

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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5 THE PROPOSED PROJECT OF BERKSHIRE BANK  
6 628 LOUDON ROAD - REVIEW AND ACTION ON SEQRA,  
7 PAVEMENT SETBACK WAIVER AND FINAL APPROVAL  
8 \*\*\*\*\*

9 THE TAPED AND TRANSCRIBED MINUTES of a portion of  
10 the above entitled proceeding  
11 BY NANCY STRANG-VANDEBOGART commencing on  
12 February 23, 2010 at 7:13 p.m. at  
13 the Public Operations Center  
14 347 Old Niskayuna Road, Latham, New York 12110

15 BOARD MEMBERS:

16 CHARLES J. O'ROURKE, CHAIRMAN  
17 THOMAS NARDACCI  
18 MICHAEL SULLIVAN  
19 TIMOTHY LANE  
20 ELENA VAIDA  
21 PAUL ROSANO  
22 PETER STUTO, Jr. Esq., Attorney for the Planning  
23 Board

24 Also present:

25 Joe LaCivita, Director, Planning and Economic  
Development

Brad Grant, Barton & Loguidice

Dan Cleary, Bohler Engineering

Anthony Fazzino, Esq., 1 New Loudon Road  
Associates, LLC

Don Wrieden

1           MR. GRANT: This system is well below  
2 grade and what is proposed there is turf  
3 grass?

4           MR. CLEARY: That's correct.

5           MR. GRANT: I made some suggestions and  
6 recommendations that perhaps there could be  
7 some plantings or a bench -

8           MR. CLEARY: I was thinking that you were  
9 looking more over here (indicating), but we'd  
10 be happy to put that wherever you think that  
11 it's appropriate.

12           MR. GRANT: That will require regular  
13 maintenance and Zeroscaping which is basically  
14 stone or things that don't require maintenance  
15 and watering, or some shallow rooted  
16 shrubbery, or something that looks decent.

17           MR. CLEARY: We have no objection to  
18 that.

19           MR. NARDACCI: Are you in a position or  
20 would the applicant be agreeable to adding  
21 sprinklers? I would be interested in knowing  
22 that it was our prerogative to request.

23           MR. CLEARY: Technically they're going to  
24 apply for a building permit. They're going to  
25 do our architectural plans and apply for a

1 building permit and that's the stage where  
2 they make a determination whether the building  
3 meets the code or not.

4 I raise the issue because Brad had that  
5 in his comments once before. I talked to the  
6 architects about it and if it's not required  
7 by code, we're going to build it to code.

8 I just talked to my client and we'll  
9 bring it up to them again and tell them that  
10 almost unanimously the board encouraged them  
11 to do that.

12 Again, at the end of the day, the  
13 Building Department is ultimately going to be  
14 the arbiter of whether or not -

15 MR. STUTO: I don't necessarily agree  
16 with that.

17 CHAIRMAN O'ROURKE: I don't agree either.

18 MR. STUTO: I'm not 100% sure whether we  
19 can mandate it, but I'd like some time to  
20 research that and come back.

21 MR. NARDACCI: I hate to hold you up but  
22 it's something that has been consistent and  
23 everyone up here had agreed on it. The TDE had  
24 in their comments that it's something that's  
25 that important.

1           MR. LACIVITA: I know that it sounds  
2           crazy if you're going to start to do the work  
3           but I wonder if there's even a possibility to  
4           stub this into the building for later where  
5           they can make a hookup or something like that.

6           CHAIRMAN O'ROURKE: I don't want to go  
7           down that slippery slope.

8           MR. FAZZONE: Can I suggest something?

9           CHAIRMAN O'ROURKE: Sure.

10          MR. FAZZONE: I haven't spoken directly  
11          with the tenant but I did look at that one  
12          building and it wasn't a large expense  
13          relative to the value that you'd get from the  
14          protection that you would get. I'm pretty  
15          comfortable and I think that Berkshire would  
16          agree to do that. We can tell them that the  
17          board really felt that it was something that  
18          they wanted to see in this building. They've  
19          been pretty amendable to all of our  
20          suggestions. We can make that as a condition.  
21          I don't see that as a problem.

22          A lot of the exterior structure that you  
23          see on the bottom, they want to see the town  
24          happy. I don't really think that it's a  
25          problem. I haven't spoken to the engineers,

1 but I can speak to the direct bank  
2 representative. I don't see that as a problem.  
3 We'll just tell them that the town is leaning  
4 that way and they want to see that done.

5 MR. NARDACCI: Just so you know, it's an  
6 issue of consistency with us. This isn't the  
7 only project where this has come up. We talked  
8 about it in other commercial projects.

9 MR. FAZZONE: This would really improve  
10 the value of the building and it could save  
11 the building. If something happens with the  
12 building in five years from now, it's our  
13 building. I think that it should be a part of  
14 every commercial building. The water is there.

15 MR. GRANT: Particularly buildings - this  
16 probably isn't under this category but  
17 buildings change uses and it could be a use  
18 that absolutely has to have a sprinkler  
19 system. It would be, like you say, a more  
20 valuable asset.

21 MR. FAZZONE: And it's really not an  
22 egregious expense. I don't think that it makes  
23 sense not to do it.

24 MR. LANE: Let me say that it just  
25 shouldn't be about the expense. There are

1 other factors involved. You have the volunteer  
2 fire service. So anything that adds to the  
3 protection of those individuals - the systems  
4 are important.

5 MR. FAZZONE: I apologize. My discussion  
6 about the expense was only relative to the  
7 value of the building. It's a minimal expense.

8 MR. LANE: I understand. When you relay  
9 that to them, you'll want to think of those  
10 things, too.

11 MR. FAZZONE: We'll make sure that they  
12 get the drift.

13 CHAIRMAN O'ROURKE: Joe, do you have  
14 SEQRA?

15 MR. LACIVITA: Yes, it's a short form  
16 SEQRA recommendation from Mr. Lyons. It's an  
17 unlisted action.

18 CHAIRMAN O'ROURKE: I do not have it in  
19 my packet. We have to approve SEQRA this  
20 evening.

21 MR. LACIVITA: Did anyone else not get it  
22 in their packet?

23 CHAIRMAN O'ROURKE: I have the short  
24 form. I just meant the recommendation.

25 Do we have a motion on SEQRA to an

1 unlisted SEQRA action based on the attached  
2 EAF?

3 MR. LANE: I will make that motion.

4 CHAIRMAN O'ROURKE: Do I have a second?

5 MR. SULLIVAN: I'll second it.

6 CHAIRMAN O'ROURKE: All those in favor?

7 **(Ayes were recited.)**

8 CHAIRMAN O'ROURKE: Opposed?

9 **(There were none opposed.)**

10 CHAIRMAN O'ROURKE: We also need a zero  
11 setback waiver.

12 Do I have a motion on the setback waiver?

13 MR. NARDACCI: I'll make that motion.

14 CHAIRMAN O'ROURKE: Do I have a second?

15 MR. LANE: Second.

16 CHAIRMAN O'ROURKE: All those in favor?

17 **(Ayes were recited.)**

18 CHAIRMAN O'ROURKE: Opposed?

19 **(There were none opposed.)**

20 CHAIRMAN O'ROURKE: And last but not  
21 least the final approval on this project under  
22 the condition that the building gets  
23 sprinklered.

24 Do I have a motion?

25 MR. ROSANO: I'll make that motion.

1                   CHAIRMAN O'ROURKE: Paul? Okay, do I have  
2 a second?

3                   MR. GRANT: C.J., just in our comment  
4 letter would that include compliance with the  
5 comments of the town and the conditions? Would  
6 that be a condition of the approval?

7                   CHAIRMAN O'ROURKE: I'm sorry. I thought  
8 that you said that they complied.

9                   MR. LACIVITA: Usually at final they do a  
10 resubmission of final plans and we just have  
11 to go through and check that they have hit all  
12 of the comments.

13                  CHAIRMAN O'ROURKE: Also contingent upon  
14 the TDE's letter.

15                  MR. LANE: We've got a motion and I'll  
16 make the second.

17                  CHAIRMAN O'ROURKE: I apologize. Is there  
18 anybody from the public that has any comment?

19                  Yes, sir.

20                  MR. WRIEDEN: My name is Don Wrieden and  
21 I live on Gail Lane. I know that it's a  
22 conclusion that you're going to put a road out  
23 to Glennon Road. I know that. What I am  
24 suggesting is to make it a one way road in  
25 mainly because you have two businesses right

1 across the street from the rear entrance  
2 through your property that's going in there.

3 The way that the bank is set up, the  
4 front entrance is closest to Glennon. Also, in  
5 order to get to your drive-thru teller - that  
6 is also close to Glennon. If it was only a one  
7 way in, then the traffic turning into the bank  
8 is facing the traffic coming down Glennon so  
9 that they both can see each other, rather than  
10 having the hidden traffic coming out onto  
11 Glennon with limited sight distance up the  
12 hill.

13 The way that it's set up now - Joe has  
14 pictures that my wife did give him in  
15 reference to the parking that goes on with  
16 that hillside by the counseling building  
17 across the street. When they have a big  
18 meeting, that whole hill on both sides is full  
19 of cars. That's including filling up the  
20 parking lot of the counseling center.

21 If you make this a two way road with that  
22 traffic and people are coming out of that  
23 road, somebody is going to get into an  
24 accident right at that intersection because  
25 they can't see.

1 I think that if it was a one way road in,  
2 then everybody is looking at each other rather  
3 than trying to see another vehicle.

4 CHAIRMAN O'ROURKE: I think that what the  
5 board is hoping is that with this building  
6 being built and the parking that is associated  
7 with it - that those cars that park outside of  
8 the road will now park in the lot. Mr. Fazzone  
9 has already said that parking would be  
10 available to them on Sunday when those cars  
11 are up and down the road. I've seen them  
12 myself.

13 MR. WRIEDEN: They also have their  
14 meetings on Saturdays and they have their  
15 meetings during the week, also. They don't  
16 have them just on Sundays. What guarantee do  
17 you have that they are going to go into that  
18 parking lot?

19 MR. LACIVITA: I spoke with Gail for  
20 about 40 minutes yesterday regarding the issue  
21 that we had with the parking. One of the  
22 things that I said that I was going to do is  
23 actually talk to Mr. O'Brien who is the  
24 principal of MPI Platform -

25 CHAIRMAN O'ROURKE: I have already spoken

1 to them.

2 MR. LACIVITA: Okay, and I know that it  
3 would be pretty amenable.

4 CHAIRMAN O'ROURKE: I spoke to the owner  
5 of that building and he's going to reduce that  
6 parking on that road.

7 MR. WRIEDEN: How is he going to do that?

8 CHAIRMAN O'ROURKE: Hopefully in his  
9 parking lot, sir.

10 MR. WRIEDEN: They can't get into that  
11 parking lot. It's full. The parking lot is  
12 full and the overflow then uses the hill to  
13 park.

14 CHAIRMAN O'ROURKE: What I'm saying is  
15 the bank parking lot, sir.

16 MR. WRIEDEN: He's going to tell them  
17 that they have to park in there?

18 CHAIRMAN O'ROURKE: That's what he said,  
19 sir.

20 MR. LACIVITA: I think the only option we  
21 have at that point - if we've already talked  
22 to Mr. O'Brien about not parking in that  
23 parking lot and if it gets to be a continuous  
24 problem, we could actually have Traffic Safety  
25 go out and look at it. If it comes to a point

1 where they have to post no parking signs, then  
2 you could certainly do so.

3 CHAIRMAN O'ROURKE: And we did. We had  
4 Ken Pero look at it and the accident rates.  
5 There have been four accidents in the last  
6 five years at the intersection.

7 MR. WRIEDEN: When you have weather like  
8 this, they park on both sides and you're going  
9 to be in trouble.

10 CHAIRMAN O'ROURKE: Sir, I understand.  
11 We're all concerned about the health and  
12 safety of the residents, as well.

13 MR. WRIEDEN: That's why I'm saying if  
14 that is a one way road, you're cutting down on  
15 some of the problem. Instead of making a two  
16 way road out like it is now, there is no need  
17 for a two way road out onto Glennon. Most of  
18 your traffic is going to the front door of the  
19 bank and is right next to Glennon Road. So  
20 they're coming in and they can exit onto  
21 Route 9 then.

22 CHAIRMAN O'ROURKE: So if one of the 60  
23 homeowners on Glennon Road wants to use this  
24 as their bank, they have to go in through the  
25 bank, back out to Route 9 and come back and

1 make a left?

2 MR. WRIEDEN: That wouldn't bother them  
3 at all. They're worried more about an accident  
4 happening on the hill with a homeowner coming  
5 out onto Glennon. The sight distance - you  
6 don't have it until you crest the hill. Then  
7 if you've got a slippery condition, you're  
8 going to hit. You're not going to stop. If you  
9 were coming into the bank then one is on one  
10 side of the road and one is on the other and  
11 they are looking at each other. Right now,  
12 you're creating a possibility of an accident  
13 because you're bringing it out on the road on  
14 a hill that is slippery in the wintertime.  
15 Honestly, I can't see why you're making that a  
16 two way road out onto Glennon on a hillside.

17 CHAIRMAN O'ROURKE: Because in the  
18 board's estimation, that is the best flow for  
19 traffic through this site as the site gets  
20 developed. This is one building within the  
21 site so we have to look at the overall future  
22 site. If the road doesn't go in right now, we  
23 only have one chance.

24 MR. WRIEDEN: I already said that the  
25 board had made their decision and I know that

1 the road is going in. I'm just saying instead  
2 of a 24 foot road, you put in a 12 foot road.  
3 You make it a one way road in and you still  
4 have your entrance into your future  
5 development, but you eliminate the possible  
6 accident hazard of traffic exiting onto a hill  
7 by using it as a two way road. I'm not saying  
8 that you can't have the road coming off of  
9 Glennon. I'm just saying make it one way in.  
10 That's it. That's what I'm asking.

11 CHAIRMAN O'ROURKE: I think that was  
12 looked at, wasn't it Brad?

13 MR. GRANT: Yes.

14 CHAIRMAN O'ROURKE: And what was the  
15 determination from the traffic engineers?

16 MR. GRANT: That the two way connection  
17 to Glennon Road supplements -

18 CHAIRMAN O'ROURKE: It was a better  
19 option.

20 MR. GRANT: Yes.

21 MR. WRIEDEN: Can you tell me why?

22 MR. GRANT: Essentially it's giving  
23 another option for people. Ultimately in all  
24 likelihood most of the traffic is not going to  
25 turn left and go down Glennon Road. Some

1 people who live down there obviously and most  
2 of the traffic want to get out to Route 9.  
3 Having the additional means of doing that by  
4 the Glennon Road connection is most desired.

5 MR. WRIEDEN: I'm not saying that you  
6 don't have the connection. I'm saying make it  
7 a one way.

8 MR. GRANT: Yes, and we've looked at that  
9 and having the two way connection to  
10 Glennon Road is more desirable than just  
11 having that as an in.

12 MR. WRIEDEN: Can you tell me why? Why is  
13 it more desirable?

14 MR. GRANT: It gives more options.  
15 Essentially what we're looking at is  
16 additional means of egress out of this site  
17 and it's essentially to handle volumes during  
18 peak periods. It's better to have that two way  
19 connection with Glennon Road then it is to not  
20 have it.

21 MR. WRIEDEN: One of the arguments that  
22 was used with is that you people will be come  
23 into the site and use our traffic light to get  
24 out onto Route 9. Now you're saying that's  
25 going to be an exit. That's more desirable.

1 Now what you're saying and what they're saying  
2 are two different things.

3 MR. GRANT: I think that the best part of  
4 that connection to Glennon Road isn't  
5 necessarily getting out that way, it's getting  
6 in and having access ultimately to a traffic  
7 light that's about 500 feet down.

8 MR. WRIEDEN: That's what I'm saying.  
9 Allow it to come in and don't exit onto  
10 Glennon.

11 MR. LACIVITA: This was also one of the  
12 recommendations by the State of New York who  
13 controls the Route 9 corridor. There was no  
14 condition and there was no restriction of  
15 right in and right out. It was actually a full  
16 access that was asked by DOT as well.

17 MR. GRANT: Yes, they were very  
18 supportive of this.

19 MR. WRIEDEN: I still can't see the  
20 benefit onto Glennon. Nobody seems to come up  
21 with a reason why -

22 CHAIRMAN O'ROURKE: Sir, a lot of people  
23 did. There were engineers from the State of  
24 New York, from Barton and Loguidice and from  
25 the developer. Everybody seems to agree that

1 the two way traffic out onto Glennon -

2 MR. WRIEDEN: It's a small street. Why do  
3 you need two way traffic onto that small  
4 street instead of just an entrance which would  
5 work for the bank? People could come in that  
6 way, especially when they start on Phase II.  
7 There is going to be construction on the other  
8 end. A lot of the people coming north/south on  
9 Route 9 where the bank is set up now are going  
10 to use Glennon to get into the bank. They're  
11 not going to go down to the other entrance.  
12 They'll come in onto Glennon and use that. The  
13 front door is right there next to Glennon. All  
14 the sidewalks are right there.

15 MR. GRANT: One of the things that we did  
16 recognize is that most of this traffic is  
17 going to want to go out through the driveway  
18 connection to Route 9. Banking has changed  
19 with teller lanes and automated banking. Most  
20 people will be using the Route 9 connections.  
21 Those going inside the bank would probably be  
22 more prone to be the ones that use the  
23 Glennon Road access either in or out or both.

24 MR. WRIEDEN: To use Glennon Road to get  
25 to the bank.

1           MR. GRANT: For those using walking into  
2 the bank to do walk up business -

3           MR. WRIEDEN: No, to use the drive-thru  
4 in. Coming south on Route 9, they're going to  
5 go in Glennon because of the way that the bank  
6 is situated with the front door almost  
7 adjacent to Glennon, and also the way that the  
8 traffic flow is with the drive-thru tellers.  
9 If they come in on the lower entrance, they  
10 are backtracking with the drive-thru tellers  
11 and they are also backtracking to get into the  
12 bank.

13           MR. GRANT: Part of what has formulated  
14 opinions is that Glennon Road is a dead end.  
15 It's a fairly low volume road.

16           MR. WRIEDEN: The problem is that I'm the  
17 only one here tonight mainly because it's an  
18 older development. Most of the people that  
19 wanted to be here but they couldn't because of  
20 the snowstorm. They won't drive. Now you have  
21 older drivers coming down that road. Their  
22 reflexes aren't that good. I'm not saying that  
23 they're bad drivers, but you're creating a  
24 hazard and nobody seems to want to look at it  
25 as a hazard.

1                   CHAIRMAN O'ROURKE: Sir, there are hills  
2 all over the United States of America. And  
3 places where it snows becomes slick.

4                   MR. WRIEDEN: And that road becomes  
5 slick.

6                   CHAIRMAN O'ROURKE: As do many in the  
7 Town of Colonie.

8                   MR. WRIEDEN: And now you're creating a  
9 problem by putting a road exiting onto the  
10 middle of the hill.

11                  CHAIRMAN O'ROURKE: I'm sorry that you  
12 feel that way. We've had multiple engineers  
13 that state otherwise.

14                  Anybody else have any other comments in  
15 regard to this project?

16                  MR. LACIVITA: We have a motion on the  
17 floor, C.J., made by Paul and seconded by  
18 Tim Lane.

19                  CHAIRMAN O'ROURKE: With the inclusion  
20 from the TDE.

21                  MR. LACIVITA: That's right that the  
22 building becomes sprinklered and that the  
23 developer complete the department comments.

24                  CHAIRMAN O'ROURKE: All those in favor?

25                                   ***(Ayes were recited.)***

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CHAIRMAN O'ROURKE: Opposed?

*(There were none opposed.)*

CHAIRMAN O'ROURKE: Good luck, gentlemen.

*(Whereas the proceeding concerning the above  
entitled matter was adjourned  
at 7:34 p.m.)*

**CERTIFICATION**

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4            ***I, NANCY STRANG-VANDEBOGART, Notary***  
5            ***Public in and for the State of New York,***  
6            ***hereby CERTIFY that the record taped and***  
7            ***transcribed by me at the time and place noted***  
8            ***in the heading hereof is a true and accurate***  
9            ***transcript of same, to the best of my ability***  
10           ***and belief.***

11  
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14            \_\_\_\_\_  
                  **NANCY STRANG-VANDEBOGART**

15  
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17            ***Dated March 8, 2010***