where they decide to bring theirs. I know that the
18 Times Union study will be presented to all then
19 neighbors in that area.

20 MR. BERGDORF: Thank you.

21 ACTING CHAIRMAN MION: Is there anybody else who
22 would like to speak?

23 (There was no response.)

24 How about the Board Members?

25 MS. DALTON: Joe, I think that there is sufficient

1 study activity taking place that is creating a lot of
2 confusion, particularly with the overlap of who is doing
3 the study. The county is looking at something and we
4 are looking at something and the airport is looking at
5 something. I think that I am having a hard time
6 conceptualizing on a map which areas are being studied
7 by who, what the areas of overlap are, where the timing
8 of those studies are and who is doing them.

9 MR. LACIVITA: I can tell you what the Times Union
10 site will do. I can't tell you what the County will do.

11 MS. DALTON: Right, not tonight. What I am
12 thinking is that before we take any action on any of
13 that, we really need to know what the county is doing,
14 what the airport is doing and just align that with what
15 we are prepared to do so that he knows exactly what we
16 are talking about when people ask us.

17 MR. LACIVITA: I'll speak and then I'll let Joe
18 confirm or rebut on that. I think that we heard tonight
19 that this site needs to have its own study. Typically
20 this Planning Board asks applicants to do a study of the
21 traffic impacts. That's what is happening at the Times
22 Union site. We have a project before us at the Times
23 Union site. It is doing its own study. When we saw the
24 level of density, we asked them to do a little deeper
25 with the traffic impacts based on where a potential

1 regional draw would be from a user. That's it's own.
2 Albany county and Mr. Iachetta's study - we don't know
3 what is in that study.

4 MS. DALTON: Tonight we don't.

5 MR. LACIVITA: Honestly, I don't know how that
6 study should have any merit with this.

7 MR. LANE: That's what we don't know.

8 MS. DALTON: That's exactly the area that is a gray
9 area to me. I will speak for myself. Here is what I'm
10 concerned about and I'll put it on the record.

11 I don't want for the airport authority to have
12 information that they are preparing that clearly
13 presents their case, I'm sure, to come back to us
14 and say well, why didn't we know XYZ because they
15 learned it in their study but it wasn't part of our
16 study and then we are taken by surprise. That would
17 be an embarrassment that I'm not interested in
18 surviving.

19 MR. LACIVITA: As well as I am with the Times Union
20 and what the county is doing with their corridor study.
21 They are the permitting entity on any project that comes
22 within the Albany Shaker Road corridor. We have to make
23 sure that ours are in parallel too.

24 MR. OPPEDISANO: Why can't the coordination be
25 there between the county and Colonie?

1 MR. LACIVITA: It happened as of yesterday.

2 MR. OPPEDISANO: So, it is going to happen. You
3 are going to consider Albany County's recommendation
4 with the impact study -

5 MR. LACIVITA: We have to. They are the permitting
6 entity, when it comes time. We can't do something here
7 and the applicant is not here.

8 MR. OPPEDISANO: That's what Kathy was talking
9 about. We have at least three studies going on that I'm
10 aware of. There is probably a fourth, Joe, with the
11 independent study of the Engel property. So, you can
12 have three to four different studies going on in the
13 same general 2.5 mile location. What are we doing?

14 MS. DALTON: At the very least I'd like to make
15 sure that the assumptions and criteria that we are using
16 for evaluation all align.

17 MR. LACIVITA: I'll let Joe speak to this too, but
18 I think that you have to worry more about when you're
19 doing a project specific study and its impacts that it
20 generates are going to be a little different than what a
21 corridor study is going to generate.

22 MS. DALTON: But in this case, I don't think that
23 you can separate them.

24 MR. GRASSO: I'm going to try to put some
25 boundaries on it. I don't want to be harsh, but I'm

1 going to call the Northway as a boundary. The studies
2 that are taking place on the Albany Shaker Road
3 corridor, Maxwell Road corridor on the east side of the
4 Northway, I do not think need to impact or be factored
5 into what is done with the planning of the property that
6 you have before you tonight.

7 MS. DALTON: Really?

8 MR. GRASSO: No. I don't see how the results of
9 that study would impact the planning for this property
10 at all; none whatsoever.

11 ACTING CHAIRMAN MION: But before we move on with
12 this study we need to have a traffic study for this
13 particular project.

14 MR. GRASSO: For this project site addressing the
15 issues that have been raised relative to this project
16 site which includes Terminal Drive, the Exit 4 off-ramp
17 and the Albany Airport -- that's our recommendation.

18 MR. LANE: So, we're having studies done for this
19 project by everybody except for the people who own this
20 property.

21 MR. GRASSO: No. This traffic study should be led
22 by the applicant. This is their property. If the
23 airport does a study, would it be good for us to be able
24 to review it and see if it factors in with this project
25 site or not. That's up to the lead agent to decide.

1 There should be a traffic study done by this applicant
2 that looks at the issues that we raised in our letter.
3 That's what we support. We don't think that we should
4 wait for any other studies being done on the Times Union
5 site or the county's corridor study. Like Joe said,
6 Albany Shaker Road is a county road. Approval of a curb
7 cut on Albany Shaker Road is subject to the county
8 approval. If they want to take the information that is
9 gathered as part of this project and factor into other
10 work, they can. I don't think that we should let that
11 affect us moving forward with looking at this project
12 site.

13 MR. SHAMLIAN: As a practical matter, based on what
14 Joe has indicated in terms of the timeline, the
15 applicant's traffic study is going to come in more or
16 less around the same time. All the rest of the traffic
17 study is going to be completed. They can't really
18 practically get it done before the end of September.

19 MR. LACIVITA: Right. The only thing we are
20 bringing to the public is the Times Union study specific
21 and that's the one that has concern. We're bringing the
22 Times Union study and certain corridors or certain
23 intersections to the public for them to understand.

24 ACTING CHAIRMAN MION: So, I guess where we are at
25 is that you have to do a traffic study and present it to

1 us and we'll table this matter until we get it so that
2 we can get a clear view.

3 MR. SHAMLIAN: What else do we want to see from the
4 applicant next time that they come in, in terms of the
5 site plan?

6 MR. GRASSO: We would like to see a specific
7 development proposal on a portion of the project site.
8 If it's going to come to the table. If Stewarts is not
9 going to be an applicant in the near future, then okay,
10 we don't have that part of it. But some level of master
11 plan of development of the project site and a traffic
12 study that looks at justifying a traffic signal at this
13 location.

14 MS. MILSTEIN: Joe, is that common practice to ask
15 for a master plan as compared to segmenting? How often
16 do we ask for master plans?

17 MR. GRASSO: When we require a certain level of
18 development that is going to justify access on Albany
19 Shaker Road, that's when we would look for that type of
20 master plan study so that we can start to understand
21 what we are approving. Are we approving this four-leg
22 access which gets the signal? What type of development
23 is going to feed into that signal to justify it being
24 there? Like I said, it's a very unique project site.

25 MS. MILSTEIN: Have we done it anywhere else along

1 Albany Shaker or would this be the first time we asked
2 for a master plan?

3 MR. GRASSO: To my knowledge, it might be the
4 first.

5 I will give an example. When Autopark Drive
6 was developed on Route 9. Do you know where that
7 is?

8 MS. MILSTEIN: Yes.

9 MR. GRASSO: In order to justify that Town Road to
10 go in a master plan over the 45 or whatever lands are
11 that are back there at the time, it had to be developed
12 so that the Planning Board could understand what future
13 development may use that road for. The Town required
14 that before they said, yes, we are going to accept this
15 as a Town Road. There is enough development that is
16 going to occur back there to justify us taking the road.
17 That's what we are looking for here. We're looking for
18 justification to say oh yeah, it's the smart thing to do
19 to develop a new Town road off Albany Shaker Road at
20 this location - that there is either going to be enough
21 development off of it, or there is going to be cross
22 connections. I'll give an example.

23 On Autopark Drive when the Town looked at the
24 planning of that, they said, not only are we looking
25 at the development within Autopark Drive, but we

1 want a cross connection to Century Hill Drive. It's
2 the same thing here. The Planning Board can say not
3 only are we looking at the development of the Engel
4 property, but we want a cross connection at Terminal
5 Drive.

6 MS. MILSTEIN: So, this is about a Town road.

7 MR. GRASSO: It's primarily about the Engel
8 property.

9 MS. MILSTEIN: But it is the Engel property.

10 MR. GRASSO: It's the only way you can access the
11 property - is with a Town road.

12 MR. SHAMLIAN: Is Stewarts going to accept the
13 right-in and right-out only?

14 MR. COSTA: No.

15 MR. LACIVITA: You're looking for full access?

16 MR. GRASSO: We would not support a rights-in and
17 rights-out only. The reason is because nobody will obey
18 and it will create a dangerous situation. So, even if
19 the applicant would temporarily allow a rights-in and
20 rights-out for a five year period, we would not
21 recommend support of it.

22 MR. SHAMLIAN: Walk us through that, Joe. To get
23 the traffic signal - who is going to put in the traffic
24 signal?

25 MR. GRASSO: We don't know yet. It hasn't been

1 proposed. It's hard to jump to that. I would think
2 that the first development proposal on the Engel
3 property would put up the traffic signal. I'm really
4 guessing though because we just don't have it. I would
5 like to know too.

6 MR. SHAMLIAN: Presumably whoever does that isn't
7 going to put in a traffic signal on the magnitude that
8 is going to be required for the interchange.

9 MR. GRASSO: That's correct. When the Exit 4
10 interchange comes down and turns into whatever it is -
11 it's a five lane section across the street, the traffic
12 signal will need to be redone. That will be redone with
13 federal dollars, as part of the interchange project.

14 MR. LACIVITA: Joe, regarding the road system going
15 to Terminal Drive, when we met with DOT and they were
16 talking about the flyover, they came as a courtesy to
17 the Town of Colonie and they talked about an area
18 directly across from where Exit 4 was going to land. It
19 was strictly going to be a T at the time. That's when
20 they said to the Town, work with the Engels. I remember
21 talking to Nick about it to say, Nick, the state is
22 going to take a major p[portion of Albany Shaker Road's
23 frontage right without access unless, we, the Town, plan
24 for and accept a road system and they recommended
25 accessing Terminal Drive and bringing that through and

1 going forward. That was the intent with what we were
2 trying to do. In listening to DOT -

3 MR. COSTA: That's why we planned accordingly that
4 future road so that keep that right of way.

5 MR. LACIVITA: Or to lend itself for development in
6 the future.

7 MR. GRASSO: Well said.

8 MR. SHAMLIAN: So, what has to happen here is that
9 a traffic study based on the development of the full
10 development of the site needs to justify enough traffic
11 to put a traffic light at that T that would be there
12 before DOT does their work?

13 MR. GRASSO: Yes. The warrants need to be met.

14 MR. SHAMLIAN: And then some combination of property
15 owner/developer or whatever has to pay for the light to
16 go in.

17 MR. GRASSO: Correct. We are in the Airport Area
18 GIS study area, but the signal was not identified as an
19 improvement needed to serve this property. Mitigation
20 fees are not being collected, so there are no mitigation
21 funds available for the infrastructure that we are
22 talking about.

23 ACTING CHAIRMAN MION: So Nick, you're familiar
24 with what we are looking for?

25 MR. COSTA: Yes.

1 MS. MILSTEIN: Who do you represent?

2 MR. COSTA: The Engels.

3 MS. MILSTEIN: What is different from you with the
4 Engels as compared to the last time Mr. Goldman was here
5 representing the Engels? I'm a little confused.

6 MR. COSTA: He is their attorney. I'm their
7 engineer.

8 MS. MILSTEIN: You're working together?

9 MR. COSTA: Yes.

10 MR. LACIVITA: Unfortunately, Nick, you were away
11 last time.

12 MR. COSTA: Yes, I was up in the Town of Clifton
13 park until 12:30 in the morning.

14 MR. GRASSO: So, any response to the comments that
15 have been raised?

16 MR. COSTA: No. I think that we understand what
17 you're asking for. We'll go back and discuss it. Thank
18 you.

19 ACTING CHAIRMAN MION: Motion to table?

20 MR. LANE: Motion to table.

21 MS. DALTON: Second.

22 ACTING CHAIRMAN MION: All those in favor?

23 (Ayes were recited.)

24 The ayes have it.

25

1 (Whereas the above entitled proceeding was
2 concluded at 8:02 p.m.)
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CERTIFICATION

I, NANCY L. STRANG, 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 L. STRANG

Dated September 30, 2015

