

1 PLANNING BOARD COUNTY OF ALBANY
 2 TOWN OF COLONIE
 3 *****
 4 CAP COM FEDERAL CREDIT UNION
 5 4 WINNER'S CIRCLE
 6 PRESENTATION/ACTION ON SEQRA
 7 *****
 8 THE STENOGRAPHIC MINUTES of the above
 9 entitled matter by NANCY STRANG-VANDEBOGART, a
 10 Shorthand Reporter, commencing on April 9, 2013
 11 7:29 p.m. at The Public Operations Center, 347 Old
 12 Niskayuna Road, Latham, New York

11 BOARD MEMBERS:
 12 PETER STUTO, CHAIRMAN
 13 LOU MION
 14 BRIAN AUSTIN
 15 TIMOTHY LANE
 16 SUSAN MILSTEIN

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 Teresa Bakner, Esq.

23
 24
 25

1 CHAIRMAN STUTO: I'll formally call it. We're
2 scheduling a public hearing and presentation/action on
3 SEQRA which is Environmental Quality Review Act,
4 Capital Communications Plaza subdivisions, 4 Winner's
5 Circle.

6 MR. LACIVITA: We'll hold that public meeting on
7 April 23rd at 7:00 p.m. Tonight what we're asking the
8 Planning Board is to hear a short presentation and then
9 Joe Grasso will talk about the SEQRA action and then
10 we'll adopt SEQRA.

11 CHAIRMAN STUTO: Is the hearing a subdivision
12 hearing?

13 MR. LACIVITA: Yes.

14 MR. HERSHBERG: Yes, we have to have this hearing
15 and there is the subdivision on the 23rd.

16 CHAIRMAN STUTO: Okay, I just wanted to get that
17 on the record.

18 Joe Grasso, I'll let you take it first, or do
19 you want to hear from the applicant first?

20 MR. GRASSO: I recommend that the applicant just
21 give us the update regarding the project and then I'll
22 pick it up from there.

23 CHAIRMAN STUTO: Okay, thank you.

24 MR. HERSHBERG: Thank you, Mr. Chairman. My name
25 is Daniel Hershberg from the firm of Hershberg and

1 Hershberg. I'm here today representing Cap Com Federal
2 Credit Union. With me is Teresa Bakner, their attorney
3 to keep me on the straight and narrow.

4 The project has progressed through the
5 technical review. We have made some changes to
6 the site and we met on Monday with Joe Grasso and
7 all the department heads to talk over the final
8 improvement issues. We did the water extension
9 and we anticipate that the Town Board on Thursday
10 will authorize John Frasier to apply for that
11 water extension.

12 The issues regarding proximity of parking and
13 stuff like that - we do plan on addressing before
14 we come back before this Board on April 23rd.
15 There was a question regarding the proximity of
16 the parking. We're near the Rustyville Road
17 dwellings and the circulation in front of the bank
18 - we propose to address those issues, as well as
19 the roundabout location. I think that we have a
20 pretty good agreement with regard to that location
21 and we are in agreement with Clough Harbour in
22 their role as the Town Designated Engineer with
23 regard to those issues. I think that we are well
24 on our way to getting the plan where this Board
25 can consider final approval.

1 CHAIRMAN STUTO: Okay, thank you.

2 Joe Grasso?

3 MR. GRASSO: So, under consideration for the
4 Planning Board tonight is the SEQRA determination of
5 the project. As Dan mentioned, the project has been in
6 front of the Planning Board on a number of occasions.
7 It's already gone through and gotten concept acceptance
8 and the applicant has provided substantial information
9 regarding the environmental setting of the project
10 site. The numerous studies that have been done in a
11 very detailed manner regarding the project site and all
12 its features and the plans have been progressing over
13 the recent months. As Dan had mentioned, the Plans had
14 been progressing from concept to a point close to final
15 site plan. We've had those made available to us for
16 review and based on the substantial information in the
17 record, we have been able to draft a SEQRA document
18 that addressed the potential environmental impacts
19 associated with the project.

20 It's a rather large project. It's 150,000
21 square foot office building. And because of that,
22 it's considered a Type I action, pursuant to SEQRA
23 which does require the preparation of a full
24 environmental assessment form. It also requires a
25 coordinated review process for the other involved

1 agencies. You may recall earlier at a previous
2 Planning Board meeting, we discussed the SEQRA and
3 the desire of the Planning Board to become lead
4 agency. So, the Town Attorney's office had
5 solicited lead agency status on behalf of the
6 Planning Board to the other involved agencies. No
7 other agencies have expressed a willingness to
8 take on lead agency status. So, the Planning
9 Board has the ability to do that tonight before it
10 makes a SEQRA determination. The coordinated
11 review process does have a 30-day process that was
12 started back in January. So, we're well past the
13 point of the other agencies having to request lead
14 agency status. So, what I passed out tonight is a
15 draft negative declaration and a draft Resolution
16 regarding the SEQRA determination. This is based
17 on all of the information that you currently have
18 in the files. The first page is in draft
19 Resolution and then on subsequent pages is the
20 negative declaration, and that's composed of a
21 number of different parts. The first page is a
22 project description and then on page 3 at the
23 bottom it starts to get into the reasons
24 supporting the negative declaration. As you flip
25 through the pages, the next page starts the Full

1 Environmental Assessment form which has been
2 completed. The full EAF is a three-part form
3 where Part I is completed by the applicant. That
4 has been provided to us months ago for our review
5 and the Planning Board's review. It's been
6 revised and updated based on the current
7 configuration of the project and includes
8 additional information that the Planning Board has
9 requested in its initial review of the project.

10 Part II and Part III is the responsibility of
11 the lead agent. That's what we have drafted for
12 consideration by you. Part II is a process where
13 you go through and you answer a number of
14 questions regarding the scale of potential
15 environmental effects on the project. If there
16 are certain things that the project will impact,
17 we will then from each of those items go through a
18 narrative discussion of the potential impacts and
19 any appropriate mitigation measures that are built
20 into the project. That elaboration is what makes
21 up the Part III of the full EAF.

22 All of the items evaluated in Part II are
23 enumerated in Part III. So, if you get to the
24 Part III section, it's got page 5 written at the
25 bottom of it. You can go through the items that

1 we have identified in Part II and that includes an
2 evaluation of the impacts on land, water, the
3 impacts on plants and animals, the impact on
4 aesthetic resources, impact on historic and
5 archeological resources, the impact on
6 transportation, impact on energy and finally
7 impact on growth and character of the community or
8 neighborhood.

9 Based on the information in the file and the
10 evaluation of those potential impacts and the
11 mitigation that is built into the project, it's
12 our opinion that the project isn't going to result
13 in significant environmental impacts. Therefore a
14 neg dec is appropriate for the Board to consider.

15 With that, I'll open it up for any questions
16 that the Board may have.

17 I would also like to say that the negative
18 declaration is drafted based on what we know of
19 the project now. Obviously, if the project goes
20 through any substantial changes between now and
21 consideration of final site plan approval,
22 obviously the Board has the ability to reopen
23 SEQRA and relook at the impacts and mitigation
24 measures and redo the SEQRA if it's deemed
25 necessary.

1 CHAIRMAN STUTO: And I'll welcome any comments
2 from environmental counsel, Teresa Bakner.

3 Is there anything that you want to say?

4 MS. BAKNER: No. I think that the document that
5 Joe shared with me just before the meeting is very
6 thorough and very careful, and goes through all the
7 documentation that we gave to you.

8 Dan has this book here on his lap
9 (Indicating). It's a substantial amount of
10 information that you've had for a substantial
11 period of time. On this project, we have been
12 very fortunate that we have been able to address
13 any issues that would typically come up. We did
14 an archeological study and we have a sign-off from
15 SHPPO. We have a sign-off from the Army Corps of
16 Engineers and determined that they were not
17 regulated by them. It's just a really, really
18 good site.

19 CHAIRMAN STUTO: Okay, thank you.

20 Are there any members of the public that want
21 to be heard on this environmental review on this
22 project?

23 (There was no response.)

24 CHAIRMAN STUTO: I'm going to ask that you talk
25 about the traffic mitigation fees and how that is going

1 to work. I know that we discussed that before.

2 MR. GRASSO: I'm going to flip to under the Part
3 III section which is at the tail-end of the document on
4 page 7. It's actually six that goes through the impact
5 on transportation. Then we go through under the
6 mitigation measures.

7 The project site is located in the airport
8 area GEIS which one of the three GEIS' that covers
9 the Town. This is the airport area. As projects
10 get developed within these areas there are a fair
11 share of traffic mitigation fees which are based
12 on the number of trips and distribution of those
13 trip through the roadway network and creates a
14 fair share traffic mitigation fee.

15 Also, within the airport area GEIS it
16 identifies a number of public infrastructure
17 improvements that need to be built in order to
18 mitigate the impacts of traffic from all of these
19 developments. Typically, these mitigation fees
20 get paid by applicants as part of their review
21 process and goes into a fund which then funds
22 these improvements. This project is proposing to
23 actually construct a portion of those improvements
24 that were identified in the airport area GEIS.
25 Those improvements include the extension of Marcus

1 Boulevard of a couple of hundred feet, and then
2 the construction of a roundabout at the end of
3 Marcus Boulevard which will become in the future
4 an intersection between Winners Circle, Marcus
5 Boulevard and Maxwell Drive Extension.

6 You may recall that we discussed one of the
7 critical improvements in the airport area GEIS is
8 the extension of Aviation Road and Winners Circle
9 all the way up to where Maxwell Drive now
10 terminates at a roundabout on Albany Shaker Road.
11 This project is going to build a piece of those
12 improvements identified. The value of those
13 improvements has been determined by us to be
14 equivalent to the value of the mitigation fee that
15 this project will be assessed, based on the
16 traffic. So, as long as they build these
17 improvements, they will have met their obligations
18 for traffic mitigation.

19 CHAIRMAN STUTO: The final dollar analysis is yet
20 to be done?

21 MR. GRASSO: The final dollar analysis will be
22 done as additional information becomes known and
23 validated by the Town and CDTC. Obviously, we can
24 relook at that if we need to. This negative
25 declaration is based on the fact that this project is

1 going to build those public improvements and will be
2 conveyed to the Town as public improvements in lieu of
3 their fees.

4 Just to clarify, the negative declaration
5 addresses both Phase I and Phase II of the
6 development. The ultimate Phase II build-out
7 takes the building out to 115,000 square feet.
8 The negative declaration is based on full
9 build-out of the project site with the exception
10 of the traffic mitigation. So, the traffic
11 mitigation that they're going to build and the
12 corresponding fee is only as it relates to Phase I
13 of the project. When Phase II comes in, it will
14 have to go through a site plan approval process
15 and their respective traffic mitigation will be
16 looked at that time.

17 CHAIRMAN STUTO: So, the traffic mitigation fee
18 calculation or estimation so far is based on Phase I.

19 MR. GRASSO: Yes, it's just based on Phase I. We
20 recommend that only because we've got some real
21 numbers, we know the tenancy of the building and we can
22 get a good distribution of the trips and the traffic.
23 When Phase II comes I think that we'll need to look at
24 how the site is used and what the future tenancy of the
25 building will be.

1 CHAIRMAN STUTO: Where is the back up paperwork on
2 the calculation of the construction costs?

3 MR. GRASSO: We provided information to the Town's
4 Department of Public Works and CDTC regarding the back
5 up. It's based on historical costs of other similar
6 improvements in the area.

7 CHAIRMAN STUTO: Is there a report? Does Joe
8 LaCivita have it?

9 MR. GRASSO: The Planning Department does have it,
10 yes.

11 MR. LACIVITA: Yes, we do have it in our file.

12 CHAIRMAN STUTO: Is it a report with a cover and a
13 back?

14 MR. GRASSO: No.

15 MR. LACIVITA: No, it's a document from CDTC.
16 Dave Jukins prepares it. It shows the ITE standards
17 and the number of trips.

18 CHAIRMAN STUTO: So, that's the trip generation
19 and then there is the construction costs.

20 MR. GRASSO: Right, and we've prepared an
21 independent cost estimate of the value.

22 MR. LACIVITA: We have that and we have supplied
23 that -

24 CHAIRMAN STUTO: Can you share that with us at
25 some point?

1 MR. GRASSO: Sure.

2 CHAIRMAN STUTO: I think I'd like to see both of
3 those.

4 Any other questions or comments by the Board
5 Members?

6 (There was no response.)

7 CHAIRMAN STUTO: Thank you. You've done a great
8 job, and the applicant as well.

9 Resolution wise, lead agency status -

10 MR. GRASSO: Accept lead agency status and issue a
11 negative declaration as currently drafted.

12 CHAIRMAN STUTO: All in one resolution?

13 MR. GRASSO: You can.

14 MR. LANE: I'll make a motion that we accept the
15 lead agency status and accept the Resolution for a
16 negative declaration.

17 MR. MION: I'll second that.

18 CHAIRMAN STUTO: Any comments or questions?

19 (There was no response.)

20 CHAIRMAN STUTO: All those in favor say aye.

21 (Ayes were recited.)

22 CHAIRMAN STUTO: All those opposed say nay.

23 (There were none opposed.)

24 CHAIRMAN STUTO: They ayes have it.

25 Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Whereas the proceedings were concluded at
7:50 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 April 16, 2013

