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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

HUNTINGTON ASSOCIATES MEDICAL OFFICE
123 EVERETT ROAD
APPLICATION FOR SEQR DETERMINATION,
DESIGN CODE WAIVERS AND FINAL REVIEW

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on February 6, 2018 at 7:48 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
KATHLEEN DALTON
BRIAN AUSTIN
LOU MION
CRAIG SHAMLIAN
STEVEN HEIDER
SUSAN MILSTEIN

ALSO PRESENT:

Kathleen Marinelli, Esq., Counsel to the Planning
Board
Joseph LaCivita, Director, Planning and Economic
Development
Ryan Weitz, PE, Barton and Loguidice
Thomas Andres, PE, ABD Engineers
Rich Paulson, Huntington Associates

1 CHAIRMAN STUTO: Yes, sir?

2 MR. HEIDER: I'm going to recuse myself from
3 this one. I just wanted to put that on the record.

4 CHAIRMAN STUTO: Joe, do you have any
5 introductory remarks before we turn it over to the
6 applicant?

7 MR. LACIVITA: The Planning Board has seen this
8 project a couple of times now with sketch plan review,
9 with their concept review and of course the departments
10 have seen it a couple times through DCC.

11 We are here tonight under Tom's guidance to go to
12 final approval. I will turn right over to Tom Andres.

13 MR. ANDRES: Tom Andres with ABD Engineers. I'm
14 here tonight with Mr. Paulson from Huntington
15 Associates. He is our client and our lawyer is here
16 somewhere in the audience.

17 Again, this is a project that you have seen
18 before approximately 10 years ago - a little less than
19 10 years ago. When the 40,000 square foot building
20 was built - just to the south of this a lot of the
21 site work and preparation for this building was done
22 at that time. It was anticipated to be a 55,000 square
23 foot building. It is two-story and approximately
24 54,000. It is pretty much conforming to what the
25 original approval process for the overall development

1 was.

2 Since the last time we saw you, we really have
3 worked mostly on the technical nature of the project.
4 The position has not changed. The parking has not
5 changed. We have 308 spaces. I think we had 309
6 before. The requirement is 308, so we still need that.

7 We meet the 35% green as part of this development.
8 We are creating a cross parking easement in the
9 middle. That just takes some of the green space away
10 from 121. That green space went down a slight amount.
11 I think it was approximately 33% from 35. There were
12 some calculations that the department has calculated
13 with that reduction and the costs associated with it.

14 There are few waivers. The building is
15 obviously not being built on the road because it is a
16 companion building. Some of these do not classify as
17 an island so we have a couple hundred square feet -
18 we're short on the islands.

19 CHAIRMAN STUTO: So, there are two waivers, is
20 that what you are saying?

21 MR. ANDRE: I believe there are two principal
22 waivers.

23 CHAIRMAN STUTO: What are the other waivers?

24 MR. WEITZ: Mr. Chair, I would be happy to go
25 through those.

1 CHAIRMAN STUTO: Just tell us in lay terms what
2 the waivers are.

3 MR. ROMANO: One being the major road from the
4 setback - parking in the front yard, side yard pavement
5 setback along the southerly property line, side yard
6 pavement setback along the northerly property line and
7 the internal parking islands landscape waiver.

8 CHAIRMAN STUTO: Thank you.

9 MR. ANDRES: I think the sideline parking --
10 there is one space over in this corner. We had removed
11 some spaces from this access point and that is less than
12 10 feet. Obviously, the line that goes across the two
13 properties that have a common waiver. By virtue of that,
14 you have no setback along that side.

15 The Board has some discussion before in reference
16 to the second access. We do have an existing access
17 driveway and we are proposing a second access. We are
18 still working with Albany County for their final
19 sign-off on that.

20 There is a potential for that to possibly go
21 to a right-in/right-out, but we are working with them
22 to come up with a final solution and that will be part
23 of the sign-off that we have to go through with the
24 departments.

25 CHAIRMAN STUTO: Joe, do you remember what the

1 discussion was on the ingress and egress?

2 MR. LACIVITA: Yes, we are working with the
3 county. I know that they are looking for the way that
4 the project works with regard to your access. Fire
5 Safety likes it, but we need to see with the county will
6 do.

7 Rich, you talked a little bit about it that
8 whatever the approval goes -

9 MR. PAULSON: With our major tenant, people
10 pull in and are therefore 10 or 15 minutes. It may pull
11 some of the congestion away from the main entrance.

12 CHAIRMAN STUTO: On major roads we see
13 right-in/right-out. You do have that second one. I'm not
14 the same criteria would apply.

15 MR. LACIVITA: We could work with the county on
16 that to try to see if they are amenable to it, if that's
17 what the Planning Board is looking for. I don't think
18 you're looking for full access, if I remember right.

19 MR. ANDRES: Right now we have a full access.
20 We have been working with the county and the potential
21 is the right-in/right-out or the full access.

22 The one thing that we have going for us here
23 is that there is a dedicated center turn lane on
24 Everett Road. The commercial buildings across the
25 street are very small; 4,000 or 5,000 square feet

1 buildings. I think one is a dance studio. There is not
2 a lot of cross motion in this area. This does allow
3 you to make that left turn in.

4 CHAIRMAN STUTO: Chief, do you have an opinion,
5 or anyone else?

6 MR. HEIDER: That part of Everett Road is wide
7 open and very easy to traverse, both getting in and
8 getting out.

9 I would like to make one comment, even though I
10 have recused myself. Make sure the developer puts some
11 arrows on that main entrance. There are not any now
12 and people could get very confused pulling out. I was
13 behind some guy that took up the whole -

14 CHAIRMAN STUTO: We are here for final and we
15 don't have that issue resolved? That bothers me a little
16 bit.

17 MR. LACIVITA: We have not heard from the
18 county yet.

19 CHAIRMAN STUTO: Ryan, do you have an opinion
20 on that?

21 MR. WEITZ: In terms of the desire to have that
22 internal circulation, it is a well-reasoned argument to
23 have that flow within the parcel. Whether that's
24 right-in/right-out or full access, I would yield to the
25 county on that. They are better versed to speak about

1 the capacity in the issues along Everett Road.

2 CHAIRMAN STUTO: Okay, I am not sure that I am
3 convinced on that.

4 MR. LACIVITA: What are you looking towards?
5 The right-in/right-out?

6 CHAIRMAN STUTO: Oh yes, the
7 right-in/right-out. What analysis do we have? Sometimes
8 the county doesn't look at it the same way as the state
9 might, if the state were making a decision. I don't know
10 if it was Craig who was here and raising that issue
11 before, but it seems like we had more of the discussion
12 last time. I don't know if it was Central Avenue that
13 would be right-in/right-out. You guys are the engineers.
14 Even if they get it by Albany County, it doesn't mean it
15 is the right thing.

16 MR. WEITZ: Right-in/right-out, at its very
17 core - it's going to eliminate left-hand turns. It is an
18 easier motion in that sense.

19 CHAIRMAN STUTO: If somebody wanted to take a
20 left, it just means they have to go down to the main
21 entrance.

22 MR. HEIDER: Or they make a left on Everett
23 Road.

24 CHAIRMAN STUTO: I'm talking about entrances. A
25 certain percentage of people do that. A bigger

1 percentage don't. I respected most of the time, unless I
2 make a mistake.

3 MR. WEITZ: Whether that can sustain the full
4 access there - presumably the county is taking a look
5 at -

6 CHAIRMAN STUTO: Let's keep that open.

7 MR. ANDRES: My last conversation with the
8 county was last week. We are still actively working on
9 it -- which is trying to make a final decision. We had
10 been pushing for a full access, just because of the
11 ability to make a left-hand turn. You're right, it may
12 be only 5% of people who make that illegal turn, but it
13 does make it easier. Being out there a number of times,
14 plus also unfortunately with my replaced hip going there
15 a number of times -- there is very little traffic that I
16 don't see where the left turn in there would present the
17 problem that might present somewhere else like Central
18 Avenue.

19 CHAIRMAN STUTO: During the middle of the day
20 is one thing. During rush hour is an entirely different
21 thing.

22 MR. ANDRES: The first appointments for Ortho
23 are 9 o'clock in the morning. They are usually finished
24 up at the end of the day before 5 o'clock. There are
25 obviously going to be some instances where you going to

1 have cars still during the peak hours.

2 CHAIRMAN STUTO: Let's just leave that as an
3 outstanding issue for the moment.

4 MR. ANDRES: There was some discussion in
5 reference to architecture. Because we are working with
6 two different groups - Ortho and Albany ENT - actually
7 there is a third entity. This is the latest sign that we
8 are working with. There are still some tweaks between
9 the architects and the doctors. We are leaning towards
10 taking the traditional canopy that we had on the other
11 and give it a little curve setting up the parapet so
12 that they would be more of an angle and having more
13 glass in the building. Unfortunately, we are setting up
14 from the applicant standpoint to add more cost to it,
15 but that's okay because we want to make sure the
16 building in the end -

17 CHAIRMAN STUTO: We need these decisions made
18 for final, from my perspective. I don't know how the
19 rest of the Board feels.

20 MR. MION: I agree with you.

21 MR. ANDRES: This was a discussion that we had
22 last week with the department. We are very close, but
23 there still could be some minor tweaks in this design.
24 My understanding is that the department would look at it
25 and if they felt uncomfortable with those minor tweaks,

1 we could come back.

2 CHAIRMAN STUTO: What are the unresolved issues
3 on this?

4 MR. LACIVITA: Do you want to talk to some of
5 the design elements that you and I spoke about last
6 week?

7 MR. PAULSON: My name is Rich Paulsen.

8 This was the original design that we presented
9 to the Board a few months ago. One of the comments
10 that we had - what I perceived from it was - is there
11 anything else that we can do? Actually, we had a few
12 of the doctors who were part of our partnership who
13 wanted to add a little more value to the look.

14 This design right here - what we are trying
15 to do is advance about \$175,000 in costs. We added
16 more glass to the front with a little curve here
17 (Indicating). There's a little bit more screening
18 here on the top. So, it is trying to add value.

19 When I spoke to Joe last week, we are close
20 but this design that you have currently could change
21 just a little bit based on a little bit more feedback.
22 We are trying to improve the look of the building.

23 CHAIRMAN STUTO: So, you are leaning towards
24 the one that you just handed out.

25 MR. PAULSON: Yes, absolutely. It's not going

1 to change probably much from that. I wanted to let Joe
2 know that the whole idea or the concept behind this is
3 that we are trying to improve the look of the original
4 design that we presented to the Board.

5 MS. DALTON: I'm sorry, but are you looking for
6 feedback from the doctors group that you are talking
7 about?

8 MR. PAULSON: The doctors have seen it and they
9 all liked it.

10 CHAIRMAN STUTO: Normally we would approve what
11 is in front of us and if you need to change, you have to
12 come back. That's what you do with all the residential
13 stuff, don't we, Joe?

14 MR. LACIVITA: Yes.

15 MR. PAULSON: So, if we get the approval and if
16 we have a change, we will come back.

17 CHAIRMAN STUTO: Okay. I like it.

18 MR. ANDRES: I think those were actually the
19 main discussions at concept.

20 CHAIRMAN STUTO: This has been reviewed by our
21 Town Designated Engineer, Barton and Loguidice.

22 Ryan, could you go over your comments?

23 MR. WEITZ: Yes, thank you Mr. Chair.

24 The second preliminary final submission of this
25 project - we issued comments out of our office on

1 January 30th. The Town Departments also had a chance
2 to take a look at it and have submitted comments as
3 well.

4 Again, I will just highlight a couple main
5 points out of that letter and if there are any other
6 questions, I would be happy to address them.

7 One item that we have been working quite
8 extensively with the Division of Pure Waters on is in
9 relation to the building and meeting health code
10 standards in Town standards. There had been very good
11 communication amongst the Town, TDE and the applicant.

12 There is a meeting scheduled to iron that out.
13 That is primarily a technical nature. We note the
14 requirement of the parking easement for the shared
15 parking along the centerline.

16 One item regarding some architectural elements
17 and COR design standards is screening and shielding of
18 any rooftop units in particular for the neighbors -
19 the residential neighbors to the rear.

20 CHAIRMAN STUTO: Is that in there?

21 MR. WETIZ: Yes, it is. Typically, we would
22 just like to see that noted on the plans so that it is
23 covered on all bases.

24 MR. ANDRES: We have detail for that screening.

25 CHAIRMAN STUTO: Has that been submitted yet?

1 MR. ANDRES: It will come as part of the
2 architectural plans, but we can note it on the site
3 plan.

4 MR. WEITZ: Or just a note to the effect that
5 it will be fully screened and provided.

6 Of course, the secondary access their - but
7 it does provide benefit for circulation and emergency
8 access that we discussed, but Albany County has yet to
9 weigh in on a final decision. Those would be the
10 outstanding items to note.

11 CHAIRMAN STUTO: Okay, we will open it up to
12 the Board.

13 MS. DALTON: The reason why we need to do the
14 green space reduction - could you refresh my memory?

15 MR. ANDRES: We meet the 35% on this site
16 (Indicating), but we were 35% on the previous site and
17 actually by creating this parking area with a few
18 islands to this area reduced it down to less than the
19 35%.

20 CHAIRMAN STUTO: Do they have to pay a fee for
21 that?

22 MR. WEITZ: Yes.

23 MR. MION: I have some reservations on the
24 access. If we approve that tonight - is there some kind
25 of condition that we -

1 MR. LACIVITA: You can always put the
2 restriction that you want to make it conditioned if they
3 are aproved right-in/right-out access unless Albany
4 County trumps it by saying full access. They are
5 ultimately the one that would be the permitting entity.

6 CHAIRMAN STUTO: Right, but we can restrict
7 access. I would agree to the first part - that we do a
8 right-in/right-out the Board wants to do that. Then,
9 they have to come back before us if they want something
10 different.

11 MR. MION: That's what I would suggest.

12 CHAIRMAN STUTO: I am good, except the things
13 that we mentioned. We would like to go with the new
14 rendition. If you need to change it, we would like you
15 to come back.

16 MR. ANDRES: That's fine, yes.

17 CHAIRMAN STUTO: It sounds like we are
18 suggesting right-in/right-out. If you are requesting to
19 change that, you have to come back. The other screening
20 on the roof - please note that on the drawings and
21 subject to all the other Town conditions and conditions
22 set forth by the TDE, we can entertain a motion for --
23 no, we can't do that yet. We have to do the
24 environmental review.

25 Can you walk us, Ryan?

1 MR. WEITZ: Absolutely, Mr. Chair.

2 It was classified as an unlisted action by
3 the Town Attorney's office. The long form EAF was
4 prepared and that's part of your packet this evening.
5 Also included in your packet are Part II which I will
6 walk through in a moment - Part III which is the
7 potential determination and a Draft Negative
8 Declaration.

9 The part two of the environmental assessment
10 form which assesses impacts - I will walk through each
11 item.

12 There are 11 items and report on the
13 determination made.

14 One: Will the proposed action create a material
15 conflict with an adopted land use plan or zoning
16 regulation? For that item, no, or a small impact may
17 occur.

18 Two: Will the proposed action result in a
19 change in the use or intensity of use of land? Again,
20 no, or small impact may occur.

21 Three: Will the proposed action impair the
22 character or quality of the existing community? No, or
23 small impact may occur.

24 Four: Will the proposed action haven't impacts on
25 the environmental characteristics that cause the

1 establishment of a critical environmental area? No, or
2 small impact may occur.

3 Five: Will the proposed action results in an
4 adverse change in existing levels of traffic or effect
5 existing traffic or mass transit, biking or walkway?
6 No, or small impact may occur.

7 Six: Will the proposed action causes increase in
8 the use of energy and fails to incorporate reasonably
9 available energy conservation or renewable energy
10 opportunities? No, or small impact may occur.

11 Seven: Will the proposed action impact existing
12 public, private water supplies or public or private
13 wastewater treatment utilities? For both, no, or small
14 impact may occur.

15 Eight: Will the proposed action impair the
16 character or quality of important historical or
17 archaeological architectural or a static resources?
18 No, or small impact may occur.

19 Nine: Will the proposed action results in an
20 adverse change in natural resources such as wetlands,
21 water bodies, groundwater, air quality, flora or
22 fauna? No, or small impact may occur.

23 Ten: Will the proposed action result in an
24 increase in the potential for erosion, flooding or
25 drainage problems? No, or small impact may occur.

1 Lastly, will the proposed action create a
2 hazard to environmental resources or human health? No,
3 or small impact may occur.

4 CHAIRMAN STUTO: Does anybody have any comments
5 or questions on that?

6 (There was a response.)

7 We have a notice of determination of no
8 significant effect on the environment negative
9 declaration.

10 I would ask the stenographer to enter this
11 whole thing into the record.

12 The reasons for determination of
13 non-significance?

14 MR. WEITZ: The lead agency has reviewed the
15 application, site plans, project description and all
16 supporting documentation and conducted such further
17 investigation of the project and its environmental
18 effects as the lead agency has deemed appropriate. Based
19 on this review, the lead agency has determined that the
20 action will have no significant effects on the
21 environment. An Environmental Impact Statement will
22 therefore not be required.

23 CHAIRMAN STUTO: Do we have a motion on the
24 negative declaration?

25 MS. DALTON: I will make that motion.

1 MR. MION: Second.

2 CHAIRMAN STUTO: Discussion? (There was a
3 response.)

4 All those in favor, say aye.

5 (Ayes were recited.)

6 All those opposed, say nay.

7 (There were none opposed.)

8 The ayes have it.

9 We have a Waiver Resolution?

10 MR. WEITZ: Yes, Mr. Chair.

11 CHAIRMAN STUTO: We have already discussed the
12 four or five waivers.

13 I will ask the stenographer to put the
14 Resolution in its entirety into the record.

15 Can you read everything under the resolved?

16 MR. WEITZ: Now therefore be it resolved that
17 the Board hereby finds that the extent of the requested
18 individual waivers is not considered substantial, and be
19 it further resolved that the Board finds the applicant
20 has established that there are no practical alternatives
21 to the proposed waivers that would conform to the
22 standards and that the waivers are necessary in order to
23 secure reasonable orderly and safe development of the
24 project site, and be it further resolved that the Board
25 hereby issues a waiver from the maximum front yard

1 setback, and be it further resolved that the Board
2 hereby issues a waiver from the prohibition of new
3 parking within the front yard, and be it further
4 resolved that the Board hereby issues a waiver from the
5 side yard setbacks, and be it further resolved that the
6 Board hereby issues a waiver from internal parking
7 island landscaping, and be it further resolved that
8 these waiver findings be a condition of site plan
9 approval of the application and be kept in the office in
10 the project file in the office of the Planning and
11 Economic Development Department.

12 CHAIRMAN STUTO: Do we have a motion on that
13 Resolution?

14 MS. DALTON: A make a motion.

15 CHAIRMAN STUTO: Second?

16 MR. MION: Second.

17 CHAIRMAN STUTO: Discussion?

18 (There was no response.)

19 All those in favor, say aye.

20 (Ayes were recited.)

21 All those opposed, say nay?

22 (There were none opposed.)

23 The ayes have it.

24 The main question before the Board is for final
25 approval.

1 Based upon the elevation rendition that we got,
2 based upon right-in/right-out they would have to come
3 back on either of those items if they would like a
4 change, based on the note about screening of the items
5 on the roof and all other conditions from the Town
6 Departments and from the Town Designated Engineer, do
7 we have a motion?

8 MR. AUSTIN: I'll make that motion.

9 MR. MION: Second.

10 CHAIRMAN STUTO: 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.

18 MR. ANDRES: Thank you, very much.

19

20 (Whereas the above entitled proceeding was concluded
21 at 8:10 p.m.)

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CERTIFICATION

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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.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

