

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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4 ALBANY MED EMURGENT CARE  
5 1019 LOUDON ROAD  
6 APPLICATION FOR CONCEPT ACCEPTANCE

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8 THE STENOGRAPHIC MINUTES of the above entitled  
9 matter by NANCY L. STRANG, a Shorthand Reporter,  
10 commencing on February 28, 2017 at 7:01 p.m. at The  
11 Public Operations Center, 347 Old Niskayuna Road,  
12 Latham, New York

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

16 ALSO PRESENT:  
17 Joseph LaCivita, Director, Planning and Economic  
18 Development  
19 Michael Tengeler, Planning and Economic Development  
20 Joseph Bianchi, PE, MJ Engineering  
21 Richard Rosen  
22 Ben Narvaris, PE, HCP Architects

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1           CHAIRMAN STUTO: Good evening everyone. The clock  
2           on the wall says 6:00. We have five items on the agenda.

3           Joe LaCivita, do you have any business to take  
4           care of before we call it the first item?

5           MR. LACIVITA: I wanted to remind both the Board  
6           and the residents that starting next week, again, the  
7           Planning Board meeting. That was due to the holiday.  
8           That is one of the few times during the year we have  
9           back-to-back weeks. It's just a reminder the next week,  
10          March 7th, will be back here for another meeting.

11          CHAIRMAN STUTO: How many times a year does that  
12          happen?

13          MR. LACIVITA: I think we are actually doing that  
14          three times this year due to the holidays and when the  
15          town shuts down.

16          CHAIRMAN STUTO: Well, thank you for that reminder.  
17          So, we have two meetings in a row.

18          We will call up the first item on the agenda. I  
19          thought it was a typo - with spell emergent. They  
20          created a new word for the English vocabulary. It is  
21          interesting.

22          There was some discussion about the difference  
23          between emergency and urgent care. At light be  
24          helpful just to educate folks, if somebody is able  
25          to talk about that.

1           Anyway, the first item on the agenda is Albany  
2           Med Emurgent Care, 1019 Loudon Road, application for  
3           concept acceptance, raze existing building and  
4           replace with a 30,000 square foot one story medical  
5           office. This is the old Michael's Banquet House  
6           site.

7           Joe LaCivita?

8           MR. LACIVITA: There are just two important dates  
9           that I want to get into the record. We met with this at  
10          the DCC, the Development Coordination Committee meeting  
11          back on November 2, 2016. The Board first saw it as the  
12          sketch plan on January 4, 2017. This is just a reminder  
13          that this is a redevelopment site, as we go forward.  
14          This is not a new construction site.

15          CHAIRMAN STUTO: And over to the applicant.

16          MR. BIANCHI: I am Joe Bianchi with MJ Engineering.  
17          I have here with Rich Rosen for the applicant, developer  
18          and \*Ben Masservarin who was the architect.

19          As Joe had indicated, we came here last month  
20          and got a lot of good feedback from the Planning  
21          Board and staff comments. I think we have  
22          substantially addressed a lot of the comments that  
23          we received. We did hand out new plans, new  
24          architecture and the Board has what we did in  
25          response to those comments.

1           Just to briefly review some of the comments  
2           that we received since we last met, we received  
3           Barton and Loguidice's comments on Friday. There  
4           were also some additional staff comments from Albany  
5           County Planning and some additional comments from  
6           the CAC. Nothing out of those comments were really  
7           new. I think a lot of it was just a repeat of the  
8           prior set of comments. Again, I think we have been  
9           responsive to those comments.

10           Here are some permit updates external from the  
11           town - on SHPPO we have a sign off letter. We have  
12           to provide them some information so they could  
13           produce a letter back to the Town saying that there  
14           are no adverse impacts. We are continuing  
15           discussions with DOT on the access and utilities.  
16           We're in a holding pattern until we get some  
17           direction from this Board. DEC, Army Corp on the  
18           adjacent area permit - we just received  
19           correspondence this afternoon that the Corps has no  
20           jurisdiction over the permit restricting DEC, so we  
21           are still having informal deliberations with DEC  
22           with our project. At this time there appears to be  
23           no indication this is problematic. We are actually  
24           reducing the impacts in the adjacent area from what  
25           existed there before.

1           So, to go over the plan changes, or at least  
2           the dialogue that we had at the last meeting - I  
3           think that the site plan -- what we heard from the  
4           Board - I think it had a lot to do with positioning  
5           of the accessible spaces. I think what we have done  
6           - the original plan was we had them stacked on the  
7           side which is the actual primary entrance. There was  
8           a request to say can you put it in the front, too.  
9           So, we have accomplished that. Again, before it was  
10          along the side entrance. Now, we have actually  
11          spread out two close around the front, which was a  
12          direct request by the Board. Then, we added an  
13          accessible space back in the rear near the employee  
14          entrance. So, we have really distributed the  
15          accessible spaces throughout the site.

16          The other big comment or question that came out  
17          of staff as well as this Board was the need for  
18          sidewalks. The plan that we provided you does not  
19          have them, but we will be providing a sidewalk along  
20          Route 9, which will be in the DOT right-of-way. We  
21          will provide linkage from that sidewalk to our  
22          building.

23          Understand the one between our building and the  
24          sidewalk on Route 9 - it will likely not meet  
25          accessible standards because issue are aware that

1 site is extremely steep dropping down. So, we don't  
2 have the room to put in ramps but we can put in a  
3 sidewalk that doesn't make that direct connection.

4 MR. LANE: What about a stairway?

5 MR. BIANCHI: A stairway is not accessible. I think  
6 we are going to try to do a balancing act between  
7 steeper than what ADA standards provide but it is still  
8 navigable as opposed to stairs which is an exact  
9 impediment for accessibility standards.

10 The other discussion was providing an access  
11 easement to this property (Indicating). We indicated  
12 that it didn't seem to be an issue. There are state  
13 wetlands that basically hug our property. So, the  
14 developer would have no need or desire to make that  
15 connection because it does trigger other levels of  
16 permits that we are not in a position for. Also, in  
17 our initial discussions with DEC there is a  
18 potential that we may offer deed restrictions for  
19 further development in the DEC wetlands. So, if the  
20 access easement is provided, it may actually not be  
21 of any benefit because we have restricted them.

22 CHAIRMAN STUTO: Okay, well that's not really a  
23 full answer.

24 Can we keep an eye on that one, Chuck - in the  
25 sense that let's say that DEC doesn't want to

1 enforce that fully, you could give the right to the  
2 next door neighbor but then they have to worry about  
3 mitigating the wetland. It is their problem to  
4 mitigate the wetland, if they make the connection.

5 MR. BIANCHI: It makes potentially become a  
6 cumulative impact because we have a permit and the  
7 permit doesn't necessarily lie with the landowner. It is  
8 cumulative impact on that wetland. We have a permit to  
9 do our work and we are seeking that permit. It is the  
10 least obtrusive of all permits. DEC may not looked  
11 fondly upon hey, now you are going back to disturbing a  
12 wetland, regardless of what you are doing. We will  
13 continue to seek guidance on that.

14 CHAIRMAN STUTO: What I am saying is the next door  
15 neighbor may have a legal right to cross that or DEC may  
16 lock down or they may not. So, we could preserve the  
17 right for the next door neighbor to make the connection.  
18 That is what I am saying.

19 MR. ROSEN: Why would I welcome cross traffic?

20 CHAIRMAN STUTO: I don't know if you would welcome  
21 it, but we would welcome it as a Town Planning Board. We  
22 have been advised by our Town Designated Engineer of  
23 connectivity between adjacent commercial parcels - and  
24 that is desirable. So, that is why we like it.

25 Chuck, do you want to help me out on this?

1           MR. VOSS: Yes. It's really for interior cross  
2           access management. If down the line the property to the  
3           south redevelops into a different format and it makes a  
4           little bit more sense for them to potentially share  
5           access between the sites for complementary use or  
6           something. You want to kind of preserve that ability to  
7           have that access.

8           MR. ROSEN: Then you get into negotiations with a  
9           maintenance and long term repairs and liability.

10          MR. VOSS: Correct.

11          CHAIRMAN STUTO: It is not a shared driveway. You  
12          are just allowing them to cross onto your property.

13          MR. VOSS: Potential cross access.

14          CHAIRMAN STUTO: We do this all the time. During  
15          this business and you're acting like you've never heard  
16          of it. It's not back complicated.

17          Am I right, or wrong?

18          MR. VOSS: Yes. That is a long-term thing. It's not  
19          something that I think the Board is saying that an  
20          access point be created now, but just a potential for an  
21          easement in that area.

22          CHAIRMAN STUTO: How bad are the wetlands there?  
23          Have you looked at it, Chuck?

24          MR. VOSS: I have not looked at the actual  
25          delineation maps yet. We have not gotten them except for

1 concept. You may have a point in the air where you could  
2 sneak in and access easements and just leave it.

3 CHAIRMAN STUTO: It could be for emergencies or for  
4 other things.

5 MR. VOSS: We will continue to track that take a  
6 look at it.

7 MR. BIANCHI: So, there are other items relative to  
8 architecture and I will let Ben go over that.

9 MR. NARVARIS: Hello, my name is Ben Narvaris from  
10 ACP architects. I wasn't here at the prior meetings.

11 CHAIRMAN STUTO: Wait. Do we have any more  
12 questions on the site before we start with architecture?  
13 I was going to ask about ingress and egress again, or  
14 are we going to come back to the site?

15 MR. BIANCHI: I will let him deal with the  
16 architecture first.

17 MR. NARVARIS: Based on the comments that I  
18 received from the last meeting -- first of all, thank  
19 you for those comments. It is always nice to have  
20 another set of eyes on some of these designs. You  
21 pointed out some obvious improvements that we could do  
22 with the building. In looking at this latest design, it  
23 deals much better in everyone's opinion that has seen  
24 this latest design. The biggest concern was the front.  
25 It didn't feel like it had a front. So, we took some of

1 the architectural elements that we already established  
2 on the building and tried to introduce that to the front  
3 of the building. We also revisited how we treat the  
4 entry to the medical practices. If you remember, we had  
5 some peaks that did not quite work very well. We  
6 revisited that with some of the shed designs. We have a  
7 trellis detail and if you look at -

8 CHAIRMAN STUTO: Do we have these renditions in our  
9 packets?

10 MR. LACIVITA: You were handed them.

11 MR. NARVARIS: So, not only did we respond to some  
12 of your comments, but I think we took it a step further  
13 and if you look at what we have done here -- it's much  
14 more of an accessible and friendly and inviting design  
15 with some of the bench features and the bike racks.  
16 There is additional handicap parking that gives you  
17 direct access to use entry points.

18 MR. BIANCHINI: And you added an architectural  
19 feature. Facing Route 9 kind of makes that façade look  
20 more like the front of the building, even though there  
21 is not a door there and there is no entrance, it's kind  
22 of just a nice architectural pump out with glass. We had  
23 to deal with it on the floor plan but it works out. We  
24 will have some window treatments to block out some of  
25 that light can make the space work better.

1 MR. NARVARIS: Also to point out on elevation - the  
2 front elevation you can see that we actually replicated  
3 how the grade worked in the parking lot. It needs to  
4 communicate with the grades on the site which are  
5 relatively challenging to make it meet to the current  
6 standards for accessibility, parking and access from a  
7 state highway.

8 The building materials are self-explanatory  
9 rendering. Some of his manufactured stone, some  
10 Hardy Board. You can see the color scheme that we  
11 are using through here (Indicating). Of course, the  
12 roof screening - you can just see a glimpse of that  
13 on the rendering.

14 CHAIRMAN STUTO: Okay, let's just focus on this for  
15 second.

16 Craig, do you have any comments on the  
17 architectural renderings?

18 MR. SHAMILIAN: I actually think that it looks kind  
19 of nice.

20 CHAIRMAN STUTO: Anybody else?

21 MR. MION: Is there anything going on the roof?

22 MR. NARVARIS: There is a roof screen. In the  
23 largest renderings you can see it. We have similar  
24 coloring to the siding. We did a sight line study from  
25 Route 9 from the parking lot. So, we did it for all

1 different vantage points to make sure that all the units  
2 would be screened.

3 MR. AUSTIN: I like the back because it doesn't  
4 have that strip mall feel to it. I don't like to put it  
5 that way but it had that sort of the storefront  
6 appearance. It is very, very nice.

7 MR. BIANCHI: To be fair to the architect, the  
8 occupant fell in love with those peaks. It was a typical  
9 architectural detail on some of their other product. It  
10 really did not lend itself to this area. I think this is  
11 a much better layout.

12 CHAIRMAN STUTO: I think that it is a definite  
13 improvement. The stonework is a lot better. The side  
14 that is facing Route 9 is better.\*I have a question. If  
15 it is raining and you happen to be near one of the doors  
16 and you're looking for cover -- we have lost that I  
17 think from the last one. It is not a huge issue for me.  
18 You could go from one door to the other, I think, and  
19 not get wet. At least that's how the drawings looked.

20 MR. NARVARIS: Both of the entry points are  
21 covered.

22 CHAIRMAN STUTO: Individually. If you're walking  
23 down the sidewalk -- so, we lost that; right?

24 MR. NARVARIS: We did.

25 CHAIRMAN STUTO: Unfortunately, my building is like

1 this. We have a canopy and if it is raining there is a  
2 little gap between the canopy in the front door. Is that  
3 there?

4 MR. NARVARIS: Now. We have a flashing detail.

5 MR. BIANCHI: You bring up a great points as far as  
6 the covered walkways. In the interior floor plan there  
7 is a hallway connecting those two areas.

8 CHAIRMAN STUTO: That's great.

9 Okay, unless anybody else has anything else, I  
10 think everybody likes it.

11 MR. NARVARIS: Thank you.

12 MR. BIANCHI: So, to circle back really quickly on  
13 the site -- really, nothing has really changed. We are  
14 still providing the parking. We are still asking to bank  
15 12 spaces. There is still full access from the south.  
16 There is one way out access on the north which is  
17 reserved for ambulatory departure and service entrance.  
18 Then, while we cannot prohibit residents or patients who  
19 could potentially leave, we will have signage but people  
20 can still use that.

21 CHAIRMAN STUTO: Can you bring a sign next time for  
22 final or a rendition of what sign you going to put  
23 there?

24 MR. BIANCHI: It would probably be a typical do not  
25 enter. That is a typical regulatory signage that you

1 would see. We could put it on both sides. Actually,  
2 that's what we would usually use.

3 CHAIRMAN STUTO: So, there wouldn't be any problem  
4 with you bringing one in or a picture of one?

5 MR. BIANCHI: Sure. But you wanted an actual one.

6 CHAIRMAN STUTO: Now. Just a rendition of it.

7 MR. MION: You have one that suggests pickup,  
8 right?

9 MR. BIANCHI: Yes. I don't think it would be for  
10 arrivals for ambulatory care. It would be only for  
11 pickup is the need arises just for pickups.

12 CHAIRMAN STUTO: Anything more on the presentation?

13 MR. BIANCHI: No. But part of this is that we are  
14 requesting consideration of two waivers. It has to do  
15 with the positioning of the building relative to Route 9  
16 and also, parking in the front yard. I think that we  
17 have given your narrative to why we think that is  
18 necessary. We can certainly have that dialogue with  
19 regard to the two waivers that we are looking for. I  
20 believe our wish tonight would be seeking direction on  
21 those waivers and direction on the approval on the  
22 concept so that we can to preliminary final.

23 CHAIRMAN STUTO: We will try to do that before  
24 we're done.

25 We are going to hear from our Town Designated

1 Engineer, Chuck Voss. I just wanted to tell the  
2 public that if they want to speak on the project,  
3 please sign in on the sign in sheet over near the  
4 door.

5 Chuck, do you want to give us your comments?

6 MR. VOSS: Sure, Peter. Actually, our comments  
7 remain unchanged from our December 19 letter that we  
8 presented to the Board at the January 4 sketch plan for  
9 this project. In essence, the site is fully accessible  
10 for utilities. We discussed the transportation issues  
11 now for two meetings and the access. I think it is a  
12 much better plan with this rendering.

13 We don't see an issue with the two waivers, as  
14 requested. Certainly, it is reasonable given the  
15 site constraints in the topography issues. With the  
16 site the building is pushed back a little bit  
17 outside that 25 foot frontage.

18 We also don't necessarily have an issue with  
19 parking towards the sides and in the rear and from  
20 parking area. The applicant has provided landscaped  
21 islands within the parking lot which are required.  
22 So, the waivers, for us, don't pose any real  
23 significant issues at this time.

24 The only other thing that we would be looking  
25 for is just the storm water pollution prevention

1 plan and see how they are going to manage that  
2 on-site. There is certainly plenty of room for that  
3 now, given the fact that they are reducing the  
4 amount of asphalt on the site which currently  
5 exists. I think they are expanding the green space  
6 from 36% to 41%, give or take. So, that is nice to  
7 see that happen. The site is well set up, certainly  
8 for this type of use. Certainly, the access from  
9 Route 9 is excellent for this area.

10 Other than that, our comments remain unchanged.

11 CHAIRMAN STUTO: Do we have any sense of what the  
12 landscaping plan is going to look like?

13 MR. BIANCHI: The COR district has a certain level  
14 of standard. We are going to try to embellish on that.  
15 We do know that we are competing with fire services  
16 where they don't want anything high next to the  
17 building. So, we are going to balance it out. I think  
18 we're going to do a pretty good job with the landscaping  
19 plan.

20 CHAIRMAN STUTO: Can you give us an idea now of  
21 what you're talking about?

22 MR. BIANCHI: The islands will have either low  
23 cover or trees - a column of trees that don't blossom  
24 out or grow up so they don't obstruct light. We're going  
25 to try to put it in entry - again, low shrubs so it

1 doesn't block eyesight. We really don't have to do  
2 anything on this edge because there are trees now and  
3 were not really touching them. Again, on the northern  
4 edge, there is an existing tree line. That, we are  
5 really not touching. It has already been created. So,  
6 it's basically a combination of low shrubbery and then  
7 trees within the island, with some trees and shrubbery  
8 back here (Indicating). Where we can, we are going to  
9 augment.

10 CHAIRMAN STUTO: What about the requirement where  
11 we put something in the front.

12 MR. BIANCHI: We had that 3 foot landscaped fencing  
13 across the front. It would be like a cultured stone  
14 column with a black fence between that. That is right in  
15 front of these parking spaces.

16 CHAIRMAN STUTO: Can you give us a view of that  
17 next time?

18 MR. BIANCHI: Sure.

19 MR. SHAMLIAN: Given the use, do you have enough  
20 handicapped parking space?

21 MR. BIANCHI: Yes, because we went above and beyond  
22 of what the Town requires. I think we are about four or  
23 five above it.

24 MR. SHAMLIAN: The Code is probably doesn't address  
25 it well, given what you're really trying to do here -

1 from a practical standpoint.

2 MR. BIANCHI: We think that based on the users of  
3 Emurgent Care, we feel that we balanced it.

4 CHAIRMAN STUTO: Are there any medical people here  
5 or hospital people?

6 (There was no response.)

7 MR. ROSEN: Urgent care is a word that is used in  
8 the medical industry and it's mostly outpatient  
9 services. It's usually private physicians or hospitals  
10 in an out-patient facility that try to provide walk-up  
11 services, if you will. Urgent care is like a buzz word.

12 Albany Med has modified it and called it Emurgent care  
13 because what separates Albany Med from other urgent  
14 cares is all the physicians in their Emurgent Care are  
15 emergency room training. Where in other urgent cares,  
16 you might have a primary doctor who is just basically  
17 extending hours or a specialist who is just extending  
18 hours. You will see walk-up patients here and the  
19 physicians are actually emergency room training would be  
20 providing health care at this facility with a little bit  
21 of a step-up.

22 MS. DALTON: Will you also have the kind of  
23 equipment that you have in emergency rooms?

24 MR. ROSEN: You will have basic x-ray. That's  
25 basically as far as it goes as far as diagnostic

1 equipment is concerned. Again, you'll have physicians  
2 there with emergency room training who will be able to  
3 see the patient and know right away if they can treat  
4 them there or if they need additional services, they can  
5 call for an ambulance and they can send them off to a  
6 hospital.

7 MR. MION: I know that I addressed this at the last  
8 meeting - the handicapped spots. In the back - that is  
9 your employee entrance?

10 MR. BIANCHINI: Yes.

11 MR. MION: Are all your employees healthy?

12 MR. BIANCHINI: The tenant has not requested any  
13 handicapped parking spaces for their employee entrance.  
14 Nobody provided one. If there becomes an issue, it's a  
15 matter of restriping. We can always restripe. To answer  
16 your question, I don't know that exactly.

17 MR. MION: I know that in a lot of places you have  
18 employees who need that kind of assistance.

19 MR. ROSEN: There would be nothing to prohibit that  
20 employee from parking in the accessible spaces up front  
21 to go in the front end door, as well.

22 MR. MION: Now you're taking away from your  
23 customers.

24 CHAIRMAN STUTO: Let's take a close look at that  
25 for next time.

1 MR. ROSEN: I'll get an answer on that because they  
2 have an existing practice right now.

3 CHAIRMAN STUTO: Doesn't ADA require -

4 MR. ROSEN: ADA requires spaces closely positioned  
5 near an accessible entrance. Under normal circumstances  
6 you cluster all your accessible spaces near the  
7 accessible entrance and not multiple entrances.

8 MR. LACIVITA: You've already gone over the count.

9 MR. ROSEN: Right and we can spread it out over the  
10 two entrances.

11 CHAIRMAN STUTO: Any other discussion from the  
12 Board?

13 (There was no response.)

14 Anything else before we go to a motion here?

15 (There was no response.)

16 I don't think that you're going to have any  
17 trouble with the waivers that you're looking for.  
18 Does anybody have any issues with that? There was no  
19 response.)

20 Do we have a motion for concept acceptance?

21 MR. MION: I'll make that motion.

22 MS. DALTON: I'll second it.

23 CHAIRMAN STUTO: Any discussion?

24 (There was no response.)

25 All those in favor, say aye.

1 (Ayes were recited.)  
2 All those opposed, say nay.  
3 (There were none opposed.)  
4 The ayes have it.  
5 Thank you.

6  
7 (Whereas the above entitled proceeding was  
8 concluded at 7:25 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 \_\_\_\_\_

