

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 FIRST COLUMBIA OFFICE
40 CENTURY HILL DRIVE
5 APPLICATION FOR FINAL REVIEW AND SEQRA DETERMINATION

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8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on December 3, 2013 at 7:25
11 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 KATHY DALTON
15 TIMOTHY LANE

14 ALSO PRESENT:
15 Rebekah Nellis Kennedy, Esq., Counsel to the Planning Board
16 Joe LaCivita, Director, Planning and Economic Development
17 Chris Bette, First Columbia Developers
18 Brad Grant, PE, Barton and Loguidice

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1 CHAIRMAN STUTO: First Columbia Office, 40 Century
2 Hill Drive. This is an application for final site plan
3 review and SEQRA determination.

4 Joe, do you have an introduction on this?

5 MR. LACIVITA: No, we can go right into this.

6 MR. BETTE: Good evening. My name is Chris Bette
7 and I'm with First Columbia, the developers of the
8 Century Hill Plaza along Century Hill Drive. Tonight
9 I'm here for final Planning Board approval for the site
10 plan at 40 Century Hill Drive, which is the site at the
11 end of the cul-de-sac of Century Hill Drive and across
12 the street from CT Male.

13 In April we brought concept here. This is
14 Route 9 going north and this is Century Hill Drive
15 and this is the cul-de-sac and this is CT Male's
16 office (Indicating). Then, this is the two-acre
17 parcel that we're talking about. As I said, we were
18 here back in April for concept approval. At that
19 time there were some waivers that we were
20 requesting.

21 One of those waivers was a reduction in
22 parking. The second waiver that we asked for was a
23 relief on the front yard pavement setback or along
24 the Northway.

25 If you recall, the Board preferred to reduce

1 the parking a little bit more and not grant the
2 front yard encroachment along the Northway. We
3 reconfigured the parking lot. We lost a few more
4 spaces when we pulled this back to have this set
5 back (Indicating). I think that was the extent of
6 the Board's comments. The plan, as a whole, is
7 pretty much the same. The building is orientated
8 the same spot. We're showing a connection to the
9 parking lot property that we own as well; 30 Century
10 Hill Drive. We would then allow for overflow
11 parking from this building, which also helps for our
12 parking reduction request.

13 We have been working through the TDE and the
14 department comments. We still have a few more to
15 go.

16 I got a letter today so we still have a few
17 more minor issues to address. Some of the issues
18 that were brought up by the TDE and the departments
19 I'd like to bring up to the Planning Board. Part of
20 our look and feel of our business was predicated on
21 stuff that we were directed to do 10 years ago when
22 we started.

23 Landscaping was the big issue. Some of the
24 comments from the TDE caught us off guard. Certain
25 trees are considered evasive. There is a desire to

1 have screening in certain locations, so I really
2 wanted to talk to the Board a little bit about what
3 they would like to see.

4 I think that if you look at the buildings in
5 our park, our landscaping is pretty well done and
6 pretty well maintained and they are attractive
7 buildings. I'm willing to do what the Board feels
8 necessary. I do want to make a few points about the
9 species of tree. We really like the Bradford Pear.
10 That was the tree that was labeled invasive. I
11 think that invasive is a funny term for this
12 particular tree. I don't look at it as evasive. I
13 think that it's supposed to mean that the tree is
14 not native to this area. That's fine. I'd like the
15 Board to recognize what we have been doing and how
16 the park looks. The value of the Bradford tree, to
17 us, is that it's good looking. It blooms in the
18 spring and holds its leaves long from the fall
19 versus some of the trees that are on the approved
20 list.

21 If you drive by Newton Plaza in the early fall,
22 they're naked. That's the Linden or Honeysuckle.
23 I'd like the Board's feedback on that.

24 I'd like to talk to the Board about screening.
25 There is desire to have a fairly dense planting

1 along the Northway. I'm not sure if it's to screen
2 us from the Northway or the Northway from us. Then,
3 some street trees along Century Hill Drive. We
4 don't have a particular issue with that.

5 My neighbor, CT Male considers the view
6 corridor to their building important to them and
7 they're concerned that eventually these trees are
8 going to block their view.

9 At that point, Mr. Chairman, I'll open it up to
10 the Board. I do want to talk about those view and
11 planting issues, if we can.

12 CHAIRMAN STUTO: I'll ask the TDE.

13 Can you address the matters of differences?
14 That might be the most productive.

15 MR. GRANT: Yes, I'll start with the Bradford Pear.
16 The comment, when I saw it, stuck me the same way that
17 it struck you. I never really considered a Bradford
18 Pear invasive as we think of other invasive species.
19 Invasive to me means overtaking. Not a native? Okay,
20 that's might be more appropriate.

21 CHAIRMAN STUTO: Is that a numbered paragraph in
22 the letter from Barton and Loguidice?

23 MR. GRANT: No, I discussed it with our landscaped
24 architect and also with Chuck Voss. He reiterated
25 Chris' comment that is common throughout the park. I

1 don't think that we're going to have a problem with the
2 Bradford Pear.

3 CHAIRMAN STUTO: So, whose letter did that comment
4 come from?

5 MR. GRANT: The invasive nature of the Bradford
6 Pear is something that we picked up on another project.
7 It's something that came out of the CAC originally.

8 MR. LACIVITA: The Conservation Advisory Committee.

9 CHAIRMAN STUTO: But the TDE had no objection to us
10 using that tree.

11 MR. GRANT: If you're happy with it -- they do have
12 a messy fruits, but I think that the other attributes
13 that you mentioned there are true. One is keeping in
14 with your plan. They do have longevity as far as their
15 foliage. They're not going to overwhelm the space.
16 They're have relatively spaced growth. They're not a
17 Pen Oak that is going to dominate the parking lot. You
18 are proposing them for the curbed islands?

19 MR. BETTE: We have them shown them both along the
20 street and in the islands.

21 CHAIRMAN STUTO: Anyone have questions or comments
22 on that?

23 (There was no response.)

24 MR. GRANT: The other comments about the pines
25 along the Northway, I think that it was for screening in

1 both directions. We're not necessarily looking for a
2 dense hedgerow of trees, either, though.

3 MR. BETTE: We had proposed White Pines and
4 actually they're going to be a big tree.

5 MR. GRANT: Yes, I thought that the spacing was a
6 little more than 20 foot and over.

7 MR. BETTE: We had proposed more. The request was
8 closer to 20. I guess our issue is, more or less, that
9 we don't mind seeing the Northway. This is a building
10 so you'll see that in through here that we can't protect
11 that (Indicating). But once you get here, you're almost
12 past my site. As far as we're concerned, screening us
13 from them is not our concern. Them for us - I'm sure
14 that's not their concern.

15 There is a little bit of grade change.

16 CHAIRMAN STUTO: What do you mean by that; drivers
17 on the Northway?

18 MR. BETTE: Yes, drivers on the Northway. There is
19 a little bit of a berm. We sit down a little bit lower,
20 but it's hard to show. We weren't able to get the topo
21 out here because of the fence and the DOT right of way.

22 CHAIRMAN STUTO: Do the Board Members have any
23 opinions on that?

24 MR. LACIVITA: Is there a tenant that is driving
25 the view?

1 MR. BETTE: CT Male is very particular.

2 MR. LACIVITA: I mean for this building, here? Is
3 there a tenant yet?

4 MR. BETTE: No.

5 A lot of the questions were impacting their
6 view of their building.

7 MR. LANE: Have they given you a letter to provide
8 to us? Has there been anything directly from them in
9 regards to the view?

10 MR. BETTE: I just have it in the form of an email.

11 MR. MION: Doesn't CT Male sit quite a ways up?

12 MR. BETTE: Yes, they do. They're worried about
13 the trees growing to a certain height. What we had
14 proposed is White Pines. We can change those. They
15 were concerned that over time the White Pines would be
16 pretty large.

17 CHAIRMAN STUTO: I like some screening.

18 MS. MILSTEIN: I do too.

19 MR. GRANT: The White Pines certainly will grow in
20 this area. They are susceptible to wind damage and
21 breakage, particularly in an exposed spot. There might
22 be another tree that might be more appropriate.

23 MR. BETTE: We're happy to make a recommendation.
24 The spacing to me, I think, is a little too dense.
25 Again, we're not trying to not see the Northway. We

1 don't really care. Having trees there - I guess we're
2 just trying to get what is a reasonable spacing.

3 CHAIRMAN STUTO: Let's try to resolve it now.
4 We're at final now.

5 Brad, what is your recommendation?

6 MR. GRANT: I think that the spacing as shown can
7 be appropriate. I'd like them to consider a different
8 species.

9 CHAIRMAN STUTO: What other species?

10 MR. BETTE: CT Male had made some recommendations
11 of a pine that won't get too big. I don't recall. I
12 think that it might have been some form of arborvitae
13 that would have been a nice looking tree.

14 CHAIRMAN STUTO: They're skinny; aren't they?
15 You'd have to have more of them.

16 MR. GRANT: Yes, I wouldn't necessarily say
17 arborvitae. The deer would definitely like it.

18 CHAIRMAN STUTO: Do you want to come back on that
19 one item, or not?

20 MR. BETTE: I want to get it wrapped up. We can
21 provide a species that I think would work for us.

22 MR. GRANT: Like an Austrian or Norway Pine?

23 MR. BETTE: Yes, I think that they just don't want
24 something that's going to be 100 feet tall at a certain
25 time.

1 MR. GRANT: Right, and the White Pine can be kind
2 of tall.

3 MS. MILSTEIN: I think that we have to decide what
4 we're trying to do. My thought is that we try to screen
5 the Northway. It's not to protect the tenants and the
6 building from seeing out. It's the people going along
7 the Northway. If that's what our purpose and goal is,
8 then we have to find appropriate vegetation to
9 accomplish that goal.

10 CHAIRMAN STUTO: We may not bring this back before
11 us.

12 MS. MILSTEIN: That's what I'm saying. I'm saying
13 that's what our recommendation is going to be is to put
14 something in there that screens the drivers and not the
15 other way around.

16 MR. GRANT: I think that in the next response
17 letter that comes back is something that we can take a
18 final look at in Planning, but it's a procedural item
19 and not necessary to come back here.

20 CHAIRMAN STUTO: Can you report back to us through
21 Joe, or yourself?

22 MR. LACIVITA: It's been identified as to the space
23 that's appropriate, it's just the species -

24 CHAIRMAN STUTO: Well if it's arborvitae, then it's
25 a problem.

1 MR. LACIVITA: Agreed, but I think that we're
2 looking at some type of pine or something like that.

3 CHAIRMAN STUTO: You'll definitely report back to
4 us and let us know what the resolution is.

5 MR. GRANT: Yes.

6 MS. MILSTEIN: Or you'd have to do just the spacing
7 to accomplish what the goal is.

8 MR. GRANT: Right; the breadth of the tree - the
9 spread is similar to a White Pine.

10 CHAIRMAN STUTO: I think that the Board is saying
11 no objection to the Bradford Pear. Now, we seemed to
12 have resolved the screening on the Northway.

13 What was the other issue? The screening that
14 blocks out CT Male?

15 MR. BETTE: Yes, the Bradford Pears aren't a tall
16 tree. We haven't planted the street tree. I guess they
17 want them spread out a little bit. The TDE had
18 requested that somebody put them over here and that area
19 has some utilities, but I'm sure that we could find a
20 spot to spread them out.

21 I'm trying to be nice to my neighbor. CT Male
22 would like to continue to have visibility of their
23 buildings and I don't want to upset them. They
24 certainly don't want to upset anybody else, either.
25 It would be nice to be accommodating.

1 CHAIRMAN STUTO: So, what are you suggesting?

2 MR. BETTE: Maybe we could just space them out and
3 leave them some sort of corridor that they would be
4 happy with.

5 CHAIRMAN STUTO: That's your internal road, right?

6 MR. BETTE: This is a Town road, right.

7 MS. MILSTEIN: Can you be a little bit more
8 specific beside just saying you're going to spread them
9 out? That's not specific enough for me. I don't
10 understand the plan.

11 MR. BETTE: I think that the comment letter
12 requested that they be spaced at.

13 CHAIRMAN STUTO: What paragraph is that?

14 MR. BETTE: I think that it was in Mike Lyons'
15 comment. He was looking for closer spacing.

16 CHAIRMAN STUTO: It looks like paragraph 5.

17 MR. BETTE: Right, so I guess Mike was looking for
18 40 or 50 feet.

19 MR. GRANT: There are basically three trees shown
20 in that area there (Indicating).

21 MR. BETTE: I don't want to belabor this. We can
22 work this out with the TDE. In the past, the Planning
23 Board has taken a great interest in how the buildings
24 look and things like that, so I thought that I'd bring
25 it up to you.

1 MR. GRANT: If that middle one came out --

2 CHAIRMAN STUTO: We're on the plans at a certain
3 location, right? That's what we're voting on. If you
4 want relief from what's on the plans, we have to get it
5 on the record.

6 MR. GRANT: If you were to replace that middle one,
7 what would you plant there?

8 MR. BETTE: I guess I was thinking that I would
9 just take what is shown and spread them out a little bit
10 further. Basically, we had three trees right in where
11 CT Male would prefer that there weren't.

12 MR. GRANT: The one to the left is close to the
13 building. The view shed is already blocked by the
14 building.

15 MR. BETTE: And in this one, you're just about past
16 their building (Indicating). It really is about the
17 center tree.

18 MR. GRANT: Right. If not that Bradford tree,
19 would there be some lower shrubbery?

20 MR. BETTE: Yes, I guess we could do that.

21 CHAIRMAN STUTO: I like the plans the way that they
22 are.

23 MR. AUSTIN: How tall are they again?

24 MR. BETTE: Bradford Pears aren't a very big tree.
25 They're about 25 feet.

1 MR. MION: They do sit high on a hill.

2 MR. BETTE: Yes, CT Male is above it.

3 CHAIRMAN STUTO: Anybody want to remove that tree?

4 (There was no response.)

5 CHAIRMAN STUTO: Okay, we prefer to keep the tree.
6 The issue was raised so we have to answer your question.

7 MR. BETTE: Along those lines we are going to
8 respond to the snow storage. We had a comment in there
9 that the retaining guide rail that we have here is
10 blocking the ability to store snow. I'm going to ask my
11 engineer why that is there because it wasn't there in
12 the concept plan, and I'm not sure that we need it. We
13 would then be able to address the snow storage here in
14 the places that were delineated. If I could get relief
15 from the guide rail - we don't need that. I don't think
16 that we do.

17 MR. GRANT: It's a drop-off there.

18 MR. BETTE: I think that it's one on three,
19 though. It's not overly steep.

20 MR. GRANT: I didn't have the book to know.

21 MR. LANE: What would be the alternative if you
22 could not get that relief?

23 MR. BETTE: Well, I'd find another place for snow.

24 MR. LANE: You mean you'd have to haul it off?

25 MR. BETTE: Right, or put it someplace else.

1 MR. GRANT: Do you have a loader on this part?

2 MR. BETTE: Yes, we have a bunch of equipment for
3 the six buildings.

4 CHAIRMAN STUTO: I don't mind leaving that decision
5 for the TDE, myself. If it's safe, I have no objection.

6 MR. GRANT: It basically does go on the side slope
7 beyond it.

8 CHAIRMAN STUTO: Does the Board have any objection
9 in leaving that decision to the TDE?

10 (All Board Members agreed.)

11 CHAIRMAN STUTO: Anything else you want to address,
12 Chris, before we turn it over to the comment letter?

13 MR. BETTE: No, I think that those are my items.

14 CHAIRMAN STUTO: Okay, Brad, you want to go through
15 your comment letter and whatever detail you see is
16 appropriate?

17 MR. GRANT: Yes, I'm not going to get into all the
18 nitty gritty and details. The parking waiver was the
19 first item in the first page under general. If you go
20 through the calculations, 134 spaces would be required.
21 The plan is showing 93 and asking for the waiver of 41.

22 Chris had shown you right next door connected
23 by a sidewalk where there is at least 34 spaces
24 there for overflow parking and they control other
25 spaces very near to this property. You can see a

1 lot of empty parking lots. I work over near Airline
2 Drive and it's not even half full.

3 It's a different how corporate America works.

4 Mike Lyons covered this - it's within the Boght
5 Road GEIS. There is some mitigation and Mike
6 totaled it on his comments. Under water and sewer
7 we had asked for some input from the engineer
8 regarding fire flow demand per ISO standards.
9 Chris' response letter indicated that will be
10 submitted under separate cover. That's protection
11 for everybody. Not knowing the sprinkler plan or
12 what materials of total construction - we aren't
13 revising the building. Some buildings need more
14 fire protection than others. This is at the end of
15 a dead end. The water system ability to provide
16 fire protection is the reason that comment was
17 there. That is typically flushed down into the
18 Building Department review, anyway.

19 The sanitary sewer profile needs a little -
20 I'll call it love. There were some comments from
21 Pure Waters and very difficult to read some of the
22 text. There were some elevations that are different
23 to the record plans in the Town.

24 On C2 there is a note about a grease trap.

25 MR. BETTE: We don't need that. I'd have to find

1 that note. It should be on the plans. There is no food
2 use.

3 MR. GRANT: The details of the proposed retaining
4 wall systems - there are many different systems and
5 that's going to get flushed out during a shop drawing
6 phase. There will be PE stamped drawings for that.
7 They just need to be aware that it's a wet zone because
8 of the stormwater management feature. We talked about
9 the landscaping items.

10 Item 4 under site access: Consider adding
11 flowering plants and perennial beds on the north
12 side of the building. That area where there are a
13 lot of utilities, you wouldn't really want to plant
14 a lot of trees. That is an opportunity for some
15 color. There is not a lot of open area in the front
16 there. That might be one where you might want to
17 have a little bit of splash.

18 I think that the rest are essentially technical
19 comments.

20 CHAIRMAN STUTO: Any members of the public want to
21 be heard on this project?

22 (There was no response.)

23 CHAIRMAN STUTO: Board Members? Comments or
24 questions?

25 (There was no response.)

1 CHAIRMAN STUTO: Can you walk us through the
2 environmental, Brad?

3 MR. GRANT: Yes. Rebekah from the Town Attorney's
4 Office has prepared a SEQRA recommendation and the
5 requested approval is an unlisted SEQRA action. It's
6 recommended based upon the attached EAF that the Board
7 determined that there is no significant effect on the
8 environment. That's in your package. The important
9 thing is that this project is consistent with adjacent
10 uses. If you look there is a notice of determination of
11 no significant effect on the environment.

12 "To all interested agencies, groups and
13 persons: in accordance with Article 8 of the State
14 Environmental Quality Review of the Environmental
15 Conservation Law, the Act, the statewide regulations
16 under Act 6, regulations of lead agency have
17 received an environmental assessment form in
18 connection with this proposed action described
19 below, the action. The lead agency has determined
20 that.

21 1. Said proposed action will result in no major
22 impacts and therefore will not have a significant
23 effect on the environment.

24 2. Therefore that environmental impact
25 statement is not required to be prepared with

1 respect to said action. This notice is a negative
2 declaration for the purposes of the Act. The lead
3 agency is the Town of Colonie Planning Board. The
4 person to contact for further information is Rebekah
5 Kennedy."

6 CHAIRMAN STUTO: Rebekah, do you have anything to
7 add to that?

8 MS. NELLIS KENNEDY: No.

9 CHAIRMAN STUTO: Any comments or discussion on the
10 draft negative declaration?

11 (There was no response.)

12 CHAIRMAN STUTO: Do we have a motion on that?

13 MR. MION: I'll make a motion.

14 MS. DALTON: I'll second it.

15 CHAIRMAN STUTO: Any discussion?

16 (There was no response.)

17 CHAIRMAN STUTO: All those in favor, say aye.

18 (Ayes were recited.)

19 CHAIRMAN STUTO: All those opposed, say nay.

20 (There were none opposed.)

21 CHAIRMAN STUTO: The ayes have it.

22 Now on the waivers, do we have a waiver

23 Resolution, Joe?

24 MR. LACIVITA: We just agreed to the waivers that
25 we had. Mike didn't prepare a Resolution.

1 CHAIRMAN STUTO: Does someone want to articulate
2 what the waivers are?

3 MR. LACIVITA: In your packet, if you look at the
4 DCC -- the waiver that stands at this point in time,
5 Peter, is a 41-car parking waiver, as requested.

6 CHAIRMAN STUTO: That's the only one?

7 MR. LACIVITA: That's the only one. The ones that
8 we articulated in the course of the review was the
9 relief that Mr. Bette asked for on the Bradford Pear.
10 The only one that we have is the 41-car parking waiver.

11 CHAIRMAN STUTO: We've talked about this a number
12 of times that we think that reduced parking is
13 appropriate on this; do you agree with that, Brad?

14 MR. GRANT: Yes.

15 CHAIRMAN STUTO: Do we have a motion on the waiver?

16 MR. LANE: I'll make a motion on the waiver.

17 MR. MION: I'll second that motion.

18 CHAIRMAN STUTO: Any discussion?

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: On the main motion which is for
25 final site plan approval, with all the conditions set

1 forth in the record today and the Town Designated
2 Engineer letter and in the Town department comments, do
3 we have a motion on that?

4 MR. AUSTIN: I'll make a motion.

5 MR. LANE: Second.

6 CHAIRMAN STUTO: Any discussion?

7 (There was no response.)

8 CHAIRMAN STUTO: All those in favor, say aye.

9 (Ayes were recited.)

10 CHAIRMAN STUTO: All those opposed, say nay.

11 (There were none opposed.)

12 CHAIRMAN STUTO: The ayes have it. Thank you.

13 MR. BETTE: Thank you.

14

15 (Whereas the proceeding was concluded at

16 7:49 p.m.)

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CERTIFICATION

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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 December 31, 2013

