

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

PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

HEARING REGARDING THE PROPOSED
BRITISH AMERICAN PLAZA LOCATED AT
798 ALBANY-SHAKER ROAD REVIEW AND ACTION ON
RENEWAL OF CONCEPT ACCEPTANCE

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding BY NANCY STRANG-VANDEBOGART
commencing on August 25, 2009 at 7:35 p.m. at the
Public Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

TOM NARDACCI, ACTING CHAIRMAN
MICHAEL SULLIVAN
ELENA VAIDA
GEORGE B. HOLLAND, JR.
CHARLES J. O'ROURKE
TIMOTHY LANE
PETER STUTO, Jr. Esq., Attorney for the Planning
Board

Also present:

Joseph LaCivita, Director, Planning and Economic
Development
Mike Lyons, Planning and Economic Development
Brad Grant, Barton & Loguidice
Joe Grasso, Clough Harbour
Kathleen A. Simmonds, Clough Harbour & Associates
Spencer Jones, British American

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

ACTING CHAIRMAN NARDACCI: Okay moving on to our second item on the agenda. We have submission by British American Plaza, 798 Albany-Shaker Road; a 294,000 square foot four building office plaza. They're here today for review and action on the renewal of concept acceptance.

We have the applicant as represented by Clough Harbour and Associates. Just for clarification, Clough Harbour is one of the town's designated engineers. Under the law approved by this Town Board, our TDEs are still allowed to make recommendations on projects that they had prior to the town bringing them on as TDEs. This project is one of those projects. So, that's just a point of clarification.

Mike, do you want to set us up for this? Can you give us some background history?

MR. LYONS: Sure, I'll give you a quick background.

This project predated the DCC, which is the Development Coordination Committee review. It also preceded the Town Land Use Law with regard to initial zoning verification. This project received concept acceptance on November 27, 2007 and they are before the board tonight to basically renew the existing concept that they have. This is not to extend it but to renew it.

If they were to extend the concept acceptance, this concept acceptance would be valid up until November 27, 2008. By renewing the concept acceptance with the new zoning verification they have obtained through our Building Department - which we just received today, by the way - the project would now basically have a one year lifeline concept and then could be extended for one additional year on concept acceptance. That would allow the applicant two years to develop the concept through the preliminary final plan design stages. The plans that are before the board tonight as well as the comments are the identical plans and comments that were before the board back in 2007 that the board acted

1 on. They're basically asking that we reissue
2 the concept with the same conditions, which
3 include the installation of a traffic signal
4 at the intersection of the driveway and
5 Albany-Shaker Road.

6 Once the square foot of the floor area of
7 the development exceeds 100,000 square feet,
8 the second issue was providing a second means
9 of access into the site as requested by the
10 Bureau of Fire Services.

11 The negative declaration that was adopted
12 by the Planning Board on November 22, 2007 is
13 still valid. It does not have an expiration
14 date. There is no action of SEQRA that is
15 required this evening.

16 MR. O'ROURKE: Mike, that zoning
17 referendum that we received today - did people
18 have to look at that?

19 MR. LYONS: Yes. That was approved by the
20 Building Department.

21 MR. O'ROURKE: And they just got it today
22 but were able to -

23 MR. LYONS: No, they received it last
24 week and they approved it today.

25 MR. O'ROURKE: Okay, so they received it
from the applicant a week ago.

MR. LYONS: Yes.

The last thing is that this project is
located in the commercial office or CO zoning
district. The CO zoning district is not a
design standard so you don't have worry about
parking in the front yard, the 80% frontage
build-outs and the various types of design
elements that you see along the project site
of the Lia Toyota sites on Central Avenue and
Route 9 and Troy-Schenectady Road. The zone
that is there now is virtually identical to
the zone that was in existence. I believe that
it was called airport business area. It's E4,
which are a like to uses around the airport.
Those in the E4 zone are virtually identical
with no change in the density of use or
anything else like that which would cause the
concept to change.

With that, I think I'll turn it over to
Kathy Simmonds.

1 MS. SIMMONDS: Mike did a great job,
2 actually. He pretty well summarized everything
3 that I was going to say.

4 My name is Kathy Simmonds and I'm a
5 Senior Landscape Architect with CHA. I'm here
6 tonight representing British American and
7 Spencer Jones, one of the Vice Presidents of
8 British American and I'd like for him to step
9 forward and just say a few words about British
10 American and their history in the Town of
11 Colonie.

12 MR. JONES: Good evening. Thank you for
13 the opportunity to present tonight. I'm
14 Spencer Jones with British American. We are an
15 owner/developer/manager of commercial real
16 estate throughout the capital region. We are
17 headquartered in Latham. Our focal and
18 headquarters is Airport Park, located at the
19 intersection of Troy-Schenectady Road and
20 Albany-Shaker Road. We've been in that park
21 for the past 30-some years we have developed
22 32 buildings over 350 acres.

23 The particular site in question tonight
24 we've controlled for just over 10 years and
25 we've been working towards concept approval on
this project, I would say, for five to seven
years. The only reason that we didn't advance
the process past the neg dec and the concept
approval received in November 2007 is because
we needed a neg dec to advance our process
with the Army Corp of Engineers. That process
took us longer than the 12 month period. We
have with the concept approval and so our goal
is to get re-issuance of concept approval so
that we can move towards final with this
board.

MS. SIMMONDS: The project is located on
Albany-Shaker Road. The airport is immediately
over here to my right (Indicating). Shaker
Country Club is right here on the portion of
this site. The Albany County portion of land
is right here (Indicating) and then there is
residential development along the southern
ends of the site. Along the western boundary
we have the Memory Gardens cemetery.

The site itself is 42 acres in size and
on that 42 acres we're proposing the

1 development of four office buildings. Two of
2 them will be 73,000 square feet in size. They
3 will be three stories tall. One of them will
4 be two stories at 49,000 square feet and a
5 fourth one being four stories at 98,000 square
6 feet. So the project density is 294,000 square
7 feet.

8 We have accommodated town parking
9 standards with one space per 225 square feet
10 for a total of 1,370 spaces on the site. In

11 each one of these buildings we're proposing
12 60 cars underneath each building so some will
13 include parking. There will be 240 spaces
14 indoors and the rest of the parking will be
15 surface parking.

16 As you can see our development is pretty
17 much towards the eastern end of the site. Our
18 total greenspace is in excess of 71%. The site
19 will be served by Latham Water and Pure Waters
20 and our stormwater management will be onsite
21 stormwater management.

22 As Mike mentioned, the plan is exactly
23 the same one that was approved in November of
24 2007. The plan went through much iteration for
25 our initial application in 2006 and from the
time that we finally got to our concept
approval in 2007, but it hasn't changed since
that point in time.

We also went through a number of reviews
and studies prior to our conceptual approval
in 2007. We received our approval from the
Albany County Planning Board. We conducted an
archeological study and received our approval
from SHPPPO and there was no effect on the
site.

We formed a traffic study and then a
supplemental traffic study in addition to
meetings with the town, DPW, DOT and CDTC
regarding the impacts of the intersection here
on Albany-Shaker Road (Indicating). We looked
at two scenarios. One was a roundabout and one
was a signalized intersection. The end result
was that we will install a signal at the
intersection when the development of the
project gets to 100,000 square feet.

1 We also have comments from the
2 departments, as Mike acknowledged, that we
3 know that we need to address for preliminary.
4 The site is within the historic site. It's in
5 proximity to the Shaker site.

6 The building elevations underwent several
7 renditions too. We met with Shaker Heritage
8 Society several times and this is the building
9 elevation that they approved on the site which
10 picks up on the themes from the Shaker
11 architecture. The canopy roof and the doors
12 are similar to the Shaker architecture. This
13 is one elevation (Indicating). This is a
14 corner elevation. We received the sign-off
15 from the Shaker Heritage Society.

16 Once we received the neg dec, as Spencer
17 said, we needed to submit that to the Army
18 Corp of Engineers. We are pursuing a joint
19 application with DEC and the Corp of Engineers
20 and we needed the neg dec to complete the
21 puzzle.

22 We first made our application to the Corp
23 of Engineers in February of 2006. The complete
24 application went to them in December of 2007
25 and we got our final permit in April of this
year. So, during that time frame, obviously
our concept approval lapsed but we were trying
to get everything else squared away with the
Corp of Engineers.

 The reason that we needed the permit from
the corp is that when Hilton Gardens was built
and that was in 1998, they disturbed one acre
of wetlands on their site. This project is
going to disturb an additional 1.08 acres.

 The Corp of Engineers required us to find
a mitigation site which in this case we were
able to find something that's in the same
watershed as the British American site. It's
located at 625 Sand Creek Road. It's pretty
much due south of our site. This is the acre
parcel that actually has concept approval on
it from the Town Planning Board and we have
purchased that as part of the criteria of a
mitigation site for the Corp of Engineers.

 There will be no further wetland
disturbance on the site. Again, I'd like to
touch on the conditions of approval.

1 We have contributed funds to the airport
2 area GEIS. We have addressed the department
3 comments. The conditions were to have downward
4 lighting to eliminate light trespass on the
5 adjoining properties, which is fine with us.
6 We need to provide a second means of emergency
7 access. We can show you two alternatives at
8 this point.

9 The conditions say that we can't use
10 Albany-Shaker as one of our secondary
11 emergency access points. So at this point
12 we're proposing either a connection down here
13 (Indicating) of a connection at this end of
14 the site (Indicating) near one of the private
15 residential properties. The actual
16 determination has not been made at this point.
17 That something that needs to be taken care of
18 before the seal is issued on the first

19 building of the project.

20 The final condition of approval was to
21 work with the town to establish a walk along
22 Sand Creek Road. The plans that we have
23 submitted to the Corp of Engineers during the
24 approval phase was we had indicated that we
25 have adequate space on our site to install a
sidewalk along Sand Creek Road extending to
the south. So, we will be able to meet that
condition as well.

I guess, in closing this is the same plan
that we had approval on before.

ACTING CHAIRMAN NARDACCI: Before we get
to questions, this project is going to now be
reviewed by our other town designated
engineer, is that correct?

Brad, have you gotten this proposal yet?

MR. CLARK: Yes, this is probably not as
thick as Kathy's file, but we did get the
previous board's minutes. We have the letter
of August 4, 2009 and it's essentially a
revised narrative. We have gotten the traffic
study. It's quite voluminous and have gone
through it. We continue, however, to review
it. We have also gone through a fairly

vigorous review with Albany County.

1 ACTING CHAIRMAN NARDACCI: Okay, thank
2 you.

3 Just for a point of clarification, could
4 you just explain in a little more detail the
5 interplay between the wetlands and the parcel
6 to the south? What was that approved for?

7 MS. SIMMONDS: It was approved, I
8 believe, for office buildings.

9 MR. JONES: The goal was always to find
10 another piece within the same marsh area. The
11 only piece that we could find in the same
12 watershed is one that had already been issued
13 concept approval on a project. We were in a
14 position where we pretty much had to do that
15 to satiate the need for the corp That will be
16 turned entirely into a mitigation site. We've
17 been through this with the Army Corp of
18 Engineers and New York State Department of
19 Environmental Conservation and they both
20 signed off on it.

21 ACTING CHAIRMAN NARDACCI: Okay, it's
22 just something that I haven't seen here. Is
23 there a direct correlation between what's wet
24 on the British American parcel here to this
25 one or is it just to recreate a wetland in the
26 same watershed?

27 MS. SIMMONDS: We had to recreate a
28 wetland in the same watershed. The balance of
29 this site pretty much from where we're
30 stopping to the west is already a wetland. The
31 corp required that they be compensated for the
32 water of the wetlands on the site so they
33 recommended that the site be located in the
34 watershed. This is where we were able to find
35 the piece of land that fit the corp criteria.

36 MR. O'ROURKE: I'm not very smart so I
37 have to ask these questions. In terms of
38 reasonableness we're going to take a wetland
39 and we're going to fill it in and make it dry.
40 Then we're going to take dry land and make it
41 a wetland and then put a sidewalk on it.

42 MS. SIMMONDS: No, not necessarily. The
43 area here (Indicating) has already been
44 disturbed.

45 MR. O'ROURKE: So what did the Army Corp
46 make you do for that one acre that you
47 disturbed for that project?

1 MS. SIMMONDS: We had to combine that one
2 acre with the 1.08 acres on this parcel
3 because they were both owned by British
4 American. The Corp of Engineers looked at that
5 as a 1.08 disturbance.

6 MR. O'ROURKE: You build that project in
7 1998; Hilton Gardens. This one you said was
8 held up because the Army Corp -

9 MS. SIMMONDS: We didn't get the permit
10 back in 1998. There was always an
11 understanding that when this came in for
12 future development on the balance of the site
13 that they would get everything at that point.

14 MR. GRASSO: I can clarify that. When the
15 Hilton Garden was built in 1998, the corp's
16 wetland regulations authorized one acre of
17 disturbance. So the Hilton Garden was under
18 those previous conditions. One acre could be
19 impacted without having to be mitigated. Since
20 that time, as this project was advanced, the
21 wetland regulation changed and there were no
22 thresholds. Any additional wetland impacts on
23 the current project site would trigger
24 mitigation and the corp requires British
25 American to mitigate not only the new acre of
impacts but the former acre of impacts. So,
there are two acres of impacts because they're
deciduous forests that were being impacted.
They require two to one compensation so
basically British American has to create four
acres of wetlands within the watershed. That's
what is proposed on that eight acre parcel.

MR. O'ROURKE: And then we're going to
put a sidewalk in front of it?

MR. GRASSO: The sidewalk is only because
the mitigation site has frontage along
Sand Creek Road and the town has a plan to
provide sidewalks along Sand Creek Road. The
town position has been if an applicant
develops a piece of property along Sand Creek
Road, they are required to build a sidewalk
along the frontage. This is the only proposal
that will ever be brought before the town for
the mitigation site because it's going to be
created in the wetlands and forever maintained
in perpetuity. That's why the town requested a

1 sidewalk be provided there and it was made a
2 condition of the approval.

3 MR. LACIVITA: Joe, if I'm reading this
4 right from the Army Corp - where C.J.
5 mentioned that was all dry land, that is, in
6 fact, not. There are currently existing
7 wetlands on that acreage.

8 MR. GRASSO: That's correct. The third
9 form acceptable mitigation site for this
10 project review started in 1999. It took eight
11 years to find an acceptable mitigation site.
12 We looked at thousands of properties
13 throughout the town and throughout the
14 watershed that would meet the corp's criteria.

15 MR. O'ROURKE: Who is going to maintain
16 the sidewalk?

17 MR. GRASSO: The sidewalk would be
18 maintained by the town.

19 MR. O'ROURKE: Is that in the Land Use
20 Law?

21 MR. LYONS: That is in the draft of the
22 sidewalk plan. That was one of the
23 recommendations of the town. There is actually
24 already an existing sidewalk from down from
25 Albany all the way up to Shaker Run Apartments
which is just before the National Grid right
of way substation. There are also sidewalks
along the Watervliet-Shaker Road portion. Then
the sidewalks come down off of
Watervliet-Shaker Road and they come down
Sand Creek Road along the frontage of the
Reformed Church. So, there is just a small
section of sidewalk that's missing; basically
from the village line almost to
Watervliet-Shaker Road.

When those sections of sidewalk are
completed, they will then take the sidewalk
system of Central Avenue, Wolf Road, The
Crossings, Sand Creek Road and
Albany-Shaker Road and tie them into the
sidewalk system of Watervliet-Shaker Road
which is also a shared bike and pedestrian
sidewalk that runs up through British American
and down British American Boulevard to

1 Troy-Schenectady Road and that sidewalk
2 system. Then from there is a very short
3 segment of how to get from
4 Troy-Schenectady Road down to the bike path
5 and make this major connection of this
6 sidewalk and multi purpose path throughout
7 kind of the east and the west of the town.

8 ACTING CHAIRMAN NARDACCI: Tim, do you
9 want to start? Do you have any questions?

10 MR. LANE: Your traffic study indicates
11 that you chose to go with the signalized
12 intersection at Albany-Shaker Road rather than
13 the roundabout which your traffic study showed
14 would have a higher capacity and a better
15 reserve capacity for full build-out. I was
16 just curious to know why you went with that.

17 MR. GRASSO: Although the roundabout
18 would work better for that intersection, if a
19 roundabout was installed at that intersection,
20 a roundabout would also be installed at the
21 Watervliet-Shaker Road/Albany-Shaker Road
22 intersection, which has just gone through a
23 14 million dollar improvement. There are no
24 funds available for that improvement.

25 MR. LANE: Why is that? Not being a
traffic engineer, you need to explain to me
why one would require another.

MR. GRASSO: Well, the town just spent
14 million dollars rebuilding
Watervliet-Shaker Road and Albany-Shaker Road.

MR. O'ROURKE: The town, county and the
state.

MR. GRASSO: So, basically what you're
saying is that you need to redo all of the
improvements and the town has -

MR. LANE: I'm not talking about the
cost; I'm just talking if they put on there -

MR. GRASSO: One would have to be done -

MR. LANE: But why?

MR. GRASSO: Because the way that a
roundabout works is all the traffic is going
to flow through the intersection and it's
going to hit the intersection of
Albany-Shaker Road/Watervliet-Shaker Road and
back up through the intersection. You need to
install another signal that you can time on to

1 keep traffic going through both intersections.
2 It was closely considered but that was one of
3 the tipping points as to why the signal was
4 the preferred alternative.

5 The other issue is that in order for the
6 roundabout scenario, the roundabout would need
7 to be a double entry lane as opposed to a
8 single. The roundabout would be getting so big
9 that there is going to be wetland impacts with
10 the roundabout construction that would have to
11 be mitigated as well.

12 MR. LANE: That's a great answer because
13 that was well thought out and I thought it was
14 pretty confusing why they wouldn't go with a
15 higher capacity.

16 I lost my train of thought. Can you come
17 back to me in a second? I had something else
18 and I forgot it.

19 ACTING CHAIRMAN NARDACCI: Okay, George?

20 MR. HOLLAND: No questions.

21 ACTING CHAIRMAN NARDACCI: Elena?

22 MS. VAIDA: I want to say that I don't
23 have any problems with this project. I would
24 really like some clarification on if our
25 engineers are going to do a review of this
project, wouldn't it make sense to have that
done prior to their discussion about concept
approval?

I'm not saying that I agree with this
provision but the Land Use Law says that
concept plan acceptance shall be valid one
year from the day of issuance and then it
says, but it can be extended for an additional
year upon written request, after due
consideration by the board.

You're past that deadline. You said the
reason is that you were working with the Corp
of Engineers, but that doesn't really explain
why you couldn't write a letter saying that
you were still working with the Corp of
Engineers and we need a year's extension. So,
I'm assuming that maybe this has something to
do with if you got the one year extension that
it would terminate November of this year. I
guess that would not be enough time.

1 MS. SIMMONDS: We need to do the
2 preliminary plans which we wouldn't be able to
do that in the next three months.

3 MS. VAIDA: So there is nothing called a
4 renewal that I see in the Land Use Law. Just
5 for the future I would like some clarification
6 from counsel because this has happened before.
7 When you're past the deadline and you're not
8 complying with the Land Use Law. There doesn't
9 seem to be a provision to make exceptions and
10 to come up with a term called the renewal of
11 concept approval which doesn't really exist.
12 It seems like a way to circumvent the
13 requirements that are in place right now.
14 Maybe this section actually needs to be
15 amended to provide for extenuating
16 circumstances to vary from it. So, I'm a
17 little troubled by that.

18 MR. GRASSO: I think that it's being
19 treated as a concept approval.

20 MS. VAIDA: Like a brand new application?

21 MR. GRASSO: Yes.

22 MR. LYONS: I guess we could have called
23 it perhaps a re-issuance of concept
24 acceptance.

25 MS. VAIDA: But then why would you have
this provision - then the one year term with
the one year extension really has absolutely
no -

MR. GRASSO: I can tell you why. We knew
that it took us so long to get through a corp
process and we knew that we weren't going to
fall within that window and we were going to
have to come back for an extension. So, we
knew that we were going to have to come back
for that concept approval again. There was no
need to go for that one year extension because
we knew that wasn't going to give us a large
enough window to get our plans done and bring
them here.

MS. VAIDA: So in a sense, this is a
brand new application for concept approval.

MR. LYONS: That's correct.

MR. GRASSO: That's right.

MR. O'ROURKE: I'd almost like to leave
some wording in there though. It's just my

1 opinion but if we don't, we might not get the
2 old meeting minutes. We might be missing
3 stuff.

3 MR. LYONS: You always get the full
4 package.

4 MS. VAIDA: So then just my other
5 question is whether or not we should be
6 waiting for the review from our engineers on
7 this before decide.

6 MR. LACIVITA: If this came under the old
7 process, it would not come before a TDE
8 because it's a prior project anyway. The
9 department takes it through concept and the
10 TDE takes it after that.

9 Brad commented briefly on review of the
10 old process. The next phase of this will be
11 continually reviewed by the TDE and they will
12 be the one coordinating the process moving
13 forward.

11 ACTING CHAIRMAN NARDACCI: Joe, to
12 Elena's point though, the Lia project was
13 review and action on a concept submission and
14 we had written comments from Clough Harbour,
15 our TDE on a concept submission. While I
16 understand that this project has been here
17 before prior boards, I don't understand why it
18 wouldn't have had a TD review.

16 MR. LACIVITA: It did have a TD review on
17 it but I asked that it not be a full depth
18 review because it was a prior approved
19 project. So, maybe I erred in giving direction
20 to Barton Loguidice but again, this was a
21 prior approved project so I asked them to give
22 a cursory review and to look at taking the
23 lead coordination after that process.

20 ACTING CHAIRMAN NARDACCI: I understand
21 the issue of overkill but we've also seen
22 projects come here that have received approval
23 an X number of years ago.

22 MR. LACIVITA: Again, I think that the
23 reason that I looked at it this way is that
24 this isn't coming back there has been no
25 changes to the design or anything. So, I
26 didn't really see the developer to have to
27 spend any additional funds to do a full depth
28 review of something that was done prior, based
29 on the fact that they were coming in exactly

1 the way that they had received its prior
2 approval.

3 MR. O'ROURKE: Well, there has been some
4 changes; the architectural changes.

5 MR. LACIVITA: No, there hasn't been any
6 changes at all.

7 MR. GRASSO: With that said, if I could
8 state for the applicant that it's a large
9 project. It's a first time that everybody but
10 George has seen the project. It's a lot of
11 information for Barton & Loguidice to review,
12 if you're asking them to do it. It's the same
13 that received the concept approval prior. If
14 they need more time to go through the
15 information, that's fine. The Chair is not
16 here either and she could have questions or
17 whatever. The applicant is willing to come
18 back.

19 This project is exactly the same as the
20 concept approval that was granted to it in
21 2007. It's been through a lot of phases
22 through the years and the applicant is not
23 trying to say, well, I'm starting fresh with
24 this project. They're just trying to pick up
25 where they left off and then move to the next
step.

ACTING CHAIRMAN NARDACCI: Joe, to your
point, in looking through the packet, it's a
dense packet. Obviously there are a lot of
discussions and I read through all of the
information and all the past meetings. There
is a lot of good things that have happened in
the meetings with the Heritage Society,
changes in the architectural designs, meetings
with Albany County and a lot of work has gone
into this. I guess it's a point of
clarification that it's important for us to
understand that there was a lot of time spent
last year talking about the process. What
happens is that we get a project and the
project leads to discussion about the process
and sometimes things get jammed up here, but I
think that we need to have a clear process.

MR. GRASSO: This should follow the
process.

1 MR. CLARK: I guess I pretty much
2 received the same packet that you had with the
3 subsequent reports. In looking at the
4 narrative and the concept planning it's
5 obvious with all the work that was put into it
6 and the number of agencies that have reviewed
7 this, there still is a long road to haul
8 through the preliminary findings.

9 ACTING CHAIRMAN NARDACCI: Any other
10 questions?

11 MR. O'ROURKE: Yes, I have a couple.

12 One thing that bothered me was the
13 signal. Everybody wanted to signal to go in
14 but nobody wants to take care of it. It's a
15 county road, why isn't the county taking care
16 of it?

17 MR. GRASSO: The county does not maintain
18 any signals that serve an office building.
19 They adamantly refuse to maintain this signal,
20 even though it's warranted.

21 MR. O'ROURKE: It also serves Hilton
22 Garden and Shaker Ridge.

23 MR. GRASSO: That's correct. There is
24 currently a town road into the site. So, it's
25 an intersection of a town road and a county
26 road. Understand that the county won't
27 maintain that signal.

28 MR. O'ROURKE: That's what bothered me
29 when I read through it.

30 Mike, who from the county -

31 MR. LYONS: Mike Franchini is the
32 Commissioner of Public Works for Albany
33 County.

34 MR. O'ROURKE: So who from the town
35 should fight with him?

36 MR. LYONS: Our Commissioner of Public
37 Works.

38 MR. O'ROURKE: I'd like to put something
39 in the record that Bob Mitchell meet with him
40 and get this thing done for the town. The
41 taxpayers shouldn't be paying for this.

42 The only thing that bothered me was that
43 again, we go back to the egress point. This is
44 only 500 feet to the cul-de-sac, right? Am I
45 reading this correctly?

46 MS. SIMMONDS: Yes.

1 MR. O'ROURKE: And EMS is adamant about
2 having a second means of egress. Does that
3 bother anybody else? That bothers me. We're
4 treating British American different that we're
5 treating another developer.

6 My number one thing since I've sat on
7 this board is that if I die doing it, we're
8 going to treat one developer the same as the
9 other.

10 I looked through my packet and I don't
11 have one thing in writing from EMS, Fire
12 Safety, the safety guy with the police,
13 nothing about why there should be - or the
14 need for the second means of egress. So, I
15 would also like that answer.

16 Again, I'm with these guys in terms of
17 the process. I think that we've made great
18 progress in treating each developer fairly and
19 I understand that you guys have fought with
20 the Army Corp. It's difficult. But to follow
21 those processes, I would be averse to voting
22 tonight without having the TDE look at it like
23 we have on three other projects. I think that
24 it's fair to everyone. It's unfair probably
25 most to you guys trying to develop it. With
that said, in terms of fairness across the
board, we've gone to the town designated
engineer. Since we have, I think that the
scope of the project lends itself to say
Barton & Loguidice look at it before we make a
determination. I would also be against voting
on the concept.

That said, I love the building. I love
the project. I wish that it was being treated
more fair in terms of egress and those types
of things. Again, I can't have it all in my
world.

MR. LACIVITA: To speak to the secondary
means of egress. We've had the conversations
before with Peter Lattanzio. That is a wish
list on his end. Unfortunately our Land Use
Law doesn't speak to having that as a
requirement. That's one of the things that the
Land Use Law Committee is looking at now as to
some of the changes. If we incorporate that,
we also need to incorporate the safety law

1 that Peter has followed with the codes that I
2 have given you guys.

3 MR. O'ROURKE: I agree, Joe. That's what
4 I'm saying. This developer is looking at two
5 separate sites which I'm sure is going to cost
6 him money thinking that he needs a second form
7 of egress into the site to develop it. I'm
8 sitting here saying that shouldn't be because
9 we've let other people do it and if that's
10 what it's going to be, 1,500 feet, then we
11 need to ensure that's in our Land Use Law and
12 we need to make sure that these things are
13 doled out equally across the board. This is
14 only a 500 foot cul-de-sac. How many people
15 are going to be employed here?

16 MS. SIMMONDS: About 500. We're providing
17 1,300 spaces.

18 ACTING CHAIRMAN NARDACCI: Mike?

19 MR. SULLIVAN: I had a few questions.
20 Actually, my first one was on the secondary
21 access. You had mentioned that there were two
22 options being reviewed. I'd like to see a more
23 definitive plan. Do you know how that process
24 would proceed? Do you favor one over the
25 other?

MS. SIMMONDS: The second access is at
this end of the site and the other one would
have to access the private property and the
access here down on Shaker Road way down here
(Indicating).

MR. GRASSO: Mike, it's important that
you have to understand the situation that the
applicant is in. The town is forcing them to
develop a second means of access across
properties that they don't own and they lose
the leverage to negotiate with those property
owners. That's something that they agreed to
the commission but maybe they can work out
other means by the time they come in for the
preliminary application. You have to
understand the situation that they're in.

MR. SULLIVAN: I was under the impression
that was being developed already - the
residential area; that's not the case?

MR. GRASSO: No.

1 MR. SULLIVAN: Okay, I thought that you
2 might be able to get access to that.

3 MR. LYONS: That residential area is more
4 of a farm. It's the Coleman farm and then the
5 one next to it is the Shaker Shed Farm.

6 MR. SULLIVAN: The other question that I
7 had was with the intersection. I also had a
8 question like C.J. said about maintaining it.
9 It appears that it will be working at a level
10 of service D or better and that it had a lot
11 of reserve capacity. However, I was concerned
12 over what effect that would have on the
13 Albany-Shaker/Watervliet-Shaker intersection
14 to the south. It was mentioned that the
15 roundabout would overwhelm that but will this
16 also degrade the level of service at that
17 intersection? I don't know how many are going
18 to go south at peak hour but do we have level
19 of service figures for that intersection? I'm
20 assuming a signalized intersection with full
21 build-out. Do we know what that is or can we

22 get that?

23 MS. SIMMONDS: I can get that to you. It
24 was studied extensively.

25 MR. GRASSO: You have to understand that
the intersection of Albany-Shaker and
Watervliet-Shaker Road was built to
accommodate full build-out of the airport area
GEIS. I don't know what percentage of
build-out it is but it's easily less than full
build-out. Traffic impacts of this project had
been built into that improvement which just
got completed in the past few years.

MR. O'ROURKE: But isn't that new light
going to change that?

MR. GRASSO: Yes, absolutely. And it was
always planned that way.

MR. SULLIVAN: My concern is that if they
have enough volume to overwhelm the
roundabout, we may still have a problem with
signalized intersections; whether they're
timed or not. If the volume is there you could
still have a problem. So, if those cars are
coming south and they're not impeded with a
roundabout and that creates a problem,
couldn't that also occur with a signalized

1 intersection? You can time it the best you can
2 and coordinate it the best that you can but it
still seems like there is volume there.

3 MR. GRASSO: The unique thing about a
4 roundabout is when Albany-Shaker Road and
Watervliet-Shaker Road were reconstructed,
5 they assumed that this access would be a
6 signalized intersection. At the time there was
no talk about roundabouts. So, what we had to
7 look at was after the fact and that's where it
fails because it doesn't receive the same
amount of control as originally anticipated.
We did look at it.

8 MR. SULLIVAN: I'd just like to know what
predevelopment of service is as compared to
9 post.

10 The last question was about the wetland
mitigation and I think that it's just
11 bookkeeping, but you need to provide four
acres of wetland and there is already 1.9
12 existing on that eight acre track. You're
going to have a total of six acres of wetland?

13 MS. SIMMONDS: Yes.

14 MR. SULLIVAN: Okay, I just wanted to get
that clear. You're providing like two to one?

15 MS. SIMMONDS: Yes.

16 ACTING CHAIRMAN NARDACCI: Just two brief
comments from myself.

17 I just want to reiterate I don't
understand why we need a second means of
18 egress with this 500 feet. It's not consistent
with what we have heard in the past two years.
19 I understand that this discussion was 2007 and
maybe that was the beginnings of two means of
20 egress to property. Maybe that's something
that makes it easier for the development.

21 Something positive is that I was very
impressed with the back and forth with the
22 Shaker Heritage Society. I read through the
cultural report and with the architecture and
23 I thought of it as Shaker Design 2.0. It's
some of the elements, yet it's glass and I
24 thought that was very impressive that they
took the time to meet. I saw the
25 correspondence of several meetings and I just
wanted to reiterate that for the benefit of

1 the public that doesn't have all the documents
2 that we have. I think that it's very important
3 that we do what we can to promote the heritage
4 of the town and in particular the Shaker
5 Heritage. We have seen one other project that
6 had Shaker designs in it and I hope we can see
7 more of that. I think that it's something that
8 Colonie would benefit from. That said, I agree
9 with C.J. that I don't believe that we can
10 move forward tonight on approval of this
11 concept without some sort of review.

12 I know that Brad got some of the
13 documents and looked through them. I
14 understand that it's hard on the applicant but
15 we need to do the review.

16 MR. GRASSO: We're okay with it.

17 One other point: If it's going to be
18 under review by Brad, there has been a lot of
19 discussion about the second means of access.
20 That's an impact to the project. A second
21 means of access may mean emergency access only
22 may be warranted at some point regarding
23 development of the project site. The smallest
24 office building is 49,000 square feet, where
25 one building may be 73,000 square feet.

We would like the board to consider
granting concept approval or an issuance of
the first CO. It's just something for the
board to consider.

MR. O'ROURKE: I think what you should do
through the review process, in my opinion, is
to get from the developer those kinds of
statements and get them into Brad's hands so
that Brad can intelligently address the board
and the board will make determinations on
them.

ACTING CHAIRMAN NARDACCI: Are there any
other questions from the board?

(There was no response.)

ACTING CHAIRMAN NARDACCI: At this time
we'd like to invite members of the public who
have an interest or question to please
participate. Does anyone have any questions or
comments?

(There was no response.)

ACTING CHAIRMAN NARDACCI: Okay, thank
you very much.

