

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 RIVERHILL CENTER RETAIL - BUILDING #1207
5 1201 TROY SCHENECTADY ROAD
6 SKETCH PLAN REVIEW

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8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on February 11, 2014 at 8:01
11 p.m. at The Public Operations Center, 347 Old
12 Niskayuna Road, Latham, New York

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

16 ALSO PRESENT:
17 Kathleen Marinelli, Esq., Counsel to the Planning Board
18 Joe LaCivita, Director, Planning and Economic Development
19 Chris Bette, Columbia Development
20 Joe Grasso, PE, CHA

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1 CHAIRMAN STUTO: Mike, do you have any
2 introductory remarks before we turn this over to the
3 applicant?

4 MR. TENGELER: Not really. This is just a sketch
5 plan review. Chris Bette is here to present.

6 We formerly had a DCC meeting on January 22nd
7 of this year.

8 We can just get right into it.

9 MR. BETTE: Again, my name is Chris Bette and I'm
10 with First Columbia. With me is Stephanie Ferradino and
11 she is with Couch White.

12 As many of you will recall, we were here a
13 month or so ago for a very similar type of project
14 on a 1.6 acre parcel directly next door. Due to
15 some unresolved issues with the landowner, we
16 weren't able to move forward with that proposal.
17 However, we were able to attract some interest in
18 what we were doing. So, we are now proposing it
19 within our existing office park parking lot which is
20 greatly underused as a result of us taking a
21 building down here about 10 years ago (Indicating).

22 We're here tonight proposing an 11,000 square
23 foot office retail building. It's going to be built
24 inside our paved area that is currently paved for
25 parking. The office park, as everybody recalls or

1 as most everybody will recall was the old CHP
2 medical office complex -- over 150,000 square feet
3 of space at the time that it was built with parking
4 greatly exceeding the Town's requirement. We are
5 now currently using this office park for general
6 office use. The parking as I've said in other
7 meetings with other sites that we're working on is
8 greatly less than what the medical use was
9 experiencing. So, we have a tremendous amount of
10 excess parking.

11 And to go back to what I said earlier, we were
12 unable to proceed with our 18,000 square foot office
13 retail building on the next door piece. We are now
14 suggesting that what we do here will have a minimal
15 impact from our vantage point.

16 The DCC meeting again suggested that there were
17 really no major issues as we found when we proposed
18 next door. So, I'm here tonight again.

19 I guess at the last meeting I was here for a
20 different project just asking this Board for some
21 feedback when we presented for the 18,000 square
22 foot building. We had asked for the consideration
23 of a waiver to set the building back to be
24 consistent with what the Rite Aid building is set
25 back. We're asking again for that same waiver to be

1 set back from the property line and also the ability
2 to park in front of the building. That's pretty
3 much it. The building on the site is compliant with
4 all the Town's requirements for greenspace. Like I
5 said, the parking is a non-issue. The stormwater is
6 managed. Again, it's all paved today and will
7 continue to be an impervious area.

8 CHAIRMAN STUTO: Okay, we'll turn it over to our
9 Town Designated Engineer, Joe Grasso. I know that you
10 have discussed it and reviewed it.

11 MR. GRASSO: It's just up for sketch plan review so
12 there is no letter that we've issued yet on it, but we
13 did take a look at the sketch plan and the DCC and
14 reviewed some of the comments that came in from the Town
15 as well.

16 Like Chris had mentioned, the project is going
17 to require two waivers. The first one being no
18 parking is permitted in the front yard and when the
19 building is set back about 90 feet, they have one
20 bay of parking across the front. So, that is
21 something that the applicant will need to
22 demonstrate a need to the Board and provide
23 justification that the Board will approve that
24 waiver approval by a Resolution.

25 The second one is also somewhat related to

1 that. That's the maximum allowable front yard
2 setback from Route 7. The code establishes a
3 maximum setback of 25 feet and the building is
4 currently proposed at about 90 feet from Route 7.
5 So, again, justification from the applicant is going
6 to need to be provided and we can review that as the
7 project goes through the concept and final site plan
8 review process.

9 Regarding the access arrangement, this complex
10 is currently served by an existing traffic signal
11 which comes out to Route 7 and there is a lot of
12 interconnectivity between the parking lot and the
13 main access drive. So, the site already has a good
14 access arrangement. They are proposing an
15 additional curb cut on the west side of the
16 property.

17 Chris could you just point that out?

18 That doesn't exist right now. Obviously, in
19 terms of access management we like to minimize the
20 number of curb cuts to Route 7. As such, we
21 discourage that new access from being created and
22 DOT has also shared that concern. If that access
23 point was going to be established and if it also
24 could share access to the property to the west which
25 Chris had previously mentioned, we could consider

1 our rights-in and rights-out access there which
2 would take a left hand turn movements out of the
3 equation and enforce those left turns to make use of
4 the existing signal. That's our current feeling on
5 the access movements. So, we prefer to see no new
6 curb cut created, but if we're going to consider
7 one, we would want it to be rights-in and rights-out
8 and we'd want to make sure that the property to the
9 west could take the benefit of that new curb cut
10 being created.

11 There are a couple more comments regarding the
12 layout.

13 There is a drive aisle on the west side of the
14 property which appears to be only 12 or 15 feet wide
15 and we would just look to see that be widened to
16 approximately 24 feet so that we could have two-way
17 traffic along the length of that site to facilitate
18 movements through the parking area.

19 Chris, I know that it's a retail strip center,
20 but where would the store fronts be? Would it be
21 only across the front of the building facing Route 7
22 or would it be both sides?

23 MR. BETTE: The store fronts would predominately be
24 on the side facing Route 7. There is opportunity to do
25 something on the end, depending on how it breaks up.

1 So, when you look at the back of the site there is a
2 pretty sizable parking lot located behind the site and
3 we would want to make sure that there is good pedestrian
4 connection to get patrons from that back parking lot and
5 around the building to the front because there is
6 nothing shown there.

7 Currently there is a drive-thru that goes
8 continuously around the back of the building.
9 Obviously, those patrons in that back parking lot
10 are going to have to cross that drive lane so we
11 would want some kind of demarcation of a defined
12 pedestrian way to make sure that there is a safe
13 crossing of that drive-thru lane so that cars don't
14 get jammed up and people are going in between the
15 bumpers.

16 Regarding the design of that back parking lot,
17 right now I think that the drive aisles all come out
18 relatively perpendicular to that. Right now you're
19 kind of creating a new acute angle where drivers are
20 forced to kind of look over their shoulder. If
21 there is a way to improve that geometry as you go
22 through the design process, that is something that
23 we would want to take a look at.

24 The Town raised a concern that they would like
25 to develop a pedestrian connection between Route 7

1 across the front of the site and down to River Road
2 which is down off the back of the hill and to the
3 Mohawk River Landing Park. They would like to
4 entertain a dialogue with the property owner to
5 possibly accommodate an easement that could in the
6 future facilitate some kind of pedestrian connection
7 all the way through this property and then down the
8 hill to the back. So, that's something that it
9 doesn't look like this plan is going to impact the
10 delay to accommodate that connection at some point
11 in the future, but it's just a planning
12 consideration that I think is important for the
13 Board to be aware of and something that we would
14 look to see if the applicant would work with the
15 Planning Department on that.

16 CHAIRMAN STUTO: What would be the most logical
17 route?

18 MR. GRASSO: We haven't looked closely at it. I
19 would need to get a better understanding of not only
20 this property, but also the properties that lie behind
21 us. I know that there is a bunch of developed
22 properties along River Road. I think that we would need
23 to look at that further. We can have some more
24 discussion with the Planning Department staff and Mike
25 Lyons to see if there are thoughts about where this

1 connection may want to be located.

2 In terms of the SEQRA review, the Town
3 Attorney's office has classified this as a Type I
4 action. So, a coordinated review is required. It
5 also necessitates the completion of a full EAF,
6 utilization the new SEQRA forms, and that's
7 something that we'll get as part of the concept
8 review package.

9 Also in terms of SEQRA the project site is
10 located within the airport area GEIS study area so
11 cumulative impacts of the project regarding traffic
12 and demands on water supply will be addressed
13 through this project's payment of mitigation fees to
14 the Town.

15 I think that's all that we have at this point.

16 CHAIRMAN STUTO: Okay, a lot of good comment there.

17 Board Members, it comments or questions on
18 that?

19 MR. AUSTIN: With the proposed drive-thru - is that
20 a food service or restaurant drive-thru or is that just
21 like a bank drive-thru? I realize that you may not be
22 able to tell us right now.

23 MR. BETTE: It could be either. What our goal is
24 to try to provide some services closer to the office
25 users. Right now they all have to leave and go

1 someplace for lunch if they choose to do so. We're
2 trying to create an environment that may be attractive
3 to a restaurant owner to occupy a space who would then
4 cater towards lunch for the office park.

5 MR. AUSTIN: The only reason that I ask is back
6 about Joe's concern about the pedestrian traffic going
7 across the drive-thru restaurant where they have the
8 ordering queue and they have the stop and go traffic
9 versus the bank, might be a little less traffic. That
10 would be a concern.

11 MR. BETTE: If I could Mr. Chairman, there were
12 just a few issues that Joe brought up at the DCC. I
13 just want to let the Board know that we did hear the DCC
14 comments and that we are working towards addressing some
15 of those.

16 One of the comments was this potential conflict
17 here of different ins and out and the drive-thru -
18 we are considering actually sliding the building
19 down further. Right now the office park folks can
20 get to a light here (Indicating) in front of the
21 site or actually a light down on Rosendale Road
22 through our back driveway. So, we don't feel the
23 need to have this parking lot communicates with the
24 front parking lot. We're considering throwing the
25 building closer to this property line and just

1 having the drive-thru lane there. That will
2 eliminate all the conflicts here.

3 Relative to the curb cut request, when we did
4 meet with DOT, they actually liked this location
5 when we were developing this piece because of the
6 location of all the different right hand and left
7 hand taper lanes that exist. So, we wouldn't be
8 adverse to this working for that piece in the
9 future, whoever develops that need. So, we think
10 that's a better solution. We agree with Joe that
11 having multiple curb cuts is not the solution. So,
12 we think that will work fine. This site, as
13 proposed, when we talked about it last time - they
14 also have access to that road that gets to the
15 Rosendale light or this light here (Indicating).

16 Relative to the difficult turning out of the
17 parking lane, we are actually considering keeping
18 the perpendicular parking lot just for that reason.
19 It becomes a harder turn. We think that it still
20 works well with what we have proposed on this site.
21 So, we are looking at that as we speak.

22 Connections to here - again, that's the whole
23 reason for the plaza. We want to be able to get
24 these folks, these folks and these folks through
25 here (Indicating). We have a nice network of

1 sidewalks on the property now. We'll figure out a
2 nice safe way to get to the plaza from those
3 buildings and in addition to the DCC comments, a
4 pedestrian connection to Route 7. You'll see that
5 in the concept plans.

6 CHAIRMAN STUTO: So far, you haven't disagreed with
7 anything that Joe has said.

8 MR. GRASSO: Other than I think that DOT wasn't
9 unfavorable to that location. I don't know about not
10 having it was responded from DOT, but again, if that
11 needs to be the condition that we allow the next door
12 neighbor to use it, that's fine. I think that works
13 good.

14 As we were here for this piece, the intent was
15 to be able to utilize the Rite Aid right-in and
16 right-out and that would be a nice circulation in
17 front of all of those buildings. No issues.

18 DCC meeting - there was discussion of trying to
19 connect the bike path through here (Indicating). I
20 don't really know how Mike Lyons is how he is
21 planning on doing that. We are agreeable working
22 with the Town on doing that. That's an amenity for
23 our people as well to be able to walk someplace. We
24 do recognize that we have topography issues to deal
25 with and then we have issues of adjoining properties

1 getting to the bike path. We'll work through that,
2 but at one time it was talked about that when the
3 Sunmark piece was being developed that they would
4 provide something. I think that it's thought about.
5 I just think that someone at the Town just needs to
6 blow the dust off of it and see what they were
7 thinking and we'll see how it works.

8 CHAIRMAN STUTO: Can you relay that to Mike Lyons?

9 MR. TENGELER: Absolutely.

10 MR. BETTE: Back to the reason why. We just think
11 that it's better consistent layout. We were here a
12 month ago. We talked about setting this building back
13 off of Route 7 similar to what the Rite Aid was set
14 back.

15 CHAIRMAN STUTO: I do want to talk about that issue
16 because I think that it's perhaps a flaw in our Land Use
17 Law.

18 Joe, can you go over what the current: Land
19 Use Law is with respect to setbacks and why we need
20 that waiver? Could you maybe make a suggestion?
21 Our Attorney, Kathleen, is on the Committee that
22 talks about Land Use Law changes.

23 You know where I'm going with this; right?

24 MR. GRASSO: Yes. The zoning in this area that
25 allows commercial uses in the Town have a maximum

1 setback from the road. That's basically trying to pull
2 the buildings up closer to the road and create more of
3 an urban style development pattern as opposed to
4 suburban style development pattern, and the intent of
5 pulling those buildings up is to get more of the parking
6 behind the building so that is not the dominate visual
7 element as you drive down the roads. On both sides of
8 the property we have two contrasting developments. We
9 have the Rite Aid which is down at the corner of
10 Rosendale which actually straddles the line between
11 Colonie and Niskayuna. That building is pushed back
12 about 100 feet off of Route 7 and there is a parking bay
13 out in front of the building.

14 If you look at the new Sunmark Credit Union
15 that was developed just to the east - I wish we had
16 an air photo of it because it's a great reflection
17 of it - that Sunmark building is pulled up close to
18 Route 7. You can see that there is no parking
19 between the building and Route 7. All you see is
20 the sidewalk connection there. All the parking for
21 Sunmark is obviously to the side or the rear of the
22 building. So, there are two contrasting development
23 patterns there. Obviously this one - they are
24 looking - if it's a retail use, the common factor is
25 that they want to make sure that some cars are

1 visible in front of the building so that people can
2 tell that there are commercial establishments there
3 that are open for business, whereas it's not as
4 important when you're looking at a bank or an office
5 building. For this proposal, obviously Chris is
6 looking to have at least one bay of parking -

7 CHAIRMAN STUTO: How far back is -

8 MR. GRASSO: That's 90 feet from Route 7. Whereas
9 the maximum by code would be 25 feet. So, that's the
10 reason. It's up to the Board to agree with the
11 justification saying that we agree that a deviation from
12 the Land Use Code is warranted because of these reasons.
13 We typically see it for convenient stores. Rite Aid
14 that you see, the Stewarts, the Cumberland Farms - they
15 are always requesting that waiver because it's important
16 for them to have at least one bay of parking out in
17 front of their stores.

18 CHAIRMAN STUTO: Would your recommendation be to
19 keep the Land Use Law the way that it is, or would you
20 recommend a language change so we don't have to grant so
21 many waivers?

22 MR. GRASSO: The strict standards of a waiver
23 should be pretty hard to meet. You see most of these
24 commercial applications and everybody needs a waiver. I
25 think that there should be more flexibility given to the

1 Board and the applicant such that if you feel like it's
2 warranted for a particular site - there is nothing in
3 the Land Use Law to say yes, we want that building
4 pulled forward. I think that you do that through the
5 normal site plan review process. The way that the Land
6 Use Law is written it's so strict that it forces you
7 into a waiver situation and I don't think that you
8 should have to meet those strict requirements for every
9 application. I think that there are a lot of areas in
10 the Town where it just does not make sense.

11 CHAIRMAN STUTO: So, what would you suggest as a
12 change to the law? The setbacks should be comparable to
13 what is around it?

14 MR. GRASSO: I think that you should definitely
15 take into consideration the context of the area. Is
16 Route 7 an area that you want all of the building pulled
17 up close to the road, or is that an environment more
18 suitable to a Newtonville or a Loudonville type of area?
19 I would just like see some more flexibility maybe in the
20 word of "should" versus "shall" can at least alleviate
21 the need for these waivers.

22 CHAIRMAN STUTO: Paul Rosano is on the Committee
23 that reviews the Land Use Law. Do you have any opinion?

24 MR. ROSANO: Actually, we are working our way
25 through that issue right now. It's going to be more

1 like it's appropriate and it's probably going to put
2 that into an administrative - into the Planning
3 Department because we're finding that we're doing waiver
4 after waiver and we want the Planning Department to have
5 the ability to set a reasonable distance. I think that
6 we're spinning our wheels. It is in the works right
7 now.

8 CHAIRMAN STUTO: Thank you.

9 MR. BETTE: Mr. Chairman, if I could just add onto
10 that? Any building that proposes a drive-thru with the
11 current land use forcing you to stuff the building tight
12 to the road, the drive-thru becomes, as we just talked
13 about, across the main accessway into the buildings.
14 Drive-thrus become very difficult. You end up with very
15 tight - like the Berkshire Bank on Route 9. It's a very
16 tight thing to try to get out of. They become much more
17 difficult to design, and I think that the convenience of
18 drive-thrus is important to people. Having it set back
19 and giving you the ability to get around the building
20 safely where you're not competing with the pedestrians
21 is important and you're not required to turn the
22 building. Sunmark, for instance, ended up turning their
23 building 90 degrees to meet the code with the waiver
24 because of that drive thru-issue. They couldn't get
25 four lanes of drive-thru or whatever they have and then

1 get the folks coming in to the building across those
2 drive-thru lanes. So, that becomes a big issue and how
3 do you design a retail plaza with a drive-thru
4 opportunity that's tight to the road.

5 Again, as Joe says, the main roads in the Town
6 of Colonie, Route 7, Route 9, Route 5 - all of these
7 things are multi-lane lane road. Are you finding
8 the pedestrians in that kind of environment? I
9 think that it's appropriate to look at the
10 environment for where you are proposing.

11 CHAIRMAN STUTO: Did you want to continue with the
12 other waiver or not?

13 MR. BETTE: No.

14 CHAIRMAN STUTO: Okay, any other comments or
15 questions?

16 (There was no response.)

17 CHAIRMAN STUTO: Okay, thank you.

18 MR. BETTE: Just for some direction, we are going
19 to be preparing concept plans. We are going to address
20 some of the issues that we talked about as far as the
21 parking lot in the back and the drive aisles in the
22 side. We do want to go see the DOT to talk about
23 pursuing that curb cut as a right-in and right-out. I
24 guess the reason that we're here for sketch is to kind
25 of get direction to see yea or nay.

1 CHAIRMAN STUTO: I personally have no problem with
2 the waivers. I do want to hear from Joe about what he
3 is proposing to go to DOT with.

4 MR. GRASSO: We are supportive. Again, as long as
5 it provide access for the adjoining property in exchange
6 for a rights-in and rights-out, I think that everything
7 that Chris has responded to seems appropriate to us.
8 So, we see no reason why they shouldn't move forward
9 based on those facts.

10 CHAIRMAN STUTO: With everything said, did that
11 give you the right direction?

12 MR. BETTE: I think that it's a good plan. Sunmark
13 came to us when they developed their building to get to
14 the light. The innerconnectivity to the different
15 properties is important to the Town. I think that if we
16 can interconnect this little 1.6 acre with the corner
17 and give that some ability -

18 CHAIRMAN STUTO: Do you own that parcel?

19 MR. BETTE: We do not.

20 CHAIRMAN STUTO: What is there?

21 MR. BETTE: A single family residence.

22 MR. AUSTIN: How does the rights-in and rights-out
23 work?

24 MR. GRASSO: It works fantastic. It has saved a
25 lot of lives. Those left turn movements are terrible

1 conflicts on these types of roads. Access management is
2 extremely important. You're going to have concerns with
3 any curb cuts. Obviously, rights-in and rights-out is a
4 lot better than a full access. We look at all of them
5 closely, as you know.

6 CHAIRMAN STUTO: Is that enough feedback?

7 MR. BETTE: Yes. We'll proceed in that direction.
8 Thank you.

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10 (Whereas the above entitled proceeding was
11 concluded at 8:21 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 24, 2014

