

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 NORTON MEDICAL OFFICE
5 5 KROSS KEYS DRIVE
6 30,000 SQUARE FOOT MEDICAL OFFICE BUILDING
7 APPLICATION FOR 1 YEAR EXTENSION OF FINAL
8 SITE PLAN APPROVAL

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10 THE STENOGRAPHIC MINUTES of the above
11 entitled matter by NANCY STRANG-VANDEBOGART, a
12 Shorthand Reporter, commencing on February 5, 2013
13 at 7:02 p.m. at The Public Operations Center, 347
14 Old Niskayuna Road, Latham, New York

15 BOARD MEMBERS:
16 PETER STUTO, CHAIRMAN
17 LOU MION
18 BRIAN AUSTIN
19 KAREN GOMEZ
20 SUSAN MILSTEIN
21 KATHY DALTON
22 TIMOTHY LANE

23 ALSO PRESENT:
24 Elena Vaida, Esq., Counsel to the Planning Board
25 Joe LaCivita, Director, Planning and Economic Development
26 Andy Brick, Esq., Donald Zee and Associates, PC
27 Ron Abele, Abele Tractor and Equipment Co. Inc.

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1 CHAIRMAN STUTO: The first item on the agenda is
2 Norton Medical Office, 5 Kross Keys Drive, 30,000
3 square foot medical office building, application for
4 one year extension, final site plan approval.

5 Joe, do you have an introduction on that?

6 MR. LACIVITA: Sure. Based on the Land Use Law
7 process, a major site plan review procedure under
8 Section 1956-02 provides for a one-year extension that
9 the project received. It had received Planning Board
10 approval. The applicant hasn't successfully designed
11 his project or actually implemented his project, but
12 they are back before the Board to ask for a one-year
13 extension. I know that Mr. Norton was here once
14 before. This has been due to financial constraints
15 with the project in trying to market the parcel. I
16 believe he is still having those same issues now and I
17 know that Andy Brick is here this evening to talk on
18 behalf of the applicant.

19 MR. BRICK: Good evening. I'm Andy Brick from the
20 law firm of Donald Zee, PC, One Winner's Circle.

21 If it was up to my client, the Nortons, this
22 building would be built and fully occupied and a
23 great asset to the community. Due to the economy
24 and the economic situations, they haven't gotten
25 to that point yet. They're confident that they

1 will. They're hopeful that it will take place
2 this year. For those of you on the Board who are
3 not familiar with this project, it was originally
4 approved in 2009, and as Joe said a one-year
5 extension was granted on the final site plan
6 approval in January of last year. We are seeking
7 an additional one-year extension in order to
8 market, develop and build this project.

9 The project, itself, is a 30,000 square foot
10 two story medical/office building on three acres
11 located at 2 Kross Keys Drive, which is the first
12 lot on the right behind Beff's as you go in Kross
13 Keys Drive. So, it actually will be adjacent to
14 Beff's patio area. It's consistent with the
15 majority of the neighborhood in that directly
16 across the street there is a medical office
17 building very similar. I think that one is a
18 little bigger, but the same type of design. Over
19 on Palisades, there is the office complex there as
20 well. So, it was designed as a good project. I
21 think that this Planning Board, when they approved
22 it, realized that it was a good project with a lot
23 of potential. That potential hasn't been realized
24 yet, but we're seeking a one-year extension so
25 that potential can be realized.

1 There have been no significant changes to the
2 project design or the neighborhood that you would
3 need to take into consideration when granting this
4 extension. I'll answer any questions anyone may
5 have. Thank you for having me.

6 CHAIRMAN STUTO: Thank you.

7 Anyone have any questions now?

8 (There was no response.)

9 CHAIRMAN STUTO: We'll go to the public to see if
10 anyone wants to speak.

11 Anyone from the public want to be heard on
12 this application?

13 MR. ABELE: I'm the closest neighbor to the
14 project. I'm on the south side and the east side of
15 it.

16 I run a heavy equipment place there and it
17 has been a problem to another project that's down
18 at the end of that street. My question is
19 regarding the stormwater management that was
20 designed back when there was a project passed in
21 2009. I didn't see it, but water off of most of
22 Beff's and this three acres crosses my property.
23 Nothing has been done about it.

24 Back in 1988 my family was gracious enough to
25 provide two acres to the Nortons that was

1 specifically for a detention area. Why hasn't the
2 three acres and Beff's - which is right on Kross
3 Keys - why haven't they been piped into this
4 stormwater system that's already there?

5 I go to a meeting on September 17 at the West
6 Albany Fire House and that was regarding the West
7 Albany Stormwater Improvement Project. I see a
8 lot of people from Sand Creek Road that get
9 routinely flooded out a few times a year and they
10 hand out a map with the run off areas that
11 contribute to this flooding. One of them is
12 labeled SC6. It happens to be right square over
13 Kross Keys Drive. I think that you ought to look
14 at the stormwater situation on the plan and see if
15 it's in compliance and why isn't the detention
16 pond at the end of Kross Keys being used for these
17 properties?

18 That's all I have.

19 CHAIRMAN STUTO: We're going to make a note of
20 that and get that responded to.

21 Anybody else want to be heard on this
22 project?

23 (There was no response.)

24 CHAIRMAN STUTO: Does the applicant or Joe want to
25 be heard on this?

1 MR. LACIVITA: Sure. That stormwater report that
2 Mr. Abele had eluded to wasn't done by the Town of
3 Colonie. Brad Grant actually did the study. A lot of
4 the parcels that do flood out - it was basically part
5 of the design that came from the widening of Everett
6 Road. There are a number of contributing parcels that
7 are having issues with the stormwater because what is
8 happening is that as the pipes tend to be smaller and
9 larger in certain areas, West Albany is getting flooded
10 out with it.

11 The stormwater report that was mentioned does
12 talk about some repairs and things that need to be
13 done. I know that these two parcels and Mr.
14 Abele's parcel is also contributing to the
15 expansion of the gravel and grounds and things
16 like that. I know that it is currently under
17 review by our DPW and I think that as parcels
18 start to develop, we're going to start taking that
19 report into consideration and look forward to
20 getting that corrected.

21 CHAIRMAN STUTO: Can the applicant talk
22 specifically about your parcel and the stormwater
23 management?

24 MR. BRICK: Sure. We recognize that although this
25 project was originally approved in 2009, since it

1 hasn't been built yet, when it is constructed it will
2 be subject to the current in effect stormwater
3 regulations from New York State DEC. Our design, once
4 submitted to the Town for a building permit will
5 actually be reviewed by your stormwater management
6 officer for full compliance.

7 I would refer you back to the originally
8 narrative description of the project which is in
9 your file, which we had sent as part of this
10 request for an extension.

11 "All drainage from the site will be
12 controlled by positive surface drainage, curbs.
13 catch basins and underground piping systems. The
14 stormwater run-off will be conveyed by an
15 underground system to a stormwater four bay on
16 site which is shown on the plan, and then to the
17 Kross Keys Road drainage system which will control
18 the future grade of flow off this development to
19 predevelopment levels in accordance with Phase II
20 stormwater regulations. Flow will not discharge
21 from a four bay to an existing storm drainage
22 system on the lands of Abele to the south."

23 That was originally part of the application
24 which was approved. That statement remains valid
25 in full force and effect and we will be subject to

1 all stormwater review and regulations when we
2 apply for a building permit. We recognize that.

3 CHAIRMAN STUTO: Okay, thank you. That's good
4 enough for me.

5 MR. ABELE: Can I make one more comment on that?

6 CHAIRMAN STUTO: Let me see if anybody on the
7 Board wants to speak?

8 (There was no response.)

9 CHAIRMAN STUTO: Okay, go ahead.

10 MR. ABELE: The detention pond at the end of Kross
11 Keys was engineered for a 25 year storm. I think that
12 the current regulations are a 100 year storm.

13 CHAIRMAN STUTO: Joe, do you want to address his
14 question?

15 MR. LACIVITA: I think that's also in the report
16 and as things start to develop through all these
17 parcels, they're all going to have to do something.
18 Even Mr. Abele will have to do something with his
19 parcel, individually. So, as they start to develop and
20 as projects start to come in, we're going to recognize
21 that and move forward with the recommendations of the
22 Board.

23 CHAIRMAN STUTO: Our stormwater management master
24 plan has been reviewed by our Town Designated Engineer.

25 MR. LACIVITA: It was actually crafted by the Town

1 Designated Engineer, Brad Grant, who reviewed
2 everything.

3 CHAIRMAN STUTO: I mean on this particular
4 project.

5 MR. LACIVITA: All of the parcels that were
6 contributing were reviewed -

7 CHAIRMAN STUTO: When this particular project had
8 applied?

9 MR. LACIVITA: This was prior to TDEs coming in,
10 and it was our own DPW. As the report was being
11 generated, anything that was developed within that was
12 reviewed and considered.

13 CHAIRMAN STUTO: But it was reviewed under the
14 current standard.

15 MR. LACIVITA: Yes.

16 CHAIRMAN STUTO: I don't have a specific answer
17 for your question.

18 MR. ABELE: When I bought 7 Kross Keys from the
19 Nortons in 2004, it was represented to me that the
20 detention pond that's on 11 Kross Keys - since the
21 stormwater off that property -

22 CHAIRMAN STUTO: Mr. Brick, can you address that
23 about that particular detention pond? I don't know.

24 MR. BRICK: I can't address that specifically
25 because I wasn't involved in that transaction when you

1 purchased the property, other than to state that we
2 have to make our stormwater plan work when we come in
3 for a building permit. We can't avoid it, and we can't
4 discharge onto other people's property and increase
5 flow onto other peoples property. We're under an
6 obligation under New York State regulations to address
7 any stormwater issues with a proper plan.

8 CHAIRMAN STUTO: Anybody on the Board want to be
9 heard on this?

10 (There was no response.)

11 CHAIRMAN STUTO: Do we have a motion to renew the
12 extension?

13 MR. MION: I'll make a motion for the extension
14 for one year.

15 CHAIRMAN STUTO: Any comments or questions?

16 MR. AUSTIN: I'll second.

17 CHAIRMAN STUTO: All those in favor say aye.

18 (Ayes were recited.)

19 CHAIRMAN STUTO: All those opposed?

20 (There were none opposed.)

21 CHAIRMAN STUTO: The ayes have it.

22 Thank you.

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24 (Whereas the proceeding was concluded at

25 7:16 p.m.)

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CERTIFICATION

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

NANCY STRANG-VANDEBOGART

Dated February 7, 2013

