

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 CAP COM FEDERAL CREDIT UNION
5 4 WINNER'S CIRCLE
6 APPLICATION FOR CONCEPT ACCEPTANCE

7 *****

8 THE STENOGRAPHIC MINUTES of the above
9 entitled matter by NANCY STRANG-VANDEBOGART, a
10 Shorthand Reporter, commencing on February 26,
11 2013 at 7:16 p.m. at The Public Operations Center,
12 347 Old Niskayuna Road, Latham, New York

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 LOU MION
14 BRIAN AUSTIN
15 KAREN GOMEZ
16 TIMOTHY LANE
17 SUSAN MILSTEIN
18 KATHY DALTON

17 ALSO PRESENT:
18 Elena Vaida, Esq., Counsel to the Planning Board
19 Joe LaCivita, Director, Planning and Economic Development
20 Joe Grasso, Clough Harbour and Associates
21 Daniel Hershberg, PE, LS, Hershberg & Hershberg
22 David Fonseca

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1 CHAIRMAN STUTO: Okay the next project is Capcom
2 Federal Credit Union office, 4 Winners Circle,
3 application for concept acceptance. This is a
4 three-story, 1,500 square foot office building.

5 Joe, would you like to make an introduction?

6 MR. LACIVITA: That summed it up perfectly. I'll
7 just move it straight over to Mr. Hershberg for his
8 presentation.

9 CHAIRMAN STUTO: Joe, how many times have we
10 looked at this?

11 MR. LACIVITA: This is the third time before us.
12 We had an extension and one iteration.

13 MR. HERSHBERG: Thank you, Mr. Chairman. My name
14 is Daniel Hershberg from Hershberg and Hershberg. I'm
15 here today representing Capcom Federal Credit Union.
16 With me today is Rob Roemer with Capcom, Jim Thompson
17 with Capcom, Terresa Bakner from Whiteman Osterman and
18 Hanna, Gregg Rosen from Boston. He's our quarterback.
19 In the back in Wendy Holsberger from Creighton Manning,
20 Terance Blake from BBL and Don Longergan, our
21 architect. He's the gentleman that did this beautiful
22 plan.

23 We've been before you before and we talked
24 about some waivers at the sketch plan meeting.
25 One waiver is for more than 20 feet back from this

1 proposed new right of way line (Indicating).
2 We're quite a bit more than 20 feet back.

3 Also, we do have some parking in the front
4 yard. We tried to orient most of the parking to
5 the rear and the sides. We do have a branch here
6 and proximity of parking here would be very
7 difficult to arrange without having someone
8 parking in the front. If the building gets
9 expanded to 150,000 square feet and we decide that
10 we want to build all 551 parking spots as shown on
11 here, only a small portion are built in the front
12 yard. Most of them are the starter color gray,
13 which we had in the back and the rear of the
14 building.

15 So, that the issue of those waivers, we think
16 have been well made. We need a waiver for the 20
17 foot front setback. We need a waiver for parking
18 in the front yard and we need a waiver for the
19 parking requirement.

20 I think that my narrative report made an
21 effort to explain why we think that the parking
22 would be excessive for both this and any use of
23 the building or future use of the building. Based
24 upon national standards, the parking environment
25 can well be met with the site plan.

1 There were a couple of other variances that
2 we talked about --

3 CHAIRMAN STUTO: Are you saying that the parking
4 requirements in our Land Use Law are not --

5 MR. HERSHBERG: Are excessive for certain uses. I
6 think that one is. General office buildings -- they
7 tend to be excessive. That's not to say that there
8 aren't certain uses that need it. Perhaps if you had a
9 call center there, or insurance services or stuff like
10 that. They may very well need that amount of parking
11 or exceed that parking requirement. But for the
12 typical office building, I think that the ITE parking
13 generation summary says it quite clearly that there is
14 a need for less parking for the normal office building.
15 Especially when you have a headquarters office
16 building. Those traditionally have more office space
17 for conference rooms and meeting spaces that are used
18 in a general office buildings. At headquarters office
19 buildings there is even more excess parking required by
20 the codes. I think it would be wise to consider,
21 especially given the directions from New York State
22 DEC, that municipalities make an attempt to minimize
23 the amount of parking built. This Board could
24 certainly recommend that it be done. I think that it's
25 noted that quite often this Board does grant parking

1 waivers based upon the case being made. So, maybe the
2 parking requirements need to be changed.

3 CHAIRMAN STUTO: Thank you.

4 MR. HERSHBERG: Another issue that was raised is
5 that we did show on a version of the plan that we
6 submitted a continuous four-foot decorative fence. The
7 comment in Joe Grasso's letter said that he thought
8 that wasn't necessarily appropriate. To the extent
9 that we would take it out, we may have to ask for a
10 variance from that requirement. We're willing to put
11 it in, however, based upon review of our plan, our
12 landscaped plan and the decorative fence shown there,
13 the feeling that it is not appropriate. We can
14 certainly live with taking it out, but at that point I
15 think that we need a variance because the code would
16 require that in a COR zone.

17 The other variance that was mentioned
18 obviously was we didn't have the 20 square feet of
19 island on the site. I think that I e-mailed
20 copies of a plan where we went though and we
21 actually numbered each island and we put the
22 square footage on each island and we figured that
23 we do have 20 square feet worth of greenspace for
24 every parking space on the existing plan. Even if
25 we go to the 551 parking spaces, we still meet

1 that. So, I think that's a variance that we do
2 not need and we're comfortable working with that.
3 We do have some relatively large islands that were
4 added to the site plan.

5 This Board has looked at a couple of
6 iterations of the plan. One plan where we had a
7 drive-thru on the other side and, the drive-thru
8 is moved here to give us more stacking space
9 (Indicating). Let me just explain why this
10 orientation of the building works so well with
11 Capcom.

12 If you look over here, this is the front
13 elevation. If you take a look at these other
14 plans I've asked the architect to prepare, there's
15 a view in to about here (Indicating). If you're
16 coming in Marcus Boulevard, this is what you'll
17 see; a good frontal view of the building,
18 identification of the site and where you're going.
19 No doubt about where you're heading. Capcom is
20 perfectly visible. As we move into the roundabout
21 at a point of about here, this is what you'll see
22 (Indicating). This is a sign which is not
23 necessarily the final sign design, but that pretty
24 much shows it. The building is well identified.
25 It fits very nicely to the site and we think that

1 it makes an attractive visual impact.

2 We asked them to model the landscaping to be
3 shown on this plan. It's not necessarily the
4 final landscaping plan, but they've done an
5 accurate job of showing the items that we have
6 shown on our landscape plan. This is the third
7 view that actually is from the driveway. As you
8 approach this building from Marcus Boulevard,
9 entering this roundabout, we think that this
10 building sets up very well. It's a nice visual
11 impact and we think that it works well for Capcom.

12 This is an aerial photo showing a rendering
13 of what might be done with regard to the
14 connection road from the roundabout at
15 Albany-Shaker Road. This is not the plan of an
16 engineer retained by the Town. We'll design that,
17 or start a schematic design of that. We do show
18 the extension of Marcus Boulevard. This is the
19 roundabout that you see here (Indicating). We do
20 show a connection to Winners Circle. There is a
21 discussion of the alignment of Winners Circle,
22 subject to change and revision. All of those
23 things will happen in the future. Our goal here
24 -- and we show it on our plan in dotted lines that
25 it's not part of our project because we can't

1 guarantee the completion of those things in time
2 for us to occupy this building. We can and we
3 already have BBL who has worked on estimates and
4 costs for extending Marcus Boulevard and building
5 this roundabout as part of our project, so that we
6 are clear on that.

7 What we do not have yet is the Town's
8 mitigation estimate from CDTC. I think that we
9 have a preliminary discussion figure from that but
10 we don't have that figure locked down yet, unless
11 it arrived in the interim. I asked that question
12 last week to find out whether or not it was
13 available and it was not yet available.

14 CHAIRMAN STUTO: Does anyone know anything about
15 that?

16 (There was no response.)

17 CHAIRMAN STUTO: Apparently we haven't seen it
18 either.

19 MR. HERSHBERG: My guess is that it hasn't arrived
20 yet. That will go a long way.

21 Some of the other issues that were raised --
22 let me just go back and identify those issues that
23 I think have been raised in the past. Again, I
24 don't want to reiterate our entire plan here, but
25 one question was raised about the impact on

1 non-threatened and non-endangered species and the
2 normal urban species. So, we asked Norbert
3 Quenzer to go out there and first evaluate what
4 they saw in their first two visits -- go out and
5 evaluate what they normally found in the habitat.
6 On page five of the ecological assessment, which
7 is appendix three of our description, we have a
8 list of what they saw out there. That's certainly
9 not a comprehensive list of every pice of foliage
10 or every critter, if you will, that might be on
11 site. Essentially, it makes an attempt to show
12 you what's there. The point that he makes is that
13 every time you develop vacant property in an area,
14 you will displace some habitat and that's happened
15 in the past. As a matter of fact, the original
16 plan to build Capital Plaza actually would have
17 used more of the habitat than this plan does,
18 especially if we don't build all of our banked
19 parking -- that had less greenspace than this plan
20 does. Again, we think that issue -- although it
21 deserves to be answered, we don't think that it
22 raises any red flags because it's always going to
23 happen when you build something in an urban area
24 which has some habitat on it that some species are
25 going to be displaced.

1 Some other issues that were raised had to do
2 with the circulation pattern. We think that this
3 circulation pattern works quite well. These
4 drive-thru lanes are set at the proper point
5 within the bank branch, and it give us plenty of
6 storage for cars in this area here. There is no
7 problem in backing up beyond this point here
8 (Indicating). We think that essentially this is
9 true.

10 The point was raised that we have this dead
11 end aisle there. We think that this works very
12 well. These are things that people come in and
13 use. They can back out and go back out the way
14 that they came. These are primarily to be used by
15 customers of the bank branch. If in fact they
16 want to come out and even if in fact they're used
17 by other people, we think that these are perfectly
18 assessable. This is a dead-end aisle which is
19 normally not good planning thing to have, but
20 because of its proximity to this banking space we
21 thought it better to do it that way.

22 There are no other major issues that were
23 raised in our sketch plan presentation. If there
24 are any other issues that this Board thinks that
25 we should address, I don't want to repeat my

1 entire presentation from the first meeting,
2 however, if you want to, I can do it. I see a lot
3 of heads nodding no.

4 From a stormwater management standpoint, we
5 have done the infiltration tests up here
6 (Indicating). The soil is a wonderful porous
7 soil. Porous pavement will work here and Capcom
8 is on board with porous pavement these days.
9 Every time it's a sales job, but again, they've
10 gone and looked at some installations and now
11 understand that it works. We do need a little
12 area here for roof drains and infiltration basins
13 and we think that those are sized approximately to
14 the size that they will be on our final plan.

15 CHAIRMAN STUTO: Okay, I think that it makes sense
16 to hear from our Town Designated Engineer. That would
17 be Joe Grasso from CHA. I know that he's done a review
18 letter for us. When you're done, we'll hear from any
19 members of the public that want to speak.

20 MR. GRASSO: In your package there is a review
21 letter dated February 5, 2013 and I'm going to go
22 through not all of them, just for the sake of time.
23 I'll go through them more significant planning related
24 comments. But before we get into that, Dan we're
25 looking at a phased project plan and it shows two

1 development phases; Phase I and Phase II. Just so that
2 we're all clear regarding what the final approval is
3 expected to over, can you just clarify if we're going
4 to be looking at ultimate approval now of both phases,
5 or is the Planning Board just going to grant approval
6 for Phase I and you're going to come back for
7 additional review for Phase II because that factors
8 into some of our comments?

9 MR. HERSHBERG: I think that from a standpoint
10 here, I don't want to lose any possibility for asking
11 for 150,000 square feet, but again, we think that Phase
12 II of this project will not concur for a period of
13 probably 10 years, plus. We are showing it for the
14 benefit of the Board to understand where we could go
15 with this so that if we do come back, it won't come as
16 a surprise that we might come back in 10 years and I'll
17 be 82 years old, but I'll come in and present something
18 else.

19 MR. GRASSO: So, I think that the way that we are
20 going to handle the application is the SEQRA review of
21 the project will look at both phases. In terms of the
22 final site plan review, we'll be looking to grant final
23 site plan approval just as what is shown on Phase II,
24 and we can clarify that on the final plans. So, the
25 Planning Board will have the opportunity to provide

1 additional review for things that relate to Phase II of
2 the plan regarding the back parking, the greenspace and
3 things of that nature. If the Planning Board has any
4 concerns with that, then we should talk about those as
5 we move forward.

6 Going through our letter, the project is
7 located in the airport area GIS study area, which
8 as you know identified a number of traffic
9 improvements to address cumulative impacts with
10 development in the study area, including project
11 such as this.

12 One of the traffic improvements in the area
13 was a connector road that would extend from
14 Albany-Shaker Road to the north down to Metro Park
15 Drive to the south. It's expected as part of that
16 project that a connection would also be made to
17 Marcus Boulevard which it's been noted as included
18 in this project. As also noted, the Town is also
19 going to be initiating the planning and design of
20 these public improvements in the near future.
21 Because the project site is located in the
22 immediate vicinity of these improvements, we need
23 to evaluate the consistency between what this
24 project is looking to build and what was
25 identified in the airport area GIS' needed

1 improvements. The reason why that is important is
2 because this project is going to be assessed
3 mitigation fees in order to pay its fair share of
4 impacts on the transportation system. If this
5 project moves forward and builds a portion of
6 those improvements that were identified in the
7 airport area GIS, a credit to the cost of those
8 improvements is justified and that's something
9 that we'll continue to evaluate as we get
10 information from CDTC regarding what the
11 mitigation for this project is and compare that to
12 what the cost of these improvements that this
13 project is looking to build are, as well.

14 CHAIRMAN STUTO: Do you think that we'll have a
15 better sense of that, assuming that we vote for concept
16 when it comes back for final?

17 MR. GRASSO: Yes, we'll need to. All of those
18 things will need to be ironed out before SEQRA
19 determination is made because we're going to need a
20 commitment from the applicant in terms of building
21 certain improvements, or paying certain mitigation
22 fees. Before the final site plan gets stamped, we have
23 to start collecting those mitigation fees.

24 So, that covers the first couple of comments
25 in our letter.

1 Comment three also speaks to this in stating
2 that in order to maximize the efficient use of
3 private and public funds, the plan should be
4 designed to reduce as much possible work that
5 would need to be removed or altered in the future.
6 If you remember back when this project was
7 presented for sketch plan review, the thought was
8 that they would build some temporary improvements
9 or a temporary access road to Marcus Boulevard,
10 which didn't really fit in to the Town's
11 long-range plan and we would therefore have to rip
12 those improvements out in order to build a road.
13 So, what we're looking at now is a much better
14 approach in terms of fitting into the long-range
15 plan.

16 Four: "Assuming a roundabout is confirmed by
17 the Town to be the most appropriate intersection
18 control at the intersection of Marcus and Winner
19 Circle Extension, the roundabout should be
20 situated to accommodate all four legs in
21 accordance with highway design standards. It
22 appears that the fourth leg which would extend to
23 the south would be constricted with limited right
24 of way. We recommend a proposed roundabout be
25 shifted to the south, approximately 50 feet and

1 the proposed right of way be extended
2 accordingly."

3 We consider this a relatively minor change to
4 the plan, but a very important one. It's
5 something that we can work with Dan as he works
6 through the design process. It wouldn't necessary
7 change the amount of right of way to be granted to
8 the Town, but it would change the configuration of
9 the roundabout and the future access -- the
10 Wwinners Circle Extension.

11 "There is two parts to this plan. One is the
12 site plan and there is also a subdivision plan
13 implication which goes through some of the
14 conveyances between the properties associated with
15 Winners Circle and the conveyance of the Town
16 right of way."

17 Six speaks to the waivers, and Dan did a good
18 job describing the various waivers that we're
19 seeking. The project narrative included in your
20 packet includes a discussion and justification for
21 each of the waivers. Due to the unique
22 configuration of the lot and having some of the
23 parking in front of the building, it seems to us
24 that it would greatly reduce the length of
25 pedestrian travel from the parking spaces to the

1 closest building entrances. In addition, a
2 setback to the building and the extent of parking
3 in the front yard is consistent with what you see
4 along other office buildings along this Winner
5 Circle corridor. So, for those reasons we feel
6 that those required waivers are appropriate.

7 Regarding the waiver being sought for the
8 number of parking spaces, we have the unique
9 opportunity to actually look at the exact demands
10 placed by knowing the specific tenant. So, based
11 on that certainty we have confidence the specific
12 parking spaces that they are proposing to build is
13 required in order to support their development.
14 So, as such, we are supportive of that parking
15 waiver.

16 Dan, just as a point of clarification
17 regarding the amount of interior island
18 calculation -- a response letter had indicated
19 that it would not be met if the land banked
20 parking was constructed. That didn't seem to be
21 consistent with what you indicated tonight.

22 MR. HERSHBERG: Last week after we got your
23 February 5th letter, I had e-mailed you a couple of
24 drawings that showed how we met both the islands -- our
25 islands do meet the 20 square feet for both the basic

1 parking and with the banked parking included. We don't
2 need that valiance.

3 MR. GRASSO: Okay, great. I apologize that we
4 didn't have the chance to follow up on that. So, that
5 waiver will not be required.

6 Comment 8: "Although the design standards
7 encourage a frontage built-out of 80 percent with
8 ether building facade or fencing, we don't believe
9 that it's appropriate given the project site's
10 suburban office park setting. As such, we
11 recommend that the proposed decorative fencing
12 along Winners Circle Extension be removed and
13 additional design thought should be applied to the
14 proposed landscaping theme so that it's consistent
15 with the design standards of the office park
16 setting."

17 That's something that we can look for
18 additional comments from the Planning Board.
19 Which when you drive down this corridor, there is
20 no other office buildings that make any attempt
21 whatsoever to have this frontage build-out. So,
22 we thought that would be out of context if we had
23 it for this site only.

24 CHAIRMAN STUTO: Dan do you have personal
25 comment -- or the architect on that? It's obviously a

1 matter of opinion.

2 MR. HERSHBERG: What we have shown here in lieu of
3 the fence, we're going to berm it up and make this
4 landscaping a little more dense than we've shown on our
5 original application. So, we think that works just as
6 well to make this frontage for us. It gives us an
7 opportunity to use a greater variety of plantings,
8 etcetera, to do that. I don't think that Capcom has
9 any problem using the decorative fence.

10 CHAIRMAN STUTO: I'm asking your opinion.

11 MR. HERSHBERG: I concur with Joe Grasso.
12 Artificially putting a decorative fence to replicate a
13 street facade is certainly not what it's going to do
14 here. It's just going to look like a fence sitting on
15 a berm with landscaping on it. It's not going to fool
16 anybody to think they're along Wolf Road or Central
17 Avenue.

18 CHAIRMAN STUTO: Thank you.

19 MR. GRASSO: Okay, going down through our letter -
20 the next comment is regarding the design standards
21 which speaks to encouraging public spaces or plaza.
22 So, that's something that we would look from the
23 Planning Board as to the appropriateness given this
24 project. Given the expected occupancy levels of the
25 building, some outside sitting areas, bike racks

1 etcetera could be desirable, as such. I think that
2 what they are planning currently shows - Dan, correct
3 me if I'm wrong - is a small plaza area located behind
4 the building which could be like a break area.

5 MR. HERSHBERG: We show a picnic area back here
6 with picnic tables (Indicating). We also show a bike
7 rack and an area by the front entrance. We think that
8 the need for a public plaza might qualify, but the fact
9 that is that again, the number of people that are going
10 to walk to this site is going to be somewhat minimal.
11 When people drive to the site, the congregation at the
12 public plaza area is going to be less than you would be
13 in an area whether there is an awful lot of pedestrian
14 traffic.

15 CHAIRMAN STUTO: What about the workers?

16 MR. HERSHBERG: The lunchroom is at this point of
17 the building right here (Indicating). We have an exit
18 here which is going to take people out to a patio area
19 behind the building where it's going to have picnic
20 tables and a patio area for people to use. We think
21 that will probably be the most used place for the
22 employees.

23 MR. GRASSO: Okay moving on through our letter -
24 we've been working with Dan on some comments that arose
25 out of our sketch plan review of both the project and

1 one of the things was trying to minimize the use of
2 dead-end parking only because we feel that creates an
3 unsafe situation for a car that pulls down a parking
4 row and all the spaces are taken. We look at how far
5 that vehicle would have to go in reverse in order to
6 turn itself around, or trying to turn around within the
7 parking aisle itself. The plan that we had before
8 continues to show limited areas of dead-end parking.
9 It's of particular concern because one of the things
10 that would be built first is the dead-end row in front
11 of the proposed building because we think that will be
12 a high usage area. So, we anticipate those spaces
13 would be used by visitors to the bank and would have a
14 significant turn over rate. When we look at the plan,
15 it looks like there is a viable solution that would
16 extend the drive aisle to the drive-thru area, which
17 would be for the majority of the time, have negligible
18 queue length. So, it would be an easy spot for those
19 few vehicles to escape, if all those parking spaces
20 were taken. That's something that we should look at in
21 the future.

22 In addition, our next comment is regarding
23 the amount of parking shown and the efficiency of
24 the parking areas. It appears that additional
25 parking could be created if the property line

1 between 2 and 4 Winners Circle is shifted
2 approximately 20 feet to the west. We bring this
3 up because we know Beltrone is the current owner
4 of this property as well as the lands of 2 Winners
5 Circle. The additional area here would allow for
6 the proposed parking spaces to be extended and
7 provide approximately 20 additional spots. It
8 would also facilitate better shared parking
9 amongst the Winners Circle office buildings in
10 this area, if shared parking continues to be
11 permitted. The reason that we bring it up now is
12 even though this is that area shown as future
13 banked parking, it would effect the subdivision.
14 We wouldn't want to move forward with the
15 subdivision now that would inhibit us from being
16 able to add 20 additional spaces in the future.
17 So, we'll look to see if this could be addressed
18 as the plan progresses.

19 One important thing is how this project
20 connects with Marcus Boulevard as well as Winners
21 Circle. As Dan said, the long-term solution is to
22 have a thru-road from Winners Circle all the way
23 to the north to Albany-Shaker Road. It was our
24 original thought - and you might have heard us
25 talk during the sketch plan review - that when

1 this project was first developed, that a thru
2 connection from Marcus Boulevard down to Winners
3 Circle would be constructed at this time. Since
4 we've looked at this further in understanding the
5 amount of traffic that we could start to see on
6 Winners Circle, we don't think that connection
7 should be made as a part of the Capcom project.
8 We think that connection would be better made when
9 they make an extension to Albany-Shaker Road.

10 The other thing is when we start to make this
11 connection from Winners Circle to Marcus
12 Boulevard, we're going to see a significant
13 increase in the amount of traffic using Winners
14 Circle. We could take all the traffic that we're
15 now starting to see come up from Sand Creek Road
16 along Aviation Road and then come up to here,
17 thereby avoiding the Wolf Road corridor.

18 As we start to increase the number of
19 vehicles on Winners Circle and we took a closer
20 look at the geometry of Winners Circle, there were
21 some things that need to be corrected and we don't
22 think that it's necessary to be done as part of
23 this project. We do think that those improvements
24 should be addressed as part of the own project of
25 the extension of the road to Marcus Boulevard and

1 then out to Albany-Shaker Road.

2 CHAIRMAN STUTO: Are we going to get rights of way
3 at this point?

4 MR. GRASSO: We have had some preliminary
5 discussions with Beltrone and they are agreeable to
6 granting a public right of way over Winners Circle,
7 which as you know is currently a private road that
8 would allow public rights of access through all of
9 these properties.

10 CHAIRMAN STUTO: Let me understand this because
11 this is going to be important for the future. You go
12 from Aviation and then it turns into Winners Circle?

13 MR. GRASSO: That's right.

14 CHAIRMAN STUTO: How about a right of way on the
15 site of this project?

16 MR. GRASSO: Dan could you show the area of the
17 public right of way that this project would grant to
18 the Town?

19 MR. HERSHBERG: This project proposed to grant all
20 this area here to the Town to accommodate this. In
21 order to facilitate a swap of parking spaces across
22 lost on 3 Winners Circle, we propose to add this piece
23 to 3 Winners Circle so that they can expand the parking
24 lot. So, with the exception of geography question,
25 which Joe raises regarding moving the circle over, I

1 think that this meets the goal there because it does
2 allow at the proper point to connect this roundabout to
3 Winners Circle and then a through movement all the way
4 to the north towards Albany-Shaker Road.

5 CHAIRMAN STUTO: Is that going to be memorialized
6 in this final approval?

7 MR. HERSHBERG: We think that this piece right
8 here will be dedicated to the Town (Indicating). As a
9 matter of fact, our zoning verification form was
10 predicated on the fact that this gets dedicated to the
11 Town. That's the only right of way on a Town road.

12 MR. GRASSO: And I expect that by the time this
13 project gets final approval, the Town will be able to
14 definitively state what the geometry of the roadway
15 should be, and we will be able to finalize where this
16 right of way is. If the Town doesn't have those
17 answers by that time, I think that we should error on
18 th side of conservancy and grant some additional right
19 of way so that we don't lock ourselves in at any point
20 in the future.

21 CHAIRMAN STUTO: It will be generic enough.

22 MR. GRASSO: One thing in just speaking to the
23 connection -- this project also shows a connection down
24 to Winners Circle and we think that is a desirable
25 connection because it allows an appropriate

1 distribution of trips from this site down to Winners
2 Circle as well as across Marcus Boulevard to Wolf Road.
3 We don't think that is going to encourage a lot of
4 cut-through traffic that's going to come up Winners
5 Circle and then take a right into the site and a left
6 across the front of the building out to the roundabout
7 and down Marcus Boulevard. We don't think that it's a
8 very easy cut-through movement so we don't think that
9 it would be an undesirable connection. That's why
10 we're in favor of the plan as it's currently proposed.

11 CHAIRMAN STUTO: Is that going to be a cut-thru to
12 a parking lot?

13 MR. GRASSO: It would be a cut-through to a
14 parking lot, but I think that we have to understand
15 that the long-term plan -- there will be a public road
16 out front that obviously everybody will utilize.

17 WeE have reviewed the traffic study and are
18 generally in agreement with the findings there.
19 We will work with CDTC regarding the review of the
20 traffic study and the determination and what the
21 appropriate mitigation fee is for traffic.

22 The last comment in our letter 20 is: "The
23 Town Attorney's office previously classified the
24 application as a Type I action pursuant to SEQRA
25 and as such a coordinated review is required. The

1 Town Attorney's office has solicited for lead
2 agency."

3 I think that those notices went out just last
4 month. The protect did include a full
5 environmental assessment form in the application
6 materials which we have reviewed and it does
7 adequately describe the enviromental setting of
8 the project, as well as many of the enviromental
9 impacts that are expected to occur which we would
10 find would all be considered a minimal impact
11 statement.

12 The enviromental review of the project and a
13 SEQRA determination can be deferred until
14 application for final site plan approval when we
15 have more information into adequately addressing
16 the impacts that may come out of the review of the
17 plan. So, that's it for our comments.

18 I just wanted to speak to some of the
19 comments provided by the Planning Department.
20 There was a comment regarding recommendation for
21 restricting hour pick up which is a standard
22 comment applicable to may of the commercial
23 locations in the Town. The Planning Department
24 recommended that a landscaping buffer along the
25 single family residential district and the senior

1 PDD district be provided in the plan. That's
2 something that the Planning Board should consider
3 in its review of the project.

4 CHAIRMAN STUTO: Thank you, do we want to hear
5 from members of the public?

6 MS. DALTON: Yes.

7 CHAIRMAN STUTO: As I said before, if you want to
8 be heard on this project, I'd ask that you sign in on
9 this. I'll call the names that are on this and if
10 anyone wants to speak, we'll let occur as well.

11 David Fonseca.

12 MR. FONSECA: I'm David Fonseca and I'm a resident
13 at 6 Winners Circle, the Beltrone Living Center. I
14 have an apartment on the third floor that faces right
15 down on the woodland here that's involved in this
16 project.

17 There were two things that I wanted to review
18 with you. First of all, we'd like, as you
19 proposed, to have a buffer strip there so we're
20 not looking out on somebody else's parking lot.
21 We're already looking out on our parking lot. We
22 don't need to look out onto someone else's parking
23 lot. The way that the plan is now, we're looking
24 out into the woods, which is good. So, if you see
25 right here on this side and on this side, you have

1 residential development (Indicating). That should
2 be shielded as much as possible from the project
3 here. So, I'd like to kind of leave that with you
4 that we need about 50 feet of woodland or
5 something else behind the building here, so that
6 we don't look right out onto somebody else's
7 parking lot. That's not very high class living
8 when we do that. We have our own parking lot
9 already that's been there for 13 years.

10 The second part is the basic elevation is 310
11 feet above sea level. That's a first floor
12 elevation. Basically, we measured approximately
13 where the water level was in the two ponds - the
14 west pond and the south pond during Hurricane
15 Irene and we're talking at that time about 308
16 feet, six inches. In other words, we were
17 basically almost ready to be flooded and I sent a
18 letter to the Executive Director to the Colonie
19 Senior Service Center pointed this out after the
20 hurricane was over. I'm told that your new plans
21 for storm drainage - the plan is that you intend
22 to take care of the water on the site. You can't
23 have the water go off of on somebody else's
24 property. All the existing projects that are
25 around there now - 1 Winners Circle, 2 Winners

1 Circle and even going over to 3 Winner Circle, but
2 mostly 1 and 2 as well as us drain into these
3 ponds. That's the way that it was designed at the
4 time. So, now we have a west pond, a south pond.
5 I've tried to find out from the Parks Department
6 whether there is an underground conduit over to
7 the pond in the park. They tell me no. You use a
8 regular ground water there, and it just seeps
9 through. Consequently, all the time we have a
10 swamp on the east side of the Beltrone Living
11 Center property and the west side of the Crossings
12 park. So, I think that needs to be dealt with in
13 some detail here. Especially with your new storm
14 drain formula here. How are you going to do this?
15 Are you going to dump the water off of this
16 property off into our ponds, or are you going to
17 design something that will take care of it and
18 place it elsewhere?

19 CHAIRMAN STUTO: We'll make sure that they address
20 that. I'll have them address that.

21 MR. FONSECA: I appreciate that. Let me be honest
22 with you. If you want water in on a lot of residents'
23 first floor apartments that's what you're going to have
24 unless this is adequately dealt with. I'm not just
25 playing games here. I'm telling you the strict truth.

1 One of the things that maybe most of the
2 Board doesn't understand is that all three of
3 these ponds -- the two ponds here and the pond
4 over at the Crossings are also all scraped out
5 ponds. They're not natural ponds. The fill that
6 came out of the pond at the Crossings went back
7 where the buildings are built and back on the
8 parking lot. Even that isn't adequate because a
9 year and a half ago I was having lunch with Alicia
10 Osur who is the head of your Parks Department and
11 all the sudden she got a call during a big rain
12 storm -- "Our place is flooded over here". We
13 have six inches of water in the parking lot and in
14 the buildings. She had to rush over there.
15 That's just the normal heavy rainfall of one storm
16 that inundated the parking lot. So, what I'm
17 saying is that the pond is here and most of the
18 fill was used out of those ponds -- especially the
19 south pond to raise the level of the building
20 where they built the Beltrone Living Center. In
21 other words, to raise it up enough so that it met
22 the Corps of Engineers requirement and wasn't
23 considered wetland or swamp land. If you want to
24 know what the difference is, drive over there and
25 look at our south pond and look at the area on the

1 south of the south pond, and then you'll know
2 exactly what was here before the Beltone Living
3 Center was built. I would appreciate it if you's
4 take that into consideration in terms of how you
5 regulate stormwater drainage. I have a lot of
6 good friends on the first floor and they don't
7 like to be flooded.

8 CHAIRMAN STUTO: We don't want them to get
9 flooded, either.

10 MR. FONSECA: So, I would like you to take that
11 into consideration, and thank you very much for your
12 time.

13 CHAIRMAN STUTO: Thank you.

14 I'll ask the applicant to address those
15 issues. One would be the buffer and one would be
16 the stormwater management.

17 MR. HERSHBERG: Thank you, Mr. Chairman. We are
18 leaving a 97-foot buffer from the edge of the parking
19 lot to there. So, that exceeds the 50 feet and it's
20 very close to the 100 feet that the gentleman was
21 looking for. We show the edge of the existing
22 woods and we'd like to leave them there. This is where
23 we want to grade, so that any mature trees on this area
24 here will remain. We can talk about filling stuff with
25 evergreens. We're certainly willing to talk about

1 that. Our goal here was that we kept it 100 feet away.
2 On this side here, we're possibly 50 feet away except
3 for a small portion here and here (Indicating). We're
4 about 70 feet away from the property line.

5 MR. LANE: Dan, is there any reason that you have
6 your banked parking -- I guess that would be on the
7 west side. So, is there any reason why you couldn't
8 flip those plans of the parking lot? If you're not
9 going to do the banking then you'll need even more so
10 of a buffer than doing the larger parking area on that
11 side.

12 MR. HERSHBERG: If we pave this parking lot, then
13 we could bank this parking. I know what you're saying
14 there.

15 MR. LANE: That's the south side.

16 MR. HERSHBERG: But our existing banked parking on
17 the west side -- if we made that to be built now and
18 bank this parking here, we're going to have people --

19 CHAIRMAN STUTO: Where you're pointing out Dan -
20 we're seeing that as the south side.

21 MR. HERSHBERG: The true north is here
22 (Indicating). Although we keep saying going north on
23 Albany-Shaker Road, we're actually going northeast on
24 Albany-Shaker Road.

25 CHAIRMAN STUTO: Okay, we're all on the same page.

1 MR. HERSHBERG: If we take this area here and made
2 this parking on Phase I --

3 MR. LANE: That's exactly what I'm saying.

4 MR. HERSHBERG: We think that first, the number of
5 employees entering this area here are somewhat limited
6 because this is the branch and the entrance. This is
7 more convenient parking and more people have to cross
8 over the drive-thru lane. Not that it's dangerous. We
9 can provide adequate visibility there and we do provide
10 the pedestrian in crosswalk signs. Again, we thought
11 that it made more sense to bank this parking and this
12 parking (Indicating). We still think that's the case.
13 We think that the 97-foot buffers are a reasonable
14 approximation.

15 MR. LANE: It looks like a grassy knoll.

16 MR. HERSHBERG: This is actually the clearing
17 limit. Any tree between this line and here will stay
18 and there are some fairly mature trees on that site
19 right now. Again, some of the photos that were taken
20 by Norbert Quenzer show a view of this pond with woods
21 right behind the pond, and woods adjoining this parking
22 lot. Those will stay. We don't intend to take those
23 out. There is probably 50 feet worth of existing woods
24 to remain. We are going to clear this area here in
25 order to make the grade. Our building elevation is

1 314. The gentleman said that the Beltrone Center is
2 about 310, so our building elevation is four feet above
3 that. So, we think that the question of the buffer has
4 been addressed here. We can certainly talk about
5 increasing the buffering effect by planting some more
6 evergreen trees in this area. We're certainly willing
7 to do it, but we think that we've provided adequate
8 buffering.

9 MR. LANE: That effect is not necessarily as good
10 as actually having more space. I don't really see your
11 point as far as your convenience for employees.

12 MR. HERSHBERG: We talked about it both ways and
13 we worked it out and worked pretty closely with the
14 building program about where people are going to be
15 going.

16 MR. LANE: When you come back, could you
17 demonstrate that? Could you find someone to
18 demonstrate that a little more clearly? I guess I'm
19 just not seeing it.

20 MR. HERSHBERG: This is the main employee entrance
21 (Indicating). To come from here to there is further
22 than going from there to there. It's clearly that if
23 they're going from here to here, they're going to walk
24 about 120 feet, or 70 feet, or 90 feet. I know that it
25 sounds inconsequential, but I will tell you that in the

1 long run, people will work pretty hard to get the
2 closest parking space to the building. It's human
3 nature. I will tell you that it's an issue and we try
4 to make it as convenient as we can for the employees.
5 That's the reason that we picked this the Phase I part
6 and this the future expansion.

7 MR. LANE: Did you take into consideration the
8 impacts on the other residents?

9 MR. HERSHBERG: When we started this plan, we
10 pushed the building closer to this line here
11 (Indicating). We didn't center it here or we would
12 have had less buffer here. We were considering the
13 people at the Beltrone Center and we tried to leave
14 them almost a 100-foot buffer there, so that we could
15 save a portion of the woods because here we're only
16 leaving like a 35-foot buffer to this line here
17 (Indicating). If it was even in between it, we would
18 have moved the edge of this parking over 30 or 40 feet.
19 We tried to favor the developed side where the offices
20 were rather than pushing this closer to the Beltrone
21 Center. I think that essentially we're trying to be a
22 good neighbor there. Also understand that again the
23 seller of our property was intimately involved in
24 setting up the Beltrone Center initially. They have
25 their interest at heart and we think that the people

1 involved here are all trying to do the right thing by
2 both people at the Beltrone Center and the residents
3 that adjoin us as well as Capcom. We think that this
4 is a very good combination to the people.

5 The other issue was raised about stormwater
6 management. I can start that and tell you that we
7 are using essentially the greenest method of
8 getting rid of the stormwater by using porous
9 pavement. What happens with porous pavement is
10 exactly the same amount of water that falls out of
11 the sky and onto the sand and goes into the ground
12 water pours out of porous pavement and goes to the
13 porous pavement and ends up in the ground water.
14 It can't be any greener than that. It's invisible
15 with regard to impact on stormwater. Porous
16 pavement essentially functions exactly like nature
17 intended water to get into the ground water.

18 The roof area - we could have gone and put a
19 subsurface infiltration basin in and we thought
20 that essentially bring in a subsurface
21 infiltration basin. By the way you'll notice that
22 our map calls for us to not take title to that
23 existing stormwater retention pond, and that's on
24 purpose. First, it would be inconvenient to have
25 the ownership of that SWPP between two owners; who

1 maintains it and who takes care of it?

2 Secondly, we don't need it. We don't intend
3 to discharge any stormwater into that detention
4 basin. Our water is entirely going into ground
5 water. Now, would it raise the ground water
6 level? We don't think so because we're not adding
7 any water. The same water that falls on the
8 ground infiltrates right through the pavement and
9 now the water falls on the ground and infiltrates
10 either into our infiltration basin or porous
11 pavement, and ends up right at the same ground
12 water table. We think that we're using the
13 greenest methods of stormwater management that we
14 can think of and essentially it functions quite
15 well. We've gone back and forth a little bit with
16 Clough Harbour on how to model our porous pavement
17 but again to resolve the issue, we don't mind
18 calling it the same as standard pavement as long
19 as we've accounted for the storage of the
20 stormwater stone layer below the asphalt.

21 Lia Auto is a good example. I think that we
22 essentially did that one area of porous pavement.
23 Every time that you go up there during a heavy
24 rainstorms, it's dry and the old pavement still
25 has puddles on it. We've used it on one Town road

1 and we think that is going to be a success story.
2 Antoinette Estates has a porous pavement and all
3 the driveways are porous. I think that porous
4 pavement is the way to go so much that the Town of
5 Colonie has sand known as Colonie sand for the
6 reason that Colonie has a lot of it. That's
7 called a Hydrologic Class A soil which is the most
8 porous soil it can have, and it ideally attunes to
9 this sort of design. So, I think that the
10 gentleman's comment about the concern of impact on
11 flood potential for the Beltrone Center is not
12 necessarily involved with our project. We
13 understand if they're having concerns about some
14 of the other stormwater management facilities on
15 the Winner Circle site. Some of the designed
16 infiltration basins now have stormwater in them
17 even after the storm, but for a long time.

18 CHAIRMAN STUTO: Joe Grasso, would you make sure
19 that you take a closer review of the stormwater between
20 now and final?

21 MR. GRASSO: Yes.

22 CHAIRMAN STUTO: Anyone else want to be heard on
23 this project from the public?

24 (There was no response.)

25 CHAIRMAN STUTO: Members of the Board?

1 MS. DALTON: I want to thank you in that I will be
2 affectionately referred to as the Bambi protector.
3 Thank you for that.

4 CHAIRMAN STUTO: Lou?

5 MR. MION: I have nothing; thank you.

6 CHAIRMAN STUTO: Brian?

7 MR. AUSTIN: I have nothing; thank you.

8 CHAIRMAN STUTO: Tim?

9 MR. LANE: I have said my peace.

10 CHAIRMAN STUTO: Karen?

11 MS. GOMEZ: I have nothing.

12 CHAIRMAN STUTO: Susan?

13 MS. MILSTEIN: I don't have anything.

14 CHAIRMAN STUTO: Thank you for the brief
15 presentation.

16 The only thing that I had a question on one
17 thing. I'm not sure that I got a clear
18 understanding of Joe's comment nine, which was on
19 the COR district which was on plazas and public
20 spaces. Are you saying that you paid more
21 attention to that, or are you saying that they
22 have done an adequate job of that? I would ask
23 Dan that as well.

24 MR. GRASSO: We tried to bring attention to it
25 because it's specifically in the design standards and

1 obviously we know the tenant of the building. They
2 know what their needs are. I think that there is a
3 level of trust there that we have that they will build
4 what their needs are going to seek within their
5 facility.

6 CHAIRMAN STUTO: Do you have a pedestrian
7 accommodation?

8 MR. HERSHBERG: Yes, we have a sidewalk coming in
9 all the way from Marcus Boulevard going all the way
10 along here to our building, and we also would assume
11 that if in fact Winners Circle ends up with pedestrian
12 accommodations, we would link into that as well. We're
13 not sure if the plan is set up for pedestrian
14 accommodations all along Winners Circle, but Marcus
15 Boulevard we do come in from this intersection --

16 CHAIRMAN STUTO: What if an employee wanted to go
17 to the Crossings park?

18 MR. HERSHBERG: There, we have a sidewalk out of
19 the back going to the Beltrone parking lot, and we hope
20 to negotiate an easement with the existing Beltrone
21 Center to allow our people to move across there. That
22 will also accommodate those from the Beltrone Center
23 that want to walk over back and forth. There are
24 accommodations both ways.

25 With the question about public plaza -- we're

1 certainly willing to talk to you about beefing it
2 up a little bit more. We think that the needs are
3 primarily perhaps for people waiting for a pick up
4 for a ride, or something like that. We always
5 show one bench and we might decide to add a few
6 more benches, but we could take that up with the
7 final design issue.

8 CHAIRMAN STUTO: I would kind of appreciate if you
9 would look at that; Joe Grasso and Dan as well.

10 MS. VAIDA: Mr. Hershberg, I had something as
11 well. When you come back for final, in order to grant
12 the waivers that you're seeking -- specifically the no
13 parking in the front yard waiver and the 20 foot
14 setback, we have to show and make written findings that
15 there is no practical alternate available for you to
16 comply with that. I'm not saying that it's not
17 consistent.

18 MR. HERSHBERG: I think that when we made our
19 sketch plan application, we wrote a letter to Mr. Stuto
20 saying essentially what our rationale is and I think
21 that I repeated that in the narrative and description
22 also. I can elucidate them a little bit if you want me
23 to. But again, it's primarily it's the difficulty of
24 providing parking -- no parking in the front makes it a
25 practical difficulty to provide enough parking near the

1 entrance, especially for patrons of the bank branch. A
2 20-foot setback would be inappropriate for a building
3 of this width, both visually and everything else, up
4 close to that roadway. That makes a real significant
5 visual impact to be this wide a building - 20 back from
6 that right of way we think would certainly not be
7 aesthetically pleasing and not give us any space to go
8 around the building for drive-thru lanes. That's
9 pretty much why I said in my narrative description that
10 I have addressed it. If you need to address it in
11 further detail, we can do that.

12 CHAIRMAN STUTO: In an ideal world, we consolidate
13 that to a resolution; don't we? Who is going to take
14 that responsibility?

15 MR. GRASSO: We prepare the draft based on the
16 record.

17 CHAIRMAN STUTO: And you can look at his letters
18 that were referenced by him. If you think that's
19 adequate --

20 MR. GRASSO: We, do and we feel that there is
21 enough to draw from. Before we conclude, there is a
22 couple of comments that we brought up that we'd like to
23 get some clarification on so that we can move this
24 forward.

25 The one was the dead-end parking across the

1 front of the building.

2 CHAIRMAN STUTO: Can you refresh us on that?

3 MR. GRASSO: Dan, can you point to the area of
4 concern?

5 MR. HERSHBERG: What everyone is talking about is
6 the area here. We have this parking dead-end where
7 people have to go back in this direction to get out.
8 We didn't connect it across our drive-thru area, not
9 necessarily that the queue is going to reach it very
10 often but if there is a queue there, there would be a
11 conflict. We're not dead set against connecting it. I
12 think that we have to consider that. The alternative
13 would be to provide a no parking area and a turn around
14 space for people at the end of the dead-end lane. The
15 two ways to handle that would be to connect through our
16 drive-thru lane - there is a greenspace between this
17 parking and this area here (Indicating).

18 CHAIRMAN STUTO: I still don't understand. So,
19 I'm going to ask you to say if a customer or an
20 employee came in, how does that present a problem to
21 them? Show me where they would come in and park?

22 MR. HERSHBERG: A customer comes in and parks here
23 and turn around and goes back out (Indicating). Joe's
24 point is that if all these spots are filled and a
25 customer comes in here, they may have to reverse and

1 back up and go out. Now we don't think that it's going
2 to happen very often because we think that we're
3 providing adequate parking for the patrons. However if
4 it happens, that may create a dangerous situation. The
5 solution there might be to make a no parking turn
6 around zone. Sometimes we stripe out 20-foot wide area
7 that's no parking and someone can turn around at that
8 point.

9 CHAIRMAN STUTO: JOe Grasso, what's your opinion?

10 MR. GRASSO: Yes, that would be acceptable.

11 CHAIRMAN STUTO: I don't have a problem with that.
12 How many spaces are in there?

13 MR. GRASSO: There is about 24 or so.

14 CHAIRMAN STUTO: That's all for retail customers?

15 MR. HERSHBERG: Yes, those are for the people at
16 this branch bank.

17 CHAIRMAN STUTO: That's usually enough for most
18 banks.

19 MR. HERSHBERG: One issue had to do with our
20 compliance with the COR design building. If you have
21 any questions, Don is here to talk about that if you
22 need it. Again, we thought that we did a good job of
23 doing an interesting design which is what the COR
24 design talks about doing.

25 CHAIRMAN STUTO: Can you give us a one minute

1 description? I know that we've all seen it before.

2 MR. LONERGAN: I'll be quick. We're talking about
3 a three-story building that is a combination of brick,
4 insulated glass and metal panels. You can see it is
5 articulated in through here (Indicating). The building
6 has a double entrance coming through the front and from
7 the rear. Most of the parking of customers - most of
8 them are coming in from the rear, as Dan mentioned in
9 the presentation. The building on the first floor is a
10 full service branch, the community room, a cafeteria
11 and management. The second floor are things like
12 executive IT. The building is going to be a LEED
13 certified level. That has been mentioned with the
14 porous pavement. From the roof there is a glazing
15 exterior finish and interior finishes. They'll be
16 presenting a green scorecard once the building is under
17 way. That's basically it from the exterior of the
18 building.

19 CHAIRMAN STUTO: Did you want further
20 clarification?

21 MR. GRASSO: No, they just covered it.

22 CHAIRMAN STUTO: Any other comments from the
23 Board?

24 (There was no response.)

25 CHAIRMAN STUTO: I'll entertain a motion. Do we

1 have a motion for concept acceptance?

2 MR. AUSTIN: I'll make the motion.

3 MR. LANE: Second.

4 CHAIRMAN STUTO: Any discission?

5 (There was no response.)

6 CHAIRMAN STUTO: All those in favor say aye.

7 (Ayes were recited.)

8 CHAIRMAN STUTO: All those opposed?

9 (There were none opposed.)

10 CHAIRMAN STUTO: The ayes have it.

11 Thank you.

12

13 (Whereas the proceedings were concluded at

14 8:18 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 27, 2013

