

PLANNING BOARD
TOWN OF COLONIE

COUNTY OF ALBANY

THE PROPOSED PROJECT OF 14 PLAZA DRIVE
STORMWATER RELOCATION

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding BY NANCY STRANG-VANDEBOGART
commencing on October 27, 2009 at 7:44 p.m. at the
Public Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

CHARLES J. O'ROURKE, Acting Chairman
TOM NARDACCI
MICHAEL SULLIVAN
ELENA VAIDA
TIM LANE

PETER STUTO, Jr. Esq., Attorney for the Planning
Board

Also present:

Joseph LaCivita, Director, Planning and Economic
Development

Kevin DeLaughter, Planning and Economic Development

Mark Bette, First Columbia, LLC

Kevin Bette, First Columbia, LLC

Joe Grasso, Clough Harbour and Associates

1 ACTING CHAIRMAN O'ROURKE: Next on the
2 agenda we have 14 Plaza Drive. It's the
3 stormwater relocation.

4 MR. MARK BETTE: I'm Mark Bette with
5 First Columbia. We're here to amend our site
6 plan approval for 14 Plaza Drive.

7 Just a brief history: Full site and final
8 approval was granted in January of 2009. It
9 was back before this board in September and
10 then the parking issue was back in front of
11 the board to amend our stormwater design.
12 Essentially, we're changing from an off-site
13 management system to an on-site management
14 system. I'll explain a little bit about that.

15 This is exactly the plan that I brought
16 before you a month ago. The parking will go
17 here (Indicating).

18 I highlighted the then current stormwater
19 sign in pink and the stormwater management
20 system was going to the south of this
21 (Indicating) into an existing pond that is on
22 a neighboring property.

23 Essentially, the plan that you have in
24 your file for tonight's meeting -- the
25 building does not change and the parking does
26 not change. We have essentially highlighted in
27 orange the stormwater management system up to
28 the north on our property. It's designed on
29 hydraulics. It's essentially a business
30 decision for the change from the off-site
31 solution to an on-site solution.

32 I think that the town engineers had a
33 chance to review or complete a new SWPPP for
34 the project -

35 ACTING CHAIRMAN O'ROURKE: That's my
36 understanding as well.

37 Joe, you're all set to brief the board?

38 MR. GRASSO: We had received the plans
39 the first week in October. Those plans also
40 went to John Dzialo, the Town Stormwater
41 Management Officer. We had issued our first
42 letter October 12th, which had half a dozen
43 relatively minor comments. They made a
44 resubmission of October 22nd and then issued
45 another letter October 27th. All of those
46 comments have been addressed.

1 I did speak with John Dzialo and he had
2 not yet reviewed the stormwater plan. Any
3 comments that John would have, I believe,
4 would be minor.

5 MS. VAIDA: Why is that, then in front -

6 MR. MARK BETTE: The proposal is an
7 amendment to the previously approved site
8 plan. The previously approved site plan
9 contemplated the stormwater management system
10 going to an existing off-site adjacent site
11 location. What we have done is we have
12 abandoned that design. The prior design is
13 going to the south and we sustain a stormwater
14 management pond. We have abandoned that design
15 and we are going to a system north.

16 MR. GRASSO: I'll try to explain it in a
17 few different words.

18 The problem with Autopark Drive is that
19 there is an existing stormwater management
20 area at the end of Autopark Drive that was
21 designed to serve certain properties; the
22 Nemith property, as well as Autopark Drive,
23 the future town road. When you're trying to
24 design for multiple properties, it's a little
25 tricky that way.

Their original site plan approval was
going to use that existing basin with some
minor modifications to make it comply with
current stormwater regulations. It took a very
complex design and made it that much more
complicated. What they decided to do was
rather than rely on the storage within that
basin, accommodate their stormwater storage
needs within their own property.

ACTING CHAIRMAN O'ROURKE: But they were
notified at the site plan that if they weren't
able to update Autopark, Kevin had said that
we're just going to do it on our own property.

MR. GRASSO: We did not review the
original design. The existing basin, we felt,
it was acceptable. Both are acceptable
stormwater management approaches. If we are
asked about which one is better, the current
proposal is better because it provides
additional capacity in that other basin

1 without trying to conflict the run-off from
2 the site.

3 ACTING CHAIRMAN O'ROURKE: Tom?

4 MR. NARDACCI: I was tempted to ask how
5 you felt about connecting Wal-Mart retail
6 traffic through your parcels, but I'll hold
7 off for now.

8 I don't have any questions. It's a great
9 project. It's good that you're able to do this
10 on your own site. I know that there are
11 challenges there with off-site so I'm happy
12 with this.

13 ACTING CHAIRMAN O'ROURKE: Tim?

14 MR. LANE: I was going to ask what
15 necessitated it but I think that I just had my
16 question answered. It was basically just a
17 simplification. I thought that there might be
18 a concern by the other property owners with
19 the plan, but that wasn't it.

20 MR. MARK BETTE: Not necessarily. We have
21 been working with our neighbors. We've been
22 working with them for awhile.

23 MR. LANE: This was just overall just
24 simpler to do?

25 MR. MARK BETTE: We basically had to make
a business decision based on timing, based on
today's date and winter coming up and our
need. We're planning on building in March
2010. We don't have the privilege of putting
things off until springtime because we'll be
at our wits end here with timing.

The stormwater water management system is
underneath the parking lot. In order for us to
get all of our parking lot needs in, we really
had to make this decision.

MR. LANE: Thank you.

MS. ELENA: It sounds like this is a good
resolution.

ACTING CHAIRMAN O'ROURKE: Mike?

MR. SULLIVAN: You have to make the
connection you from Plaza Drive and Autopark
Drive?

MR. MARK BETTE: We haven't made the
connection. The road is rough graded. We have
utility and waterlines that have to be
installed and is tied in between Century Hill

1 Drive and Autopark Drive. Driving abilities
2 have extended by the public utility companies
3 from Century Hill Drive.

4 MR. SULLIVAN: But is the plan to be
5 paved to Autopark Drive this fall or would
6 that be delayed until next year?

7 MR. MARK BETTE: We're still in some
8 discussions. We're working on it.

9 MR. SULLIVAN: Right now the way that
10 it's set up any run-off along the pavement
11 would be intercepted and sent back to your -

12 MR. MARK BETTE: Yes. The connector right
13 now is to collect all of the water along the
14 connector road and feed it into this new
15 basin.

16 MR. SULLIVAN: Thank you. That's all I
17 had.

18 ACTING CHAIRMAN O'ROURKE: I have just a
19 couple things.

20 Joe, why isn't Autopark dedicated to the
21 town right now?

22 MR. LACIVITA: When this all started with
23 the Wal-Mart the four items that needed to be
24 taken care of - Joe or Kevin can certainly
25 attest that there had to be subdivision. The
cul-de-sac had to be subdivided. There had to
be some type of work that First Columbia had
to do with the basin. There was a hydrant that
had to be moved or something like that. I
forgot the additional item. But at any point
in time First Columbia could have exercised
the capability to try to have the road
dedicated. I'm not quite sure where it all
stands right now with Wal-Mart.

26 ACTING CHAIRMAN O'ROURKE: I'm just
27 concerned because the Bette's are looking to
28 have the building done in March and I got the
29 impression from Mr. Caponera in regard to the
30 designation of the road and I'm just having a
31 little difficulty understanding. We plow it,
32 we maintain it -

33 MR. DELAUGHTER: I don't think so.

34 ACTING CHAIRMAN O'ROURKE: The town
35 doesn't plow? I've seen the town plow down
36 there.

37 MR. LACIVITA: I didn't think so.

1 MR. DELAUGHTER: I guess that I'm a
2 little concerned in light of the schedule that
3 you've outlined. When the board approved this,
4 it was contingent on access through frontage
5 on a public street being either the Autopark
6 or the new Plaza Drive developed to the town
7 standards and dedicated to the town.

8 I know that we had an e-mail in
9 connection with some IDA processes that said
10 the subdivision and the town road option was
11 off the boards at this point.

12 MR. LACIVITA: The IDA wouldn't have had
13 any input -

14 MR. DELAUGHTER: I think that there was
15 some discussion related to setting this parcel
16 up as its own tax id.

17 MR. LACIVITA: It's not an IDA action
18 though.

19 MR. DELAUGHTER: I think that it had to
20 do with IDA funding. There were questions that
21 were put through the Town Assessor's office in
22 terms of how that could be done. I think that
23 someone from your office, at that point,
24 indicated that subdivision was on the shelf at
25 this point. So, that leaves you with the one
option of Autopark Drive.

MR. MARK BETTE: I'm not sure what
subdivision you're talking about.

MR. DELAUGHTER: In order to make Plaza
Drive a town road you have actually two
subdivisions there. You have one in the
Century Hill project where we have an existing
driveway that's going to be converted to town
standards and dedicated. Then we have the
amendment of the Autopark Drive subdivision
which made the connection from Autopark to
that existing, which would have been built to
town standards and dedicated. So, if that plan
is on the shelf in terms of dedicating that to
the town -

MR. MARK BETTE: The plans are not on the
shelf in terms of dedicating it to the town.
What we're trying to work through with the
town with respect to the reimbursement to the
road cost is the mechanism to release
mitigation funds for the Boght Road GEIS area.

1 Like I said, we've been working with the
2 departments. We had approached the town about
3 the inability of the town or not having a
4 mechanism to release funds six weeks ago. So I
5 know that with the inspections with Bob
6 Mitchell's office -- we're kind of late for a
7 little resolution on that. I get the sense
8 that it's going to come to the Planning Board
9 at some point in time.

10 ACTING CHAIRMAN O'ROURKE: The only
11 reason that I didn't want to get into an
12 overblown discussion in regard to this -- my
13 feeling with Autopark and the way that it was
14 dedicated -- it was my understanding of it
15 that a long time ago it should have been
16 dedicated as a town road.

17 MR. MARK BETTE: The intension was ten
18 years ago when it was built that it was going
19 to be a town road. I'm aware that Joe had
20 mentioned the four or five items that were on
21 the punch list, if you will, before the town
22 would accept it. First Columbia did take
23 responsibility to correct a couple of those
24 items. I don't have a list in front of me but
25 I'm going to say that they're very minor in
nature. You mentioned the fire hydrant. The
fire hydrant had been removed.

ACTING CHAIRMAN O'ROURKE: I understand
that. I just want you to understand that any
help that the board can help you with, feel
free to contact us as well.

MR. BETTE: Thank you.

ACTING CHAIRMAN O'ROURKE: Can we get a
motion on the stormwater relocation?

MR. GRASSO: Kevin, is there a SEQRA
action as part of this?

MR. DELAUGHTER: I don't believe so. I
think that the project essentially is the same
scope as what the SEQRA determination
initially was based on. I don't think that
there's any need for SEQRA action.

The only thing that I would point out was
that there was some indication that there was
actually a parking reduction and in looking at
the plans today, there is banked parking shown
on one of the plans. Maybe the confusion is

1 that it wasn't shown on the plan that we had,
2 but there is a plan that it does still show
3 some bank parking so that there is potential
4 to meet the full parking requirement.

MR. MARK BETTE: It does show here in the
lighter text that is the bank parking.

MR. LACIVITA: And I think that was
approved at a prior meeting along with the
change in elevation. I know that this board
understood that if Anjou at the end of its
term opted not to release with you or extend
the lease that they have requirements to put
that back to the proposed approval.

ACTING CHAIRMAN O'ROURKE: Necessary
motion?

MR. HOLLAND: I'll make that motion.

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

MS. VAIDA: I'll second it.

MR. SULLIVAN: Do you have to wait for
John Dzialo for a recommendation?

ACTING CHAIRMAN O'ROURKE: We should make
it subject to a review by the SWPPP officer in
the town as well.

MR. GRASSO: This will require an
amendment to the current SWPPP -

ACTING CHAIRMAN O'ROURKE: And that's not
going to hold them up?

MR. GRASSO: It should not hold them up
but by the time that they get a COA -

ACTING CHAIRMAN O'ROURKE: What's the
time frame with John Dzialo?

MR. GRASSO: I talked to him today. I
would guess within two weeks. I would
recommend that they follow up with John
directly and then the SWPPP could get filed.

ACTING CHAIRMAN O'ROURKE: All those in
favor?

(Ayes were recited.)

ACTING CHAIRMAN O'ROURKE: Opposed?

(There were none opposed.)

ACTING CHAIRMAN O'ROURKE: Good luck.

MR. MARK BETTE: Thank you.

ACTING CHAIRMAN O'ROURKE: You're
welcome.

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(Whereas the proceeding concerning the
above entitled matter was concluded at
8:01 p.m.)

CERTIFICATION

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

NANCY STRANG-VANDEBOGART

Dated December 2, 2009