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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

BERKSHIRE BANK
98 WOLF ROAD
APPLICATION FOR CONCEPT ACCEPTANCE

THE STENOGRAPHIC MINUTES of the above entitled
proceeding BY NANCY STRANG-VANDEBOGART, a shorthand
reporter, commencing on May 24, 2011 at 7:41 p.m.
at the Public Operations Center
347 Old Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- MICHAEL SULLIVAN
- TIMOTHY LANE
- LOUIS MION
- KATHLEEN DALTON
- PAUL ROSANO
- THOMAS NARDACCI
- ELENA VAIDA, Esq., Attorney for the Planning Board

Also present:

- Joe LaCivita, Director, Planning and Economic Development
- Joe Grasso, PE, Clough Harbour and Associates
- Daniel Hershberg, PE, Hershberg and Hershberg

1 CHAIRMAN STUTO: Next we have Berkshire
2 Bank, 98 Wolf Road.

3 MR. HERSHBERG: Thank you, Mr. Chairman.
4 My name is Daniel Hershberg from the firm of
5 Hershberg and Hershberg. I'm here today
6 representing the applicant who would like to
7 build a Berkshire Bank branch at 98 Wolf Road.

8 This is the entrance off of Wolf Road
9 which is called the Hannaford Plaza
10 (Indicating). It used to be called Windsor
11 Plaza and previously in our sketch plan there
12 was a question raised about whether or not we
13 needed a variance for greenspace and were in
14 compliance. This complies with the original
15 intension of the greenspace. We still need
16 four waivers.

17 We do have some paving coming into the
18 front yard area, in this circulation pattern.
19 There's no parking, but some paving. We cannot
20 put the building 20 feet back because there is
21 a 30-foot sewer easement at the front. We need
22 a waiver from that.

23 We also would like an additional
24 free-standing sign. At this point, we're less
25 than 10 feet from the sidelines (Indicating).

1 So, there are actually four different waivers
2 that we are requesting.

3 Since we were here last, we've added a
4 decorative fence at the front, some
5 landscaping. I have a rendering here that
6 shows it. This is the same Berkshire Bank
7 rendering that we showed you previously. This
8 is the end view of it (Indicating).

9 There were some questions raised about
10 one entrance. Joe Grasso wanted to know why we
11 couldn't enter the back from this portion here
12 so that these other spots would be more
13 accessible (Indicating). Our client has a
14 floor plan which will not allow a door at that
15 back of the building; just from the standpoint
16 of the floor plan. This entrance and this
17 entrance are the way that the bank's floor
18 plan works. They've cut it down 2,600 square
19 feet because that's the floor plan and we
20 really can't have another entrance at this
21 point here. We don't think that it affects it
22 very much.

23 We have changed the parking layout. When
24 we first came here, we had a parking on this
25 side of the parking lot and we had people

1 crossing in front here (Indicating). We have
2 since put the parking adjoining the face of
3 the building.

4 Some other issues were raised and they
5 had to do with the stormwater issues. Even
6 though we don't have a SWPPP requirement, we
7 do propose porous pavement. The soil tests
8 have been taken. It's primarily Colonie sand.
9 We will come through with the porous pavement
10 design so that the drainage can be handled in
11 that manner. We anticipate being able to
12 handle the roof drainage with some sort of
13 infiltration gallery with the fencing overflow
14 to the existing stormwater management silting
15 on the far side of the entrance road. People
16 are familiar with the fact that the far side
17 of the entrance road, which is this external
18 part, handles the drainage for the entire
19 complex. We don't anticipate this to be held
20 full except for maybe the 100-year storm.

21 CDTA commented that you'd have a bike
22 rack that would be fairly remote. We actually
23 think that this is not a bad place for a bike
24 rack. The accessibility comes in that
25 direction (Indicating). It's probably a more

1 useful place than trying to put it someplace
2 in here where it conflicts with the cars.
3 Somebody arriving by bike enters this place
4 here. It would also allow them to lock the
5 frame into it. That was the point from CDTA.

6 We will have a hold harmless agreement.
7 Pure Waters conveyed us easement. We're
8 trying to pick some foliage that will not
9 impact the sanitary sewer. At some of these
10 places we'll be crossing over the utilities.
11 We'll have to carefully be certain that we
12 don't put anything with deep roots. We're
13 probably using primarily shrubs. There will be
14 colors for the various seasons of the year.

15 The fence detail was pointed out that we
16 do have to carefully make certain that the
17 posts do not interfere with any utilities. We
18 haven't worked that out and we will provide
19 details showing construction of the fence
20 posts so that they do not impact the
21 utilities.

22 We put some radiuses in at this location
23 here (Indicating). This indicates a
24 construction entrance.

25 If there are any questions by the Board,

1 I'll be happy to try to answer them.

2 CHAIRMAN STUTO: Thank you.

3 We'd like to hear from Joe Grasso, our
4 Town Designated Engineer.

5 MR. GRASSO: I'll start by going through
6 a comment about greenspace, just to provide
7 some clarification. I thought that the
8 Planning Staff's comment one - which I think
9 that all the Planning Board members have got
10 in their packet - does a good job summarizing
11 that.

12 This parcel is part of a much larger
13 current parcel which currently has over
14 35 percent greenspace. When that project was
15 approved back in 1987, there was a Town road
16 dedicated to the Town to provide cross access
17 across multiple properties. When that road was
18 dedicated, assuming that parcel was developed,
19 the developer thought that he would be below
20 the 35 percent greenspace requirement. So,
21 they got an approval contingent on a
22 greenspace percentage of 32 percent.

23 CHAIRMAN STUTO: Can you illustrate this?
24 This is the one issue that I still remember.

25 MR. GRASSO: I'm not sure if you have a

1 plan that shows that.

2 CHAIRMAN STUTO: Is it the road to the
3 side?

4 MR. GRASSO: There is a road to the west
5 side. It runs behind the Hannaford Plaza.

6 CHAIRMAN STUTO: So, you're saying that
7 because they gave some land to the Town behind
8 Hannaford Plaza - behind the grocery
9 store - that they had the expectation of
10 having 32 percent greenspace?

11 MR. GRASSO: That's right.

12 CHAIRMAN STUTO: Is that documented
13 anywhere?

14 MR. GRASSO: Yes, it is. That was
15 included in the Planning Board minutes. I
16 think those are included in your packet. At
17 least I got a copy of them.

18 CHAIRMAN STUTO: Can you direct me where
19 to look on that page?

20 MR. LANE: About the middle of the page.

21 MR. GRASSO: In the narrative, there is a
22 highlighted area that says the minutes from
23 the meeting and condition of the concept
24 approval.

25 The proposed site be brought up to

1 30 percent green by including the life estate
2 parcel as part of the site.

3 CHAIRMAN STUTO: What I see that saying
4 is once that [SIC] Mr. Devilla's life estate
5 ends -- is that where his house was on
6 Wolf Road? The property then gets incorporated
7 into Windsor Plaza to increase Windsor Plaza
8 to increase their greenspace. It doesn't say
9 that they can build on it and have a waiver of
10 greenspace.

11 MR. GRASSO: That's where - assuming that
12 the 32 percent -

13 CHAIRMAN STUTO: Once the life estate of
14 [SIC] Mr. Devilla has come to an end, the
15 property would be incorporated into the
16 Windsor properties which is the Hannaford
17 Plaza, increasing the available greenspace to
18 32 percent. So, they were under 32 percent;
19 that's what that implies. Or, if [SIC]
20 Mr. Devilla's property is obtained by Windsor
21 Properties, the balance of that property would
22 be dedicated to increase the available
23 greenspace to 32 percent for this project.
24 They're saying that that project is going to
25 be incorporated and used to meet the

1 greenspace requirement.

2 MR. GRASSO: Our interpretation then was
3 saying that 32 percent would be the greenspace
4 requirement applied to the project site.

5 MR. HERSHBERG: That's reiterated on the
6 second page of that.

7 MR. GRASSO: The last one, number six,
8 verification of the requirement of 32 percent
9 greenspace.

10 Our interpretation is that the 32 percent
11 is the applicable greenspace requirement of
12 the overall parcel.

13 CHAIRMAN STUTO: What's the greenspace
14 now?

15 MR. HERSHBERG: That's 34.4.

16 This shows that this is the roadway that
17 was dedicated to the Town (Indicating). At the
18 time that the site was approved, there was
19 only 30.3 percent greenspace. They were
20 talking about this parcel - the Jerry's Bike's
21 property -

22 CHAIRMAN STUTO: But overall, you're
23 saying that it's more than 32 and you're only
24 .6 percent.

25 MR. HERSHBERG: That's right.

1 MR. GRASSO: So, we're assuming that
2 32 percent is the minimum greenspace being
3 applied to the site. If you look at the
4 minutes of the meeting, it talks about the
5 dedication of the road being a 50-foot right
6 of way which comes out of the parcel. That's
7 an interpretation.

8 MS. VAIDA: Is the corner property being
9 acquired by Windsor Plaza?

10 MR. GRASSO: The corner property?

11 MS. VAIDA: Right.

12 MR. LACIVITA: Where the bike shop was.

13 MR. GRASSO: No, that's a CVS, I believe.
14 That was subdivided out.

15 MR. HERSHBERG: It was originally a
16 separate parcel - Jerry's Bikes - which is a
17 separate parcel from CVS.

18 MR. GRASSO: So, that's how we're
19 justifying the greenspace as proposed and as
20 such, we don't believe that the incentive
21 zoning is required for that .6 percent.

22 CHAIRMAN STUTO: How much would it cost,
23 if it were required?

24 MR. GRASSO: I have not gone through the
25 calculation.

1 Dan, have you gone through the
2 calculation?

3 MR. HERSHBERG: No, I haven't.

4 CHAIRMAN STUTO: Can you make estimation?
5 We can talk about that later.

6 Go ahead, Joe.

7 MR. GRASSO: The application is going to
8 require some waivers. They have provided
9 justification for the waivers at the back of
10 the narrative. They have provided the letter.
11 There are some other issues that we know about
12 the site in terms of the utilities and across
13 the front and the circulation around the site
14 that we feel substantiates the need for the
15 waivers. It's consistent with what's been
16 presented during sketch plan review. One of
17 the waivers is the maximum 20-foot front yard
18 setback. That's actually a recommendation
19 because there are multiple buildings on the
20 project site already.

21 Parking in the front yard is one. They
22 basically got the parking on the sides of the
23 building. Any time that it encroaches out in
24 front of the face of the building, it's
25 considered to be in the front yard.

1 CHAIRMAN STUTO: While you're on that
2 topic, the parking - I can see your comment.

3 "Board Member Mion requested that the
4 parking on the side of east side of the
5 building be located against the building to
6 alleviate pedestrian hazards."

7 MR. GRASSO: And that was one of our
8 comments, if you go by our comment letter
9 dated May 13th. Comment number two - we thought
10 that was a reasonable request which the
11 applicant did not object to and should be
12 incorporated into the layout. We did a quick
13 sketch just to show the Board what it would
14 look like. We'll just pass these out.

15 MR. HERSHBERG: We actually revised that
16 to reflect that.

17 MR. GRASSO: Okay.

18 CHAIRMAN STUTO: Okay, we have it over
19 here (Indicating).

20 MR. GRASSO: Then the number of parking
21 spaces - you pushed some additional parking
22 towards the rear?

23 MR. HERSHBERG: We have five back there
24 now.

25 MR. GRASSO: So, it's generally

1 consistent with our sketch.

2 CHAIRMAN STUTO: Do you have an opinion
3 on the waivers?

4 MR. GRASSO: Yes, we feel that they are
5 acceptable and justified.

6 Dan touched on the decorative fence. The
7 number eight in our letter - there is a
8 significant landscaped buffer along the access
9 driveway that you come in off of Wolf Road.
10 They're going to have to emulate or preserve
11 that existing landscaping as much as possible.

12 We thought that was an important benefit
13 to the Windsor Plaza site from Wolf Road and
14 that is not currently reflected on the plan,
15 but we think that it's something that they
16 could address when they get into their other
17 detailed grading and their detailed
18 landscaping plan.

19 In terms of the bike rack, Dan commented
20 that there was a comment from CDTA regarding
21 the location of the bike rack. We don't
22 believe that there are any bike racks on the
23 Windsor Plaza. They've got it out on the
24 southeast corner. We think that it would be
25 better if it was located either closer to the

1 bank or on the southwest corner between the
2 bank and the start of the retail building of
3 Windsor Plaza. So, the bike rack may not only
4 serve the bank, but also could serve those
5 retail buildings - that retail plaza strip to
6 the west that includes the Recovery Room.

7 MR. HERSHBERG: It currently shows it
8 here (Indicating). Joe was saying that if we
9 put it back here, it will be usable by people
10 in going to this building here.

11 MR. GRASSO: So, it could serve more than
12 just one of the buildings. We did hear Dan's
13 response to the secondary entrance. We feel
14 that's okay with the way that he's got it.

15 MR. LANE: And the issue regarding the
16 free-standing sign -

17 MR. GRASSO: That's really outside our
18 purview.

19 I think that everything else in our
20 comment letter - Dan said he would be able to
21 address or has already addressed in his
22 presentation.

23 CHAIRMAN STUTO: And that's it?

24 MR. GRASSO: Yes.

25 CHAIRMAN STUTO: Paul, would you like to

1 start?

2 First, is there anyone here in the
3 audience that would like to comment on this
4 project?

5 ***(There was no response.)***

6 MR. ROSANO: I don't have anything.

7 CHAIRMAN STUTO: Tim?

8 MR. LANE: No questions. I think that
9 overall, it's pretty good.

10 CHAIRMAN STUTO: Mike?

11 MR. SULLIVAN: On your sketch, this
12 greenspace that is lost here - are you moving
13 that to the green area here?

14 MR. GRASSO: Yes, they had the access
15 drive across the front excessively wide. So,
16 we thought that could get narrowed down and it
17 also increases the greenspace in front of the
18 building and provides additional area to add
19 these other spaces. I didn't know if it was
20 going to be acceptable to put parking up in
21 that upper corner. We thought that it would be
22 better to keep the spaces proximate to the
23 buildings. It looks like Dan was doing a
24 sketch at the same time that we were doing
25 one.

1 MR. SULLIVAN: In Dan's sketch - the
2 parking in the back, you would have to cross
3 over the aisle to get to the bank.

4 MR. GRASSO: The only thing that I would
5 say is that if there is going to be employees,
6 it might be a nice way for the employees to
7 keep their cars further away from the building
8 and leave the other spaces to patrons. Again,
9 that's for the Planning Board to consider.

10 MR. HERSHBERG: There are five spots
11 here. We assume that the number will be
12 acceptable. You said four to six. The
13 employees would park here (Indicating) and
14 this would be reserved for patrons. All the
15 patrons are parked up against the building.
16 Nobody has to cross any aisles.

17 MR. SULLIVAN: Dan, I thought that the
18 parking was up against McDonalds.

19 MR. HERSHBERG: This is a revised plan
20 than what we submitted. We got Joe's letter
21 and then we said, well, we might as well show
22 you how we intend to address Joe's comment.
23 That was a major comment.

24 We put five parking spots adjoining the
25 side of the building and left the drive-thru

1 here so that here is the five spots and here
2 are the front spots so nobody has to cross any
3 driving aisles to get to the building
4 (Indicating). I like all of Joe's comment, but
5 I think that we met his goal there. I think
6 that by making the parking spots back there,
7 we relieved the stress of trying to fit more
8 parking spaces there.

9 MR. GRASSO: Maybe he can designate it
10 for employees.

11 The only other thing that I would say in
12 relation to Dan's current layout and our
13 sketch is: How wide do you still have that
14 front access out? It still looks to be
15 excessively wide. I don't understand why it's
16 more than -- the one that cuts across in front
17 of the building.

18 MR. HERSHBERG: This one is 36.

19 MR. GRASSO: I don't understand why that
20 one would need to be any wider than 22 or
21 24 feet.

22 MR. HERSHBERG: We can probably take a
23 look at that.

24 MR. SULLIVAN: Would it be possible to
25 have one way traffic there?

1 MR. GRASSO: We wouldn't recommend one
2 way just because we think that people are
3 going to turn the other way.

4 MR. SULLIVAN: You might be able to angle
5 the parking.

6 MR. GRASSO: You could try to force them
7 to do the one way, but it's a very
8 transitional use and we have concerns about
9 one way flow.

10 MR. SULLIVAN: Thank you.

11 CHAIRMAN STUTO: Tom?

12 MR. NARDACCI: I don't have any
13 questions.

14 CHAIRMAN STUTO: Lou?

15 MR. MION: I don't have anything.

16 CHAIRMAN STUTO: Kathy?

17 MS. DALTON: Nothing.

18 CHAIRMAN STUTO: I don't either.

19 MR. GRASSO: Just one thing - in terms of
20 the architecture of the building, I know that
21 we covered that regarding the building.

22 The code, in terms of the design
23 standards, discourages floor to ceiling
24 windows. The glazing on the elevations here
25 that it looks like the storefront glazing is

1 going to start right at the floor and go
2 pretty high. That's not really in accordance
3 with the design standards. The Board might
4 agree that they want to take a look at that as
5 they as they finalize the building plans.

6 The Code discourages the use for
7 imitation stone. I know that it's been
8 presented to the Board on multiple projects.
9 It's just important that because it's
10 discouraged in the Code, there is some
11 imitation stone that really looks fake and
12 there is some imitation stone that looks
13 really natural. Something that we want to make
14 sure is that they use really natural looking
15 materials for the stone band across the bottom
16 of the building.

17 MR. NARDACCI: It appears that they use
18 the Berkshire Bank on Route 9 - I think that
19 they did a good job of that. If it's
20 consistent with that, it should be good.

21 CHAIRMAN STUTO: Can the applicant speak
22 to that?

23 MR. HERSHBERG: This is the building that
24 we've shown before (Indicating). The stone, of
25 course, looks very solid and realistic. It

1 doesn't look like a venire. I suppose we could
2 go back and see if the architect could come up
3 with some sort of extension out of there.

4 CHAIRMAN STUTO: We would appreciate if
5 you would do that. Is there a chance that you
6 could bring an example of the venire?

7 MR. HERSHBERG: We could bring that.

8 CHAIRMAN STUTO: Before final?

9 MR. HERSHBERG: Sure.

10 MR. GRASSO: I'll read right out of the
11 Code to help clarify the reason for that.

12 "Overall, façade composition should break
13 the building down into smaller distinct
14 portions to provide a small scale impression
15 related to the pedestrian."

16 Then it goes onto say floor to ceiling
17 windows are strongly discouraged. We support
18 that.

19 CHAIRMAN STUTO: Elena, at this stage of
20 concept, can you explain SEQRA and what we
21 need to do? Is that for now, or is that later?

22 MS. VAIDA: We can't vote on the waivers.
23 We can't take any action. Although, in this
24 particular action, no SEQRA action is required
25 because it is a Type II action. So, no

1 environmental review is needed. We typically
2 haven't been voting on waivers because of
3 SEQRA. That's not in the way tonight.

4 CHAIRMAN STUTO: I'll just express
5 myself. Having had a full discussion, I don't
6 have any problems with the waivers.

7 MS. VAIDA: The only thing that I would
8 request is that we need to have a record or
9 maybe the applicant can provide it afterwards,
10 but we need to issue written findings stating
11 the extend of the justification for the
12 waivers. It has to be established that there
13 are no practical alternatives to the proposed
14 waiver that would conform to the design
15 standard. That has to be issued by the
16 Planning Board.

17 MR. GRASSO: I would recommend that we
18 defer that until final site plan and that
19 we're given a chance to prepare those findings
20 for the Board to consider. We'll work with the
21 applicant. They've already provided some
22 stuff, but we think that there is some
23 additional issues that have to be documented
24 in the findings.

25 CHAIRMAN STUTO: And we appreciate that.

1 That would be very helpful, if you could draft
2 the findings. I think that it's in the first
3 paragraph or two of the site plan
4 review - waivers and the criteria.

5 Anything else, Elena?

6 MS. VAIDA: No.

7 CHAIRMAN STUTO: Do we have a motion on
8 concept acceptance?

9 MR. NARDACCI: I'll make a motion to
10 accept concept.

11 MR. ROSANO: I'll second it.

12 CHAIRMAN STUTO: That will be with all
13 the recommendations in the TDE's letter.

14 If there is no other comment, I'll call a
15 vote.

16 MS. VAIDA: I think that Mr. Hershberg
17 already knows this, but concept isn't giving
18 approval of the project and doesn't entitle
19 the applicant to proceed to the next step.
20 It's literally just approval of just the
21 concept.

22 MR. HERSHBERG: We anticipate - as you
23 can see, we have been working toward
24 responding to the questions. We will turn
25 around the plans and make final modifications.

1 Next time we believe that the waivers can be
2 granted.

3 CHAIRMAN STUTO: All those in favor, say
4 aye.

5 ***(Ayes were recited.)***

6 CHAIRMAN STUTO: Opposed?

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

8 CHAIRMAN STUTO: The ayes have it.

9 MR. HERSHBERG: Thank you.

10

11

12 ***(Whereas the proceeding concerning the above***

13 ***entitled matter was adjourned at***

14 ***8:05 p.m.)***

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CERTIFICATION

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

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14 _____
 NANCY STRANG-VANDEBOGART

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17 *Dated July 5, 2011*
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