

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 CRISAFULLI PROFESSIONAL BUILDING  
407 ALBANY SHAKER ROAD  
5 APPLICATION FOR FINAL APPROVAL & SEQRA DETERMINATION  
TWO-STORY 18,000 SQUARE FOOT OFFICE BUILDING  
6 \*\*\*\*\*

7 THE STENOGRAPHIC MINUTES of the above entitled  
8 matter by NANCY STRANG, a Shorthand Reporter,  
9 commencing on September 15, 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  
13 TIMOTHY LANE  
14 LOU MION  
15 KATHY DALTON  
16 TIMOTHY LANE  
17 SUSAN MILSTEIN  
18 CRAIG SHAMLIAN

19 ALSO PRESENT:

20 Kathleen Marinelli, Esq., Counsel to the Planning Board  
21 Michael Tengeler, Planning and Economic Development  
22 Michael Crisafulli, Jr., Crisafulli Associates  
23 Joseph Grasso, PE, CHA  
24 Joseph Bianchini, PE, ABD Engineering  
25 Kathy Ordway, Green Meadows Civic Association  
Steve DeGroff, Chief, Shaker Road Fire Department  
Mary Alice Morgan  
Edward Morgan

26

27

28

29

1           CHAIRMAN STUTO: We'll let the next applicant get  
2 set up. That's the Crisafulli Professional Building,  
3 407 Albany Shaker Road. This is an application for  
4 final approval and environmental determination. This is  
5 a two-story 18,000 square foot office building.

6           Mike Tengeler, on this application, would you  
7 like to give introductory remarks?

8           MR. TENGELER: Absolutely. This is the Crisafulli  
9 Professional Building, 407 Albany Shaker Road. We have  
10 been referring to it as Loudon Square, Phase III. The  
11 first two phases also went to the Planning Board. You  
12 had the Crisafulli Office Building followed by Berkshire  
13 Bank. Moving adjacent to Berkshire Bank is the  
14 Crisafulli Professional Building.

15           Joe Bianchini from ABD is here to present and  
16 Mike Crisafulli, Jr., is here as well. We'll now  
17 turn it over to them.

18           CHAIRMAN STUTO: Okay.

19           MR. BIANCHINI: I'm Joe Bianchini with ABD  
20 Engineers and Surveyors. Mike Crisafulli, Jr. is here  
21 also. He is with Crisafulli Associates.

22           As Mike Tengeler indicated Crisafulli  
23 Associates a few years ago developed 399 Albany  
24 Shaker Road which is this parcel here with a 22,000  
25 square foot office medical building that has parking

1 around it. As an access directly across from  
2 Everett Road, there is a traffic light there and a  
3 little bit later we developed the Berkshire Bank  
4 adjacent to that.

5 Recently, Crisafulli Associates had purchased  
6 the adjoining parcel here (Indicating) that is  
7 outlined and it's 1.2 acres in the commercial office  
8 residential zone. It contains an existing single  
9 family residence. It also contains a metal building  
10 which is used by landscapers. Both of those  
11 structures will be removed as part of the  
12 development that is being presented tonight. What  
13 they would like to do is build a two-story -- have a  
14 total of 18,000 square feet; 9,000 on each floor and  
15 it would be another medical office building similar  
16 to what they built just adjacent to the site.

17 As you can see from the site plan, the building  
18 is up along at Albany Shaker Road with the parking  
19 behind the building so that it's pretty much hidden  
20 from Albany Shaker Road. It's interconnected with  
21 the parking lots at 399 Albany Shaker Road. The  
22 access will come through 399 to get to the traffic  
23 light.

24 We have previously discussed, I think at the  
25 concept hearing, that this would require an open

1 development area and I think that the Planning Board  
2 had recommended that. It's been to the Town Board  
3 and I think that there is a public hearing on it  
4 this Thursday night for the open development area  
5 because we're not having any direct access to Albany  
6 Shaker Road from this site. It will all go through  
7 399 and then there are cross easements for the  
8 access and also for parking so that everybody in  
9 here shares the parking and access. So, it all  
10 comes out to the traffic light. That was  
11 recommended not only by the Town Planning  
12 Department, the TDE, Albany County. I think this  
13 Board also recommended it. That's the way that  
14 we're pursuing it. The site has utilities obviously  
15 there. We'll be connecting to the Town water and the  
16 Town sewer. Our drainage system will be similar to  
17 what we did over here. The site has very good sand  
18 for percolation so everything is going to be  
19 underground and nothing is going to be really  
20 visible. You'll see the normal catch basins in the  
21 ground and that meets all the DEC and the Town's  
22 requirements for stormwater.

23 We will have landscaping. We do border five  
24 residential properties. If you've been out to the  
25 site, you probably notice that we put a six-foot

1 vinyl fence and will continue that fence along the  
2 northern boundary and along the western boundary down  
3 to the front of the house on Albany Shaker Road.  
4 Then we'll have an aluminum picket fence that will  
5 come across the front and tie into the one that was  
6 put in over here (Indicating). That's all in  
7 accordance with the COR zoning. We will have  
8 landscaping again around the perimeter of the  
9 building. Along on our side of the fence there will  
10 be pine trees like there is over here (Indicating)  
11 and then there are three large maple trees that we  
12 are preserving along Albany Shaker Road. I think  
13 that there is one large pine or spruce tree there,  
14 too. We'll have sidewalks along the parking lot  
15 through the site and come down. We've integrated  
16 the sidewalk down to Albany Shaker and across Albany  
17 Shaker and along in front of the Stewarts. The  
18 traffic light will have to have a modification for  
19 a pedestrian crossing and we will be making that. I  
20 think that there is a little bit of timing issue  
21 that we have to adjust the timing on the light,  
22 also.

23 The two-story building will have brick on the  
24 bottom and the hardy board on the top like a  
25 clapboard siding, black shutters, black-type roof,

1 asphalt shingles. It will look very nice there.  
2 That's pretty much the bulk of it.

3 We do need two waivers. We're asking for a  
4 waiver of 17 parking spaces because we're  
5 integrating it with this and I think that we  
6 presented earlier in the concept that the parking  
7 lot at 399 is never full. It's half to  
8 three-quarters full. We're short 17 spaces on what  
9 is required.

10 CHAIRMAN STUTO: Do you think that you need that  
11 much asphalt?

12 MR. BIANCHINI: We could probably do with a little  
13 less.

14 CHAIRMAN STUTO: How about less and banking it?

15 MR. BIANCHINI: That's probably an option.

16 MR. CRISAFULLI: We can look at banking the back  
17 row. It probably won't come into play, based on the  
18 amount of parking spaces that we have now.

19 CHAIRMAN STUTO: What does the TDE think about  
20 that?

21 MR. GRASSO: How much of the existing parking are  
22 you using at max capacity? It's already a pretty  
23 substantial reduction from the Code. It's about 25%.

24 MR. CRISAFULLI: Typically, at peak hours at the  
25 existing site we have somewhere between 40 to 45 open

1 spaces, so there is ample space. I wouldn't want to see  
2 a situation where we banked. I don't want to get into  
3 people that have to park too far away. I don't know.  
4 We'd have to look at it.

5 MR. GRASSO: I have to check the Code. My  
6 recollection is that the Code limits the amount of  
7 waiver to 25%.

8 CHAIRMAN STUTO: Is banking a waiver?

9 MR. GRASSO: Yes.

10 CHAIRMAN STUTO: Let's leave that issue.

11 MR. GRASSO: I'd have to take a closer look at  
12 that. Obviously, we always feel like we don't want them  
13 to build more parking unless it's going to be used or  
14 needed. If we weren't limited by zoning and the  
15 applicant feels that there is enough provided, I'd  
16 rather bank it and then the plan can show or it can  
17 always get built, if needed.

18 MR. BIANCHINI: The other waiver is the size of the  
19 islands. We have two islands there and I think that  
20 we're short 280 square feet. We're asking for a waiver  
21 on that.

22 MS. DALTON: Why are you short? You don't need all  
23 the parking spaces.

24 MR. BIANCHINI: Just because of the way that it  
25 lays out. You would be short two more spaces to get the

1 280 square feet that we need. That's all.

2 MS. DALTON: Again, let me go back to no practical  
3 alternatives to the proposed waivers. Clearly there are  
4 practical alternatives.

5 MR. BIANCHINI: You would need more of a parking  
6 waiver, that's all. It would probably only be by two  
7 spaces, which could be a compromise on how we do it.

8 CHAIRMAN STUTO: Let's hold that thought, Kathy.

9 MR. BIANCHINI: Other than that, I think that we've  
10 addressed all the TDE comments and comments from Albany  
11 County DPW. I think that there are a couple of little  
12 minor ones that we have to straighten out with them, but  
13 it's just very minor in terms of the sidewalk detail.

14 CHAIRMAN STUTO: Okay, we can hear from the Town  
15 Designated Engineer, or we can hear what the public has  
16 to say first. Either way, the public will get their  
17 turn.

18 MR. GRASSO: Let's go with the public first.

19 CHAIRMAN STUTO: Okay, and again, if you weren't  
20 here, we have a sign-in sheet, if you'd like to speak on  
21 this project.

22 Kathy Ordway.

23 MS. ORDWAY: First of all, I'd like to complement  
24 Michael Crisafulli for all the work that he did with our  
25 neighborhood association, the Green Meadows Civic

1 Association. He's been in contact with them since the  
2 beginning of this proposal and met with the neighbors  
3 and been very accommodating, I believe, with the type of  
4 fence and the height of the fence and the color of the  
5 fence and where everything is going to be located.  
6 Also, to the point of making sure that the neighbor on  
7 the corner can see the bus coming because the bus stops  
8 right in front of the driveway adjacent to the property  
9 that he is developing there. So, I want to thank him  
10 for that and we're very pleased that our relationship  
11 has worked out so well over the years.

12 One of the things that the neighbors asked from  
13 Mike was that there are three mature trees on the  
14 side of the property. I think that they're on your  
15 property, but the neighbors asked that those can  
16 remain and not be taken out. I believe that you  
17 told them that you would keep those trees.

18 MR. CRISAFULLI: Yes, the three trees that you are  
19 referring to are still on the site plan now.

20 MS. ORDWAY: I thought they were up here.

21 MR. CRISAFULLI: No, they're down on the corner.  
22 There is one tree that would have to go.

23 MS. ORDWAY: Which one would have to go?

24 MR. CRISAFULLI: There is an existing large tree  
25 just off the driveway to the warehouse. The maples are

1 staying.

2 MS. ORDWAY: Is that written in the plan?

3 MR. BIANCHINI: That they are to be saved; yes.

4 CHAIRMAN STUTO: Is that right, Joe?

5 MR. GRASSO: Yes.

6 MS. ORDWAY: So, it doesn't have to be a condition  
7 of approval.

8 MR. GRASSO: It is a condition of approval. It was  
9 a comment that the Planning Board raised during an  
10 earlier review.

11 MS. ORDWAY: Thank you and thank you for all the  
12 work that you've done with us.

13 CHAIRMAN STUTO: Thank you.

14 Steve DeGroff.

15 MR. DEGROFF: Hi, my name is Steve DeGroff. I'm  
16 Chief of the Shaker Road Fire Department. I just had  
17 some concerns about the project as far as access for our  
18 fire apparatus.

19 Overall, I really do like the project. I think  
20 that it's a really good fit for the neighborhood and  
21 they did a really nice job with it.

22 I did submit comments to our Fire Services  
23 Department who forwarded it onto the Planning  
24 Department regarding a couple of things. Right now,  
25 currently I think that we all agree that there is

1 one way in and one way out. That does alleviate  
2 some concerns for other things, but from the Fire  
3 Department perspective there can be some real issues  
4 with that. As you can see here with the lovely  
5 decorative wrought iron fence, we don't even have  
6 access to walk from the road to the property. So,  
7 that's another concern as far as access goes. When  
8 we bring in a fire truck or fire engine, we have a  
9 hydrant that is located I want to say right about  
10 here (Indicating) and there is one way down this  
11 way. It is a sprinklered building which is a plus.  
12 The Fire Department connection is about right here.  
13 No matter which way we grab the fire hydrant and lay  
14 a hose line in, we're going to go right up through  
15 this main parking lot and that cuts off all other  
16 access for all other fire apparatus including ladder  
17 trucks and other engines coming in. So, that is a  
18 real issue. If we could get a hydrant in here near  
19 the Fire Department connection, the one engine can  
20 go up to the hydrant and pump to the Fire Department  
21 connection or supplemental water for the sprinkler  
22 system. The problem is that when you lay that line  
23 coming from outside, they don't have any other  
24 access. So, if we can't get a hydrant inside of  
25 here, if we could either eliminate or put a big gate

1 in the wrought iron fence, that would help us  
2 immensely.

3 MR. BIANCHINI: I think that this drawing is in  
4 error. I think that what happened is that this fence  
5 goes up to this corner of the building (Indicating).

6 MR. DEGROFF: The way that is looking right now is  
7 that it's showing a fence, basically, around the entire  
8 area.

9 MR. BIANCHINI: It's going to go to this corner and  
10 to this corner and you would have access through there  
11 (Indicating).

12 MR. DEGROFF: Okay, that's one good thing and that  
13 will give us a little bit more access so that we can  
14 drag the hoses.

15 The other thing is you talked about reducing  
16 the number of parking spaces further from what they  
17 are already proposing to reduce and you want to  
18 increase the greenspace on these islands  
19 (Indicating). That's another problem for us.  
20 Again, it's one way in and one way out. We need to  
21 get fire apparatus in there where the ambulances  
22 need to get there, and especially in the wintertime  
23 with additional snow and whatnot. To reduce these  
24 parking spaces even more is going to make it even  
25 more difficult for fire apparatus to get in.

1           One of the things that we asked for was to  
2           actually reduce the size of the islands with a  
3           decorative shrubbery in there to make it a little  
4           bit easier for us to pull around our turns. As it  
5           is, we're going to go in here and we can either go  
6           this way (Indicating) or we can go up and around.  
7           If we could eliminate or reduce the size of these,  
8           that would make it much more feasible for us to get  
9           in. It is very nice on the outside.

10           MR. LANE: Do you want the islands eliminated?

11           MR. DEGROFF: I would eliminate them all together.  
12           It would make it a lot easier. I know you want to  
13           increase them. Someone made a comment for that.

14           MS. DALTON: Well, now you gave me a reason. I  
15           needed a reason.

16           MR. DEGROFF: That's the best reason that I could  
17           give you. These fire apparatuses are very big. To get  
18           in there and maneuver around -- you say it's about 40%  
19           full for the parking lot. That gives us a little more  
20           room to work with. If we decide to cut some more  
21           parking spots to get down so that it's 100% capacity,  
22           that's even less room for us to get around. Those are  
23           the concerns that I have. Other than that, it's a great  
24           project and it's a great fit for the community and we're  
25           happy to see it there instead of another vacant lot or

1 another burger place. We don't need any more of those.  
2 That's all that I got. Thank you.

3 CHAIRMAN STUTO: Thank you. Do we have a memo here  
4 from Fire Services?

5 MR. GRASSO: Yes, I'm going to speak to it. Are we  
6 done with public comment?

7 CHAIRMAN STUTO: You want to speak to the Fire  
8 Service memo?

9 MR. GRASSO: I'm going to speak to everything.

10 CHAIRMAN STUTO: Mary Alice Morgan.

11 MS. MORGAN: I'm a neighbor that was notified  
12 Saturday about the hearing. We live right across the  
13 street from the [SIC] Topalians.

14 I am not quite sure. Is this facing the bank?

15 MR. BIANCHINI: No, the front of the building is  
16 facing Albany Shaker Road.

17 MS. MORGAN: So, I'm right here then (Indicating).  
18 It looks very nice.

19 I grew up in an insurance family and I have to  
20 say that there were so many fires that my dad had to  
21 go out to and I always look, myself, for two  
22 entrances so you can get in and out in case of a  
23 fire. I'm fire conscious.

24 I understand if you move those islands to get  
25 that extra pipe in, they could probably have good

1 access.

2 I live there and I've lived there for 38 years.  
3 For one thing, where are you going to put the snow?  
4 I didn't understand that you have a lot here as well  
5 as using the one where the bank and the other office  
6 building are. That's quite a bit of pavement. In  
7 addition to snow plows and removal of snow. Where  
8 are you going to store all that stuff? Have you  
9 thought about that? Some winters we have a lot of  
10 snow.

11 MR. BIANCHINI: There is room in this green area in  
12 the back and along this side here (Indicating).

13 MR. LANE: Mike, how did it work out last year?

14 MR. CRISAFULLI: We have to remove snow. Last year  
15 we had to do it two to three times. We pay pretty  
16 dearly for it, but it's hauled right out of there.

17 MS. MORGAN: I'm not sure how many employees are  
18 going to be added. Right now the change in the amount  
19 of time that I have to get out of Green Meadows right  
20 here is approximately - I say one-thousand one and I  
21 can't get the one-thousand two out. There has to be  
22 some alteration because this will be adding more cars to  
23 the mix already there. That makes a big deal,  
24 especially at the end of the day and the beginning of  
25 the day and lunchtime when it's coming from your

1 development. I have to say that I don't know what the  
2 traffic is there near Everett Road and Shaker, but it's  
3 really scary. I have timed it. This is just an  
4 additional part. The people coming from Albany at any  
5 time of the day, when that light changes, there is that  
6 1.5 seconds that I have before they stop. The people  
7 from Everett Road come up and they're all going like 40  
8 and 50 miles an hour, like they have to get to the end  
9 of the racetrack and beat everybody else out. At the  
10 same time that the Everett Road ones are turning, the  
11 ones that are coming that have been released by the long  
12 light up at Osborne and Shaker. It is very difficult at  
13 any time of the day to get out. I know that you'll have  
14 more employees and I really think that someone should  
15 make a strong effort to have a traffic study so that we  
16 can live there. We've been there and it's probably  
17 9,000 cars in 1977. It has gradually built up now and I  
18 don't know how many it is. There is not time of the  
19 week except Sunday afternoon between 11 in the morning  
20 and 1 in the afternoon when you can get out of there  
21 without taking your life into your hands. It's from our  
22 end of the street. You do realize that Green Meadows  
23 has two entrances. Most of the houses - more than half  
24 of the development accesses the traffic light that is  
25 near the Albany side before it gets to the Everett Road

1 traffic light. It might be a little easier for them.  
2 I'm really concerned about getting killed. One of my  
3 sisters said you're crazy. I said we can't get out.

4 One of my own neighbors right on the same  
5 street - I was trying to turn left to go home. The  
6 traffic builds up and they use that bus driving lane  
7 that's supposed to be for school busses or  
8 something. They use that to pass each other. That  
9 was full. Nobody had left enough room for anybody  
10 to go in and out. A neighbor was trying to turn  
11 right. She couldn't see me for the amount of  
12 traffic on the road. We came this close  
13 (Indicating). It was really bad.

14 I have seen accidents here. I never see police  
15 because the accidents are mostly fender benders  
16 resulting from that extra lane, as they race each  
17 other to get to it. What they do is stop, traffic  
18 goes around them or waits and they exchange  
19 licences. I've never seen police come, so it hasn't  
20 been bad accidents.

21 That day really scared me and I think that as  
22 you are developing that you should put some pressure  
23 on the Town. I haven't seen anything from the Town.  
24 I believe that right there is where it changes from  
25 the Town ownership to the County. I think that the

1 Town should have some input on that, too. This is  
2 just more people more of the time. I'm older now.  
3 This is a scary proposition. I think that you  
4 really need to do something about the timing of  
5 those lights. I think that I heard someone say  
6 that. It's really scary and I don't think that we  
7 should have to put up with that kind of thing. It's  
8 great that you're making a nice building, but it's  
9 also adding to the congestion that we have there. I  
10 really think that would make life a lot easier for  
11 someone who lives there. It's a really great place  
12 to live. I like the way that the bank looks. It  
13 would be nice if you could walk to the bank instead  
14 of getting in your car and driving.

15 MR. CRISAFULLI: You can, actually. We're adding  
16 sidewalks and a pedestrian light; not necessarily from  
17 there.

18 MS. MORGAN: But there is nothing.

19 But it does look like a very nice building and  
20 I'm glad that you have people to take it. I just  
21 wish that we could do something about the traffic.  
22 I don't know if my husband wanted to say something.

23 MR. MORGAN: I just wanted to say that we're both  
24 so concerned with the overflow of cars from this new  
25 building which may not have the same kind of clientele

1 as the first building. The first building is not  
2 filling parking spots, but with this second building it  
3 may be a whole different animal. If there is overflow,  
4 are they going to come up our street and start parking  
5 along Green Meadows? That will also be a concern for  
6 us. That's all I had to say.

7 CHAIRMAN STUTO: Thank you.

8 Anyone else from the neighbors?

9 (There was no response.)

10 Joe, do you want to address some of these?

11 MR. GRASSO: Yes, I guess I'll try to go through  
12 some of the issues in reverse order.

13 Regarding the traffic - the project is going to  
14 generate some new traffic from the project site, but  
15 it's rare to have a project that is going to  
16 generate traffic - it actually will make traffic  
17 conditions better. There are two reasons for that.  
18 The fourth leg of the intersection which goes into  
19 the site - the more cars that we have coming out of  
20 that leg which is low compared to the traffic on  
21 Albany Shaker and Everett Road, will require that  
22 phase to be a little bit longer. As that phase is  
23 longer, it should make it a little bit easier for  
24 traffic to get out of Green Meadow. It may not be a  
25 noticeable change, but it will have a slight

1 positive impact. Joe discussed in his presentation  
2 that they are proposing to make those changes.

3 The other thing is that there is no pedestrian  
4 crossings on Albany Shaker Road right now. This  
5 project is committed to building those in the plans.  
6 So, on the rare occasion that pedestrians are trying  
7 to cross Albany Shaker Road, there will be a new  
8 protected pedestrian crossing phase and during that  
9 time the lights are all red. That will also make it  
10 easier for residents of Green Meadows to get out.  
11 They are minor impacts, but they are positive and  
12 most of the time they are negative.

13 I think that's it on the traffic.

14 In terms of that pedestrian crossing - it is a  
15 significant part of the project. There are  
16 sidewalks down Albany Shaker Road on the south side  
17 all the way down to Wolf Road and then there are  
18 sidewalks down Everett Road on the west side of  
19 Everett, but there are no sidewalks along in the  
20 corner right across Stewarts frontage, between the  
21 two curb cuts on both of those roads.

22 This project will build a new pedestrian  
23 crossing across Albany Shaker Road and then they'll  
24 make a sidewalk connection to their curb cut heading  
25 west which will link up to that other sidewalk.

1 That's a very desirable connection. Albany County,  
2 in their most recent comments, asked for a sidewalk  
3 extension to the south along Everett Road to  
4 Stewarts' other curb cut. We didn't think that  
5 should be a requirement of this applicant, but  
6 that's really something for the Planning Board to  
7 consider. We have had some preliminary discussions  
8 with Stewarts and they may be willing to build that  
9 other short section of sidewalk so that it would be  
10 a continuous ribbon of sidewalks all the way from  
11 down Albany Shaker and down Everett Road.

12 We heard from the Fire Department and they did  
13 a good job explaining the concerns that were raised.  
14 We saw those in the comments from Fire Services.

15 I'm just going to read that comment for the  
16 record. It says "Comments in the first preliminary  
17 final submission were not acknowledged in the  
18 submittal. If a fire hydrant cannot be installed as  
19 requested next to the building, a sidewalk or other  
20 access from the front of the building to Albany  
21 Shaker Road should be installed and a Fire  
22 Department sprinkler connection should be installed  
23 on the front side of the building."

24 Breaking that down, we did discuss a request  
25 for a fire hydrant within the site with Latham

1 Water. That's who has to own and maintain it. They  
2 strongly discourage a fire hydrant from being within  
3 a site. Those are difficult lines for them to own  
4 and maintain. So, they would not want one, even  
5 after hearing the comments from Fire Services.

6 The issue with building a sidewalk down to  
7 Albany Shaker Road - because there is no sidewalk on  
8 that section of Albany Shaker, we are introducing a  
9 possible pedestrian crossing that would be at an  
10 unmarked, unprotected crossing location which we  
11 don't recommend.

12 When we talked to the Town about possibly  
13 extending a sidewalk all the way down the north side  
14 of Albany Shaker Road down to Green Meadows so that  
15 a fire hose could be pulled along that sidewalk, the  
16 Town is not interested in maintaining a sidewalk on  
17 the north side of Albany Shaker. They have their  
18 hands full with just trying to maintain the ones  
19 that they have on Albany Shaker and Everett Road.

20 I do think that the comments regarding the  
21 access through the gates is appropriate. It may be  
22 something where we look for openings in the gates on  
23 both sides of the building. Although I know you  
24 stop at both corners, that may allow them to pull a  
25 hose through those openings to the backside of the

1 building.

2 Then, as we previously discussed the location  
3 of the Fire Department sprinkler connection should  
4 be something that when you design a building, you  
5 make sure it's wherever they want so that they have  
6 the best access to it. They said in their comment  
7 that the front of the building -- but I don't know  
8 if that's the front towards Albany Shaker, or what I  
9 would consider the back. You can get together with  
10 Fire Services -

11 MR. DEGROFF: If you have a map, I can point it  
12 out.

13 I don't know how many feet it is from the  
14 building to the road. What are you talking?

15 MR. GRASSO: Twenty.

16 MR. BIANCHINI: Twenty feet from the building to  
17 the property line is a probably another 20 feet to the  
18 road.

19 MR. DEGROFF: So, you're looking at 40 or 50 feet;  
20 nothing crazy. So, if you put a connection here in the  
21 front and there is a hydrant over here (Indicating), we  
22 can get that hydrant and lay a hose line in, keep the  
23 engine to the side of the road and that will allow  
24 access for other apparatus and from the west Albany Fire  
25 Department coming this way, it allows their access that

1 way. Again, my concern was that we can't do anything,  
2 plus we can't in anywhere. The only alternative is  
3 laying a hose line which is not a good idea coming  
4 through here.

5 With the fence, I think that you had said that  
6 the fence is not going across the entire area, but  
7 is going to the corner of the building?

8 MR. BIANCHINI: Right, to the corner of the  
9 building.

10 MR. DEGROFF: My other concern with that is: Is  
11 this an egress point in the front?

12 MR. BIANCHINI: That's a door.

13 MR. DEGROFF: If that door comes out, there should  
14 be some type of gate that we can also get into that  
15 area. If we do have to put a ladder to the building or  
16 again, depending on where your Fire Department  
17 connection is, if it's within the gate, I would hope that  
18 it would be outside of the gate. The gate is going to  
19 the corner of the building and the Fire Department  
20 connection would be on this side, so that we could pull  
21 a hose right over and hook it up.

22 MR. GRASSO: The fence won't go across the front of  
23 the building at all. It's only along the two sides.  
24 You'll have unobstructed access to the front.

25 MR. DEGROFF: I guess, then, I'm a little bit

1 confused. The fence is not going to go there?

2 MR. GRASSO: No, it's not going to go there.

3 MR. BIANCHINI: The fence is only going to go to  
4 that corner there (Indicating).

5 MR. GRASSO: From there to the left.

6 MR. DEGROFF: It does still concern me that it's  
7 difficult to get to this side. Maybe if there was a  
8 gate -

9 MR. GRASSO: Just a 10 foot gap - not even a gate.

10 MR. DEGROFF: That's fine. As long as we can get  
11 around 360 degrees. Even if there is snow, we don't  
12 really care about that. I think that will take care of  
13 the concern. If we put that Fire Department connection  
14 in the front, we can use this hydrant and pump right  
15 there and then we don't have to worry about the hose  
16 going there.

17 MR. GRASSO: I wanted to speak to Kathy's comments  
18 about the waivers.

19 You've heard that there are differences of  
20 opinion. When we review these and we consider them,  
21 we kind of look at a balance between one waiver  
22 against the others.

23 Obviously, emergency accessibility is always in  
24 the forefront of our thinking. So, yes, we grant a  
25 waiver to the interior landscaped island

1 requirement, but it makes us not build out the site  
2 more and we've lost the buffers for the neighbors.  
3 So, we do look at them on a case by case basis. We  
4 thought that this was a reasonable balance between  
5 the parking waiver and the interior landscaped  
6 island.

7 We do have a comment letter in the packet dated  
8 September 1st. They are just relatively minor  
9 technical items that remain to be addressed.

10 There are two waivers. It's the parking and  
11 then the interior landscaped island.

12 There is a Draft Resolution for the Planning  
13 Board's consideration.

14 In terms of SEQRA this is an unlisted action  
15 pursuant to SEQRA, so a short EAF has been provided  
16 by the applicant. We have completed Part II of the  
17 EAF and a Draft SEQRA Resolution is also included in  
18 the packet for the Planning Board's consideration.

19 CHAIRMAN STUTO: Okay, do the Board Members have  
20 any other comments or questions?

21 (There was no response.)

22 You want to walk us through the environmental  
23 review?

24 MR. GRASSO: So, the issues that were looked at in  
25 the impact assessment is would the project create a

1 conflict with the adopted land use plans or zoning  
2 regulations? Will the action result in a change in the  
3 intensity of the use of the land? Will the proposed  
4 action impair the character or the quality of the  
5 community? Will it have environmental characteristics  
6 that cause the establishment of a critical environmental  
7 area? Would it adversely change the existing level of  
8 traffic or effect existing infrastructure for mass  
9 transit, biking or walkway? Would it cause an increase  
10 in the use of energy and fails to incorporate reasonable  
11 available energy conservation or renewable energy  
12 opportunities? Would it have an impact on existing  
13 public or private water supply or wastewater treatment  
14 utilities? Would the project impair the character or  
15 quality of the important and historic archeological  
16 architectural or aesthetic resources and would it result  
17 in an adverse change to natural resources, including  
18 wetlands, waterbodies, groundwater, air quality, flora  
19 and fauna? Would it result in an increase for potential  
20 erosion, flooding or drainage? Would the proposed  
21 action create a hazard to environmental resources, or  
22 human health? Based on the project's design and its  
23 included mitigation measures, the response to all of  
24 those questions is no impacts or small impact may occur  
25 and no additional environmental investigation is

1 required.

2 CHAIRMAN STUTO: Any comments or questions by the  
3 Board on that?

4 (There was no response.)

5 Okay, we have a Negative Declaration  
6 Resolution.

7 MR. GRASSO: Whereas the project design listed  
8 action pursuant to SEQRA, whereas the Planning Board has  
9 reviewed the short EAF in conjunction with the review of  
10 a significant number of documents related to this  
11 project that are enumerated in the draft neg dec, now  
12 therefore be it resolved that the Planning Board  
13 declares itself lead agency for the purposes of SEQRA,  
14 and be it further resolved that based on a thorough  
15 review of the project by the Planning Board that there  
16 will be no significant adverse environmental impacts and  
17 no environmental impact statement will be required, and  
18 be it further resolved that the attached neg dec is  
19 hereby adopted in accordance with SEQRA.

20 CHAIRMAN STUTO: Do we have a motion?

21 MR. LANE: I'll make a motion.

22 MR. MION: Second.

23 CHAIRMAN STUTO: I ask that the stenographer  
24 include the entire Resolution in the record.

25 Any discussion on that Resolution?

1 (There was no response.)

2 All those in favor say aye.

3 (Ayes were recited.)

4 All those opposed say nay.

5 (None were opposed.)

6 The ayes have it.

7 The Land use Law waiver findings.

8 We might want to talk about parking since that  
9 it related to this? Fire Safety - Kathy brought up  
10 a good point on the islands. That's one of the  
11 waivers that is requested. Fire Safety wants fewer  
12 islands. Can we live with the islands that are on  
13 the current drawing? How does the Board feel about  
14 that?

15 MS. DALTON: I'm fine with that now. I just didn't  
16 have a reason of why we were doing it.

17 CHAIRMAN STUTO: Joe, do you have an opinion on the  
18 currently drawn islands and how they impact on Fire  
19 Services?

20 MR. GRASSO: It appears that there is sufficient  
21 width of the aisles and the curb radii to accommodate  
22 fire apparatus. We had looked at earlier plans that  
23 showed movements of truck turning templates through the  
24 site and they could safely maneuver through the site.  
25 We feel comfortable that they are not going to adverse

1           impede emergency accessibility. In terms of greenspace,  
2           35% preferred by Code. They are currently at 44%. Most  
3           of that is around the perimeter. Obviously, adding more  
4           landscaped island and the interior is either going to  
5           reduce the parking number or cause the parking areas to  
6           get bigger. Obviously, on this site it's somewhat  
7           unique in that we are trying to maintain a good  
8           greenspace buffer around the perimeter of the site  
9           because we have some significant fencing and landscaping  
10          proposed there. I'm not opposed to land banking some  
11          parking if that's something that the applicant feels  
12          comfortable with. I would not turn that landbanked  
13          parking into addition interior islands. I would not  
14          build that back parking row.

15                 CHAIRMAN STUTO: I am in agreement with that. Do  
16          we have to determine that now or can we let you know?

17                 MR. GRASSO: You do because it's a waiver.

18                 CHAIRMAN STUTO: No, I mean the banking of the  
19          parking.

20                 MR. GRASSO: The project is up for final so I think  
21          that the waiver findings -

22                 CHAIRMAN STUTO: Brian suggested the spots on the  
23          side going towards Green Meadows. I don't know what the  
24          most logical ones would be.

25                 MR. DEGROFF: I'd be honest with you, I wouldn't

1 get rid of any of those. Any extra space that we have  
2 there is helpful.

3 MR. GRASSO: Yes, for turning movements.

4 MR. DEGROFF: For turning movements and we have a  
5 ladder truck that has out-riggers. When you're looking  
6 at the turning radius when you came in - I don't know  
7 what you were looking at, but if there was an engine  
8 coming in, it's not so bad. When you're talking about a  
9 ladder truck coming in. The ladder truck itself might  
10 be difficult to get in there period and even the engines  
11 are pretty long. When you're talking about hoses being  
12 laid out and things like that, to further reduce that  
13 parking lot would definitely be a hindrance. If you  
14 just leave it as it is, I would not make anything  
15 smaller or anything like that.

16 CHAIRMAN STUTO: I know that's a general statement  
17 that the Chief is making, but have we checked it out?

18 MR. GRASSO: Yes, we have.

19 CHAIRMAN STUTO: And you think that it's tight the  
20 way that it is?

21 MR. GRASSO: It's tight, but a truck can get  
22 through there. It is tight.

23 MR. DEGROFF: But in the wintertime with the snow  
24 it's harder.

25 MR. GRASSO: Obviously, the more parking that we

1 remove, assuming that those spaces are filled with cars  
2 - that makes it more restricted to get a truck through  
3 there, but that has been laid out and analyzed. Like I  
4 said before it's really a balance trying to look at all  
5 the factors. We were supportive of the plan as is. We  
6 understand that the adjacent site is under-parked, but  
7 you could have different tenants that are going to drive  
8 up parking demand. You could have medical office and  
9 that's going to drive parking demand greater than what  
10 the Code would require. We're already looking at a 25%  
11 reduction. I'm comfortable with the plan as it's  
12 currently designed. It's consistent with the layout  
13 next door in terms of the buffers around the perimeter.  
14 When you look at the grades around that back parking  
15 lot, just because you eliminate the parking, isn't going  
16 to improve the aesthetics of the site from adjacent  
17 properties. It does nothing.

18 CHAIRMAN STUTO: Is the Board in agreement?

19 (All Board Members agreed.)

20 Okay, thank you for all your input. Now we  
21 have the Resolution in front of us for the Land Use  
22 Law waiver findings.

23 MR. GRASSO: Whereas the applicant is requesting  
24 two waivers from the Land Use Law. They relate to a  
25 provision of a minimum of 20 square feet of landscaped

1 island for each parking stall to be included in the  
2 interior parking area. Secondly, the total number of  
3 off-street parking spaces.

4 Whereas the zoning regulations and design  
5 standards require that -

6 CHAIRMAN STUTO: I don't think that we need to read  
7 it all. We all have had this in our packet. Why don't  
8 you state in layterms what it is and then we'll read the  
9 resolve parts.

10 MR. GRASSO: So, the two waivers are that the plans  
11 show that a total of 560 square feet of interior  
12 landscaped island is required and approximately 262  
13 square feet is provided. As such, a waiver of  
14 approximately 298 square feet is proposed and in terms  
15 of the parking, the design standards require a total of  
16 92 parking spaces required. The applicant proposes a  
17 total of 75 spaces, so it's a waiver of 17 spaces.

18 CHAIRMAN STUTO: Okay, I'll ask that the  
19 stenographer put the entire Resolution on the record.

20 Any comments or questions on that?

21 (There was no response.)

22 Do we have a motion?

23 MR. MION: I'll make a motion.

24 MS. DALTON: I'll second.

25 CHAIRMAN STUTO: And discussion?

1 (There was no response.)

2 All those in favor say aye.

3 (Ayes were recited.)

4 All those opposed say nay.

5 (There were none opposed.)

6 The ayes have it.

7 With respect to the main question which is for  
8 final approval, are there any conditions that we  
9 want to talk about?

10 I'll mention the pedestrian access. I think  
11 the county has recommended more sidewalk along  
12 Everett Road. You suggested that there is not  
13 enough of a nexus, I think, between this project and  
14 what's on the drawings is what you recommend the  
15 applicant for. Stewarts may still do the sidewalk  
16 continued.

17 Does anybody have any questions or comments on  
18 that?

19 (There was no response.)

20 Okay, so we seem to be in agreement with that.

21 The fence, we discussed. It's going to be as  
22 described. I don't know if it's on the drawing.

23 MR. GRASSO: I would recommend that as a condition  
24 of approval is to provide an eight-foot gap in the fence  
25 on both sides of the building.

1           CHAIRMAN STUTO: I think that's the only change  
2           that we made. All the other conditions in your review  
3           letter and the departmental comments.

4           Is there anything else specifically that we  
5           need to call out?

6           MR. GRASSO: No.

7           CHAIRMAN STUTO: Do we have a motion?

8           MR. LANE: I'll make a motion.

9           MR. MION: I'll second.

10          CHAIRMAN STUTO: And discussion?

11          (There was no response.)

12          All those in favor say aye.

13          (Ayes were recited.)

14          All those opposed say nay.

15          (There were none opposed.)

16          The ayes have it.

17          Thank you and thank you to the neighbors for  
18          coming out.

19          (Whereas the above entitled proceeding was  
20          concluded at 8:40 p.m.)

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 \_\_\_\_\_

