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PLANNING BOARD

COUNTY OF ALBANY

TOWN OF COLONIE

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NORTON MEDICAL OFFICE  
5 KROSS KEYS DRIVE  
APPLICATION FOR ONE-YEAR EXTENSION OF FINAL  
SITE PLAN APPROVAL  
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THE STENOGRAPHIC MINUTES of the above entitled  
matter by NANCY STRANG-VANDEBOGART, a Shorthand  
Reporter, commencing on February 25, 2014 at 7:25 p.m.  
at The Public Operations Center, 347 Old Niskayuna  
Road, Latham, New York

BOARD MEMBERS:  
TIMOTHY LANE, ACTING CHAIRMAN  
BRIAN AUSTIN  
SUSAN MILSTEIN  
TINA GOODWIN SEGAL

ALSO PRESENT:  
Joe LaCivita, Director, Planning and Economic Development  
Kathleen Marinelli, Esq., Special Counsel to the Planning  
Board

1                   MR. LACIVITA: This is the Norton Medical  
2 Office, 5 Kross Keys Drive. Under our Land Use Law,  
3 we have the capability of extending projects that have  
4 been previously approved one year from the date of  
5 approval.

6                   Mr. Norton, I know, has talked with me several  
7 times throughout the course of the extensions prior  
8 and also through his most recent one. He's still  
9 trying to market the plaza -- 5 Kross Keys Drive for a  
10 30,000 square foot medical building. Unfortunately,  
11 the economy and everything else the way it is, he  
12 hasn't been able to successfully land a tenant in  
13 order for him to actually build the building. So,  
14 he's asking for a one-year extension of his approval  
15 that he received. It's zoning compliant. It actually  
16 is designed based on the Land Use Law. It's based on  
17 design standards. It also has a full SWPP designed  
18 for stormwater that is still applicable.

19                   So, were asking for a one-year extension which  
20 would give it to January 13, 2015.

21                   ACTING CHAIRMAN LANE: The applicant is not  
22 here, but we're okay moving forward with that?

23                   MR. LACIVITA: Yes.

24                   ACTING CHAIRMAN LANE: Does anybody have any  
25 questions?

1 MS. MILSTEIN: Joe, what point is enough is  
2 enough?

3 MR. LACIVITA: That's just it. The one thing  
4 that's going to be happening in that region -- this is  
5 actually off of Everett Road. If you know where  
6 Abele's Tractor -- it's right next door and Kross Keys  
7 starts right behind Beff's restaurant and it goes into  
8 that area. There is a cul-de-sac and he has four  
9 buildable lots. We agree with you in "when is enough  
10 enough?"

11 The one good thing about this project is Abele  
12 is coming to us for a rezoning which the zoning would  
13 be more compliant as to what is around them. This is  
14 really more of a medical office row. So, we're  
15 bringing that site more into compliance. This fits  
16 directly into the CO zone.

17 When is enough enough? That's something that  
18 you guys have to determine. The one thing about it is  
19 that it's zoned compliant and it's zoned applicable to  
20 design standards. Design standards change and  
21 stormwater regulations change over time, then I think  
22 that you have to pull it back in and start to pull it  
23 into the laws with the applicable designs - or if they  
24 make any changes.

25 MS. GOODWIN SEGAL: Palisades is very close --

1           isn't that the same kind of thing?

2                   MR. LACIVITA:  It's the same idea, so they are  
3           like uses.

4                   MS. GOODWIN SEGAL:  Is that full?

5                   MR. LACIVITA:  They are full.  Actually two  
6           years ago Palisades did a 5,000 square foot addition  
7           to 5 for a bump-out for medical office there.  They  
8           did another 5,000 square foot on 3.  So, they are  
9           busting at the seams there.  That's why I think that  
10          when you start to see the Abeles rezone theirs --  
11          they're actually working non-conformance right now  
12          because they're in what was once zoned for their use  
13          and is no longer.  If that business was to leave,  
14          you'd need to find a like business within 18 months in  
15          order for it to stay in operation.  That being said,  
16          it seems like that property would probably go to the  
17          same uses that are on each side.  It makes it a little  
18          bit more attractive in that area.

19                   Again, in some of the areas that we do  
20          extensions, I agree with you 100 percent.  When is  
21          enough enough?  Sometimes the subdivisions that come  
22          in -- they change drastically with designs and  
23          everything else.  That's really a good time to start  
24          looking at them.

25                   MS. MILSTEIN:  Was there any other interest in

1           that property that you are aware of?

2                   MR. LACIVITA: He had one interest, but the  
3           property behind him, which is the Abele's, turned off  
4           the tenant. When they were building it, it was a  
5           two-story building and where they were going to be  
6           with the executive offices on the second floor, they  
7           would be looking out over all of the equipment.  
8           Again, the applicant -- the Norton's -- that was their  
9           decision to design it. They're up against tough  
10          times. So, we asked for the one-year extension to see  
11          if things change and hopefully everything will come in  
12          with the rezoning as well.

13                  MS. MILSTEIN: I presume that you don't have a  
14          problem with it.

15                  MR. LACIVITA: No. It's offered in the Land  
16          Use Law that we can do that. We make sure that it's  
17          still zoned compliant. We always make sure that  
18          nothing has changed.

19                  To me, it's the same plain vanilla with what we  
20          did from our approvals. We'll know when it comes  
21          time -- if he gets a tenant, if there are any changes  
22          to it. Then, you may see it again.

23                  ACTING CHAIRMAN LANE: Just for the record, we  
24          want to state that the request came in prior to the  
25          end of the one year. We're actually beyond it now.

1           MR. LACIVITA: Right, and we couldn't get him  
2 on, even though he would only take five or ten minutes  
3 to talk about it, our last couple of agendas were  
4 packed with items. So, to add another one, Peter and  
5 I decided let's just move it back again because things  
6 like this are generally administrative.

7           ACTING CHAIRMAN LANE: Anybody want to make a  
8 motion?

9           MR. AUSTIN: I'll make the motion that we  
10 approve the application for a one-year extension of  
11 final site plan of the Norton Medical Office, 5 Kross  
12 Keys Drive.

13          MS. MILSTEIN: I second it.

14          ACTING CHAIRMAN LANE: All in favor?

15          (Ayes were recited.)

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20                   (Whereas the above entitled proceeding was  
21 concluded at 7:31 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.

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NANCY STRANG-VANDEBOGART

Dated March 3, 2014

