

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 FIRST COLUMBIA OFFICES/HOTEL  
227 WOLF ROAD AND 652 ALBANY SHAKER ROAD  
5 APPLICATION FOR SEQRA DETERMINATION AND  
CONCEPT ACCEPTANCE

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7 THE STENOGRAPHIC MINUTES of the above entitled  
matter by NANCY STRANG-VANDEBOGART, a Shorthand  
8 Reporter, commencing on November 18, 2014 at 8:08  
p.m. at The Public Operations Center, 347 Old  
9 Niskayuna Road, Latham, New York

10

11 BOARD MEMBERS:  
PETER STUTO, CHAIRMAN  
12 LOU MION  
TIMOTHY LANE  
13 CRAIG SHAMLIAN  
SUSAN MILSTEIN

14

15 ALSO PRESENT:

16 Kathleen Marinelli, Esq., Counsel to the Planning Board

17 Michael Tengeler, Planning and Economic Development

18 Chuck Voss, PE, Barton and Loguidice

19 Chris Boyea, Bohler Engineering

20 Joe Grasso, PE, CHA

21 Kevin Bette, Columbia Development

22 Afrim Nezaj, Afrim's Sports

23 Tara Morgan

24

25

1           CHAIRMAN STUTO: Okay, next on the agenda is First  
2 Columbia Office/Hotel, 227 Wolf Road and 652 Albany  
3 Shaker Road. This is an application for SEQRA  
4 determination and concept acceptance. This is a seven  
5 story 174 unit hotel.

6           We've seen this a few times before.

7           Mike Tengeler do you have any introductory  
8 remarks?

9           MR. TENGELER: Not too much. You hit it on the  
10 head again. We've seen this a couple of times. This is  
11 the area at the top of Wolf Road across the street from  
12 essentially the William K. Sanford Library; 227 Wolf  
13 Road and 652 Albany Shaker Road.

14          I know that Chris Boyea is here from Bohler  
15 Engineering to present.

16          Chris, whenever you're ready willing and able,  
17 you can take the mic.

18          MR. BOYEA: Good evening. For the record, my name  
19 is Chris Boyea and I'm with Bohler Engineering and here  
20 with me tonight is Bill Herbert and Kevin Bette of First  
21 Columbia. They're the ones behind this project that we  
22 are looking to develop at 652 Albany Shaker Road. We  
23 are looking at building a seven story, 174 room hotel  
24 along with a 45,000 square foot three-story office  
25 building.

1           The items that I just handed out to the Board  
2 include these renderings that are right up here  
3 (Indicating) showing projected architecture for the  
4 two buildings. They are conceptual at this point.  
5 Those details will have to be worked out through  
6 this Board and the PEDD. This is just to show the  
7 style and caliber of the building that we're looking  
8 to construct.

9           Many people have looked at this site over the  
10 years. I think that this Board has probably seen  
11 its fair share of different concepts. This is a  
12 site that has some wetlands on it. It's got a lot  
13 of traffic that goes around it. Over the years a  
14 lot of the uses have been retail oriented because  
15 those are the ones that would probably be most  
16 interested in this type of location. What we have  
17 been able to do with this concept, as you can see,  
18 is that we are proposing two very complementary uses  
19 which are low traffic generation and that would work  
20 with the restricted accesses that are being proposed  
21 and asked for and provided here on this plan which  
22 are mostly rights-in and rights-out. Most of the  
23 retail projects in the past have wanted full access  
24 and would need full access, but we are looking at  
25 limited access in complying with the desire of both

1 town and state and county as they have the authority  
2 in this area.

3 These uses are also good in that it provides a  
4 nice service to the county. This would be a nice  
5 hotel; 174 rooms; tax ratable and that would help  
6 with the county's overall improvements in the area.  
7 This would obviously collect room tax for the county  
8 and the county does have a lot of projects proposed.

9 We've been able to work around all the wetlands  
10 here (Indicating). You'll see that the dark green  
11 areas are the wetlands and we are disturbing less  
12 than one-tenth of an acre of the wetlands. We have  
13 been able to work right around all of those which  
14 makes for limited impact.

15 We do have this high-end hotel and this is what  
16 we are going to call Class A office space. As you  
17 can see, it presents well for the road, right up  
18 close to the street, parking behind and it seems to  
19 work out really well - shared with the hotel.

20 We have a variance free layout here. We're not  
21 asking for any review or approval from the Zoning  
22 Board of Appeals. This project was in front of this  
23 Board back on April 22nd and at that time we  
24 reviewed the concept and had further discussions on  
25 it and we've enhanced it a little bit since then.

1 The Board took lead agency at that time, back on  
2 April 22nd and then we went to SEAMAB.

3 For those who don't know, it's relative to a  
4 protective watercourse here that's at the bottom of  
5 the page. We have been to several SEAMAB meetings  
6 and they're at a position where they can take  
7 action, however, SEQRA needs to be determined. As  
8 the Planning Board is the lead Board on this, the  
9 Planning Board needs to be satisfied with SEQRA  
10 first; we need to go back to SEAMAB. Then, we're  
11 going to be back here again. So, there is a process  
12 that has to go on. This will not be the last time  
13 that you will see me.

14 We have worked with Barton and Loguidice, the  
15 Town Designated Engineer. We have addressed the  
16 comments to date for this plan.

17 We have an archeological review and we have  
18 paid for and obtained that study and gotten sign-off  
19 for that. So, that's complete.

20 The FAA has reviewed this and provided an  
21 approval. We have investigated endangered species  
22 and had a sign-off. There are none. We have worked  
23 with a wetland which is less than one-tenth of an  
24 acre. We have acquired a traffic engineer, CME,  
25 Creighton Manning, to do the study. We do have just

1 recently a supporting letter from Albany County who  
2 is the governing agency for Albany Shaker Road.  
3 They are satisfied with the plan and the limited  
4 access as shown. So, we have that now for the  
5 record as well.

6 We're here tonight for concept acceptance,  
7 hopefully. We hope to have an action on SEQRA and  
8 the last part is the waivers that we have; again,  
9 just so that the Board is aware along the way. I  
10 don't think that there is any action necessary on  
11 those but the waivers are a 25 foot front yard  
12 setback that is required. We're at 28 here. So, we  
13 are very close. There is a wetland corridor up here  
14 (Indicating). We're trying not to impact that. We  
15 physically can't put the building up closer to Wolf  
16 Road here without impacting wetlands. So, the  
17 waivers tend to make sense for this application.

18 For parking, we are less parking then if you  
19 add up the required parking for here and here  
20 (Indicating). You would need 394 spaces. We're  
21 providing 286 total. This is in compliance with  
22 good design practices where New York State DEC and  
23 the Town is encouraging shared parking. This is  
24 probably one of the only projects that can stand  
25 here and tell you that we're actually doing that.

1 Most of the other projects that I think of are  
2 overparked.

3 Complementary uses - just like we talked about  
4 - not only can they operate with limited accesses  
5 with the rights-in and the rights-out but also  
6 office is intense from 9:00 to 5:00 or 8:00 to 5:00.  
7 Hotel traffic doesn't pick up until 5:00 to 10:00 at  
8 night. There is an overlap and they complement each  
9 other very nicely.

10 We can reduce the impervious stormwater,  
11 increase greenspace and it seems to really work out  
12 well.

13 The last waiver is the front build-out. I  
14 think that everybody who has driven by this knows  
15 that it has a nice natural setting that's out there.  
16 By natural I mean cattails that are predominately  
17 right here (Indicating). We're proposing to leave  
18 those just like they are and not build anything  
19 through those wetland areas. They're natural back  
20 to the buffer and they help the stormwater  
21 management.

22 With that, I'd like to turn it over to the  
23 Board and others to get some comments and hopefully  
24 answer any questions and then we'll proceed.

25 CHAIRMAN STUTO: Chuck Voss, can you give us your

1 comments as our Town Designated Engineer?

2 MR. VOSS: Certainly, Peter. As the Board has in  
3 their packets, we issued an initial concept review  
4 letter back in April which outlines basically the  
5 comments that Chris noted. Back then there was a  
6 slightly different configuration to some of the access  
7 points. Again, this covered the design standards and  
8 we're in a COR district here.

9 CHAIRMAN STUTO: Do you have a more recent letter?

10 MR. VOSS: No. This project hasn't come back  
11 before us with anything else.

12 We talked about the access issues in that  
13 letter.

14 CHAIRMAN STUTO: Let me just say that you're asking  
15 us to vote on SEQRA and also concept acceptance. I  
16 think that we need an updated letter.

17 MR. VOSS: We've seen nothing new, Peter, since  
18 then. That's why there is no new letter in the packet.

19 CHAIRMAN STUTO: You had a lot of objections in  
20 that letter.

21 MR. VOSS: Yes, and most of them are access issues.  
22 We'll talk about that in a minute. I just wanted to  
23 cover that quick review letter.

24 MR. LANE: This is April 17th?

25 MR. VOSS: Yes, the infrastructure issues are all

1 in place. There is sewer and there is water on the  
2 site. So, from a concept standpoint, it will  
3 potentially work.

4 On April 21st you'll see in your packet an  
5 additional letter that addressed traffic issues and  
6 access issues and a meeting summary. There was a  
7 meeting that occurred on April 9th that was held at  
8 the Town of Colonie offices that discussed the  
9 potential traffic issues with the site. The meeting  
10 was conducted and called by the Planning Office and  
11 in attendance -- I'll just go through it quickly --  
12 were members of the Planning Office, Jack  
13 Cunningham, Bill Nealy from the Town Engineer's  
14 office -

15 CHAIRMAN STUTO: Can you tell us what letter you're  
16 on and what page? This is very important stuff.

17 MR. VOSS: This is April 21st, it's about six pages  
18 into your packet.

19 Again, Kevin Novak from DOT was there, Jim  
20 Merkle, the Albany County Engineer was there. From  
21 the Capital District Transportation Committee was  
22 Dave Jukins, we were there and Joe Grasso from CHA  
23 was there as well. To me, basically, we were to  
24 look at the larger access and transportation issues  
25 in this corridor. The Town and CDPC has had

1 concerns over the years with access management  
2 issues and development and how traffic can  
3 circulate. If you recall, this area will also be  
4 potentially redesigned by DOT with the new access  
5 exit off the Northway which will come probably in a  
6 few years. So, there has been a lot of focus and  
7 sort of concern about this area, in general.

8 As the project is proposed, it and of itself,  
9 the traffic study as Chris mentioned was done by  
10 Creighton Manning back in July of this year. It's a  
11 fairly extensive document and we've looked at it. I  
12 don't want to summarize for Chris but the document  
13 basically says this project, in and of itself, will  
14 not be a huge additional generator of traffic. I  
15 think that we generally concur with that in terms of  
16 access management and in terms of volume. So, we  
17 want to make sure that when we look at this project  
18 we do it with the eye that they are providing  
19 adequate access, certainly to the site, and that  
20 their points of ingress and egress work efficiently  
21 with what we see out there and what is basically  
22 going to be proposed. In addition to this as the  
23 Board is probably aware, the Town is working  
24 diligently to basically finalize the Maxwell Road  
25 connector which is a little bit further to the east

1 of the site. If you know where the new traffic  
2 circle is further down Albany Shaker Road, it  
3 doesn't connect to the south yet. There is a link  
4 in there and the Town is very actively working on  
5 that to try to make that connection. It's basically  
6 behind the Afrim's parcel. It's in that general  
7 vicinity. So, when the project first came before  
8 the Board they were including those two parcels; the  
9 Afrim's parcel and this parcel. That has gone away.

10 Chris, if you want to touch on that, certainly,  
11 you can.

12 The Afrim's parcel is no longer part of this.  
13 What that did was initially sparked a conversation  
14 with all these different agencies as to how it can  
15 maybe better interconnect Wolf Road, Albany Shaker  
16 Road and the new Maxwell Road connector with the new  
17 circle. That's really the genesis of some of the  
18 traffic. Since that time, back in April, the  
19 project has changed certainly from the first  
20 iteration that this Board saw many, many months ago  
21 to this new concept. This is really where we are  
22 now, looking at this current configuration and  
23 trying to get a sense of the access points for it.

24 In summary we think that the access connector  
25 from Wolf Road works very well. There is a right to

1 access issue there and I should point that out -  
2 with DOT where they can't really move that access  
3 point any further to the north on Wolf Road, closer  
4 to the Moe's and Starbucks. DOT won't allow it.  
5 That entrance point which is a right-in and  
6 right-out off of Wolf Road seems to work well. I  
7 think that DOT is comfortable with that. The access  
8 point furthest to the east on Albany Shaker Road  
9 seems to be another primary access point which works  
10 fairly well in terms of the ingress and egress to  
11 the site proper. The discussions that we had early  
12 on with that was how do you basically force folks to  
13 use the traffic circle to make the westbound  
14 movement on Albany Shaker Road instead of coming out  
15 of that site and trying to make a left hand turn and  
16 going westbound. There are conflicts there. We've  
17 all been through there. The thought is that you do  
18 a right-in and right-out on that intersection and  
19 the way for folks to go in the westbound direction  
20 is to push them east down to the circle, around the  
21 circle and back up Albany Shaker Road and points  
22 west. That movement seems to work well and we think  
23 that access point can be configured properly and  
24 designed to literally force folks to do that.

25 CHAIRMAN STUTO: How is that access point designed;

1 right-in and right-out?

2 MR. VOSS: Correct.

3 CHAIRMAN STUTO: No lefts in?

4 MR. VOSS: No. We think that works well. The  
5 western one behind the Moe's and Starbucks - that was  
6 the other question that I think really concerned the  
7 county initially and DOT and CDTC. Is that a necessary  
8 access point there? Will it work efficiently, or will  
9 that create conflicts?

10 CHAIRMAN STUTO: How is that designed now?

11 MR. VOSS: I think that's designed as a right-in  
12 and right-out right now. So, it seems to work a little  
13 bit better.

14 Let me let Chris just address some of those  
15 issues, if you could for the Board.

16 CHAIRMAN STUTO: So, there are no left hand turns  
17 on Albany Shaker Road?

18 MR. VOSS: Not as we know it.

19 MR. BOYEA: That's why it's a substantial  
20 improvement. This originally was much more of a project  
21 where Afrim's was included. That's no longer part of  
22 the project. We have no rights and no claims and we  
23 have nothing to Afrim's Sports Center. So, this is much  
24 more condensed and smaller project. We have worked  
25 diligently with Albany County and that's the letter that

1 I handed out tonight that says they are now more  
2 satisfied with restricted access. You can see here that  
3 DOT is now satisfied. The reason why this might help  
4 work for us is because the hotel should be a  
5 destination. We have to get them in but we have more  
6 chances of getting them in if a GPS is looking for it;  
7 it's not an impulse. Hey, I'm going to stay at that  
8 hotel tonight. So, we're able to work with this  
9 restricted access.

10 CHAIRMAN STUTO: Does it say on the drawings  
11 right-in and right-out?

12 MR. BOYEA: It is shown on the drawing. It's what  
13 I would call a pork chop here (Indicating). It shows  
14 that we're are directing traffic in a right-in and  
15 right-out situation.

16 MR. VOSS: Yes, there is a barrier median in that  
17 area there.

18 Just to add to the comments, Mike Lyons did  
19 sent out a memo on November 12th. I think that the  
20 Board has that as well. It outlines the specific  
21 comments of the April 9th meeting. Mike basically  
22 summarized all the comments from the folks at CDTC,  
23 DOT and Albany County Highway and the Town Highway.

24 CHAIRMAN STUTO: Can you go over those? I think  
25 that it's important.

1 MR. VOSS: Do you want me to read that, Peter?

2 CHAIRMAN STUTO: I don't know how long it is  
3 because I can't find it.

4 MR. VOSS: It's November 12, 2014. I think that it  
5 came to the Board in email yesterday.

6 CHAIRMAN STUTO: Can I ask staff when they get  
7 those emails to bring hardcopies?

8 MR. VOSS: It's basically the same comments that we  
9 included in our April 21st letter. I just go through it  
10 quickly so that the Board has it.

11 It's dated November 12th.

12 CHAIRMAN STUTO: Who did the email come from?

13 MR. VOSS: It came from Mike Lyons.

14 CHAIRMAN STUTO: Directly to us?

15 MR. VOSS: To Pete Stuto -- the subject was  
16 Columbia Office/Hotel and it was the summary of the  
17 April 9th meeting.

18 "On April 9, 2014 a meeting was held with the  
19 agencies listed below to discuss the collective  
20 concern for the proposed access plan for the above  
21 reference proposal. In response to that meeting,  
22 Creighton Manning Engineering prepared an analysis  
23 dated July 11, 2014. On October 16, 2014 a  
24 follow-up meeting was held to further discuss  
25 potential traffic, transportation and site access

1 issues in and around the project site. The main  
2 purpose of this meeting was to discuss the various  
3 existing and proposed access points to Albany Shaker  
4 Road and Wolf Road as well as the context of the  
5 development of this project and the extension of  
6 Maxwell Road a/k/a Aviation Drive between Marcus  
7 Boulevard and Albany Shaker Road."

8 I'll just go through basically the comments  
9 that were made at that meeting and I'll just touch  
10 on them quickly.

11 In terms of a temporary access plan, the first  
12 comment is: "All in attendance expressed concern  
13 over the driveway spacing within the existing full  
14 movement westerly driveway of Afirm's and the  
15 adjacent proposed restricted easterly access in this  
16 proposal."

17 Right now those two access points are very  
18 close together.

19 There was a concern with the number location of  
20 driveways especially as the park is developed or  
21 redeveloped along this heavily traveled corridor and  
22 how those driveways will impact Wolf Road and Albany  
23 Shaker Road through traffic. It was pointed out  
24 that based on experience across the region, the  
25 state and national, increasing the number of closely

1 spaced driveways and a heavily traveled corridor -  
2 it worsens the congestion and increases conflicts.  
3 DOT's Wolf Road rehabilitation project back in 2001  
4 made an effort to reduce driveways the entire length  
5 of the corridor. Therefore, the group disagreed  
6 with the analysis prepared by CME that the site  
7 design implement had good access management  
8 principals.

9 CHAIRMAN STUTO: What is he saying there?

10 MR. VOSS: Basically they're saying that allowing  
11 the two curb cuts together aren't a good idea. That's  
12 essentially what they are saying.

13 CHAIRMAN STUTO: The easterly curb cut and Afirm's  
14 or the two curb cuts that are on the site?

15 MR. VOSS: The easterly one and the one in close  
16 proximity to that.

17 "The group expressed a concern and need for two  
18 proposed restricted access points to Albany Shaker  
19 Road." That would be the two proposed curb cuts. "A  
20 single restricted access right-in and right-out to  
21 Albany Shaker Road on the west side for the proposed  
22 office and east of the existing wetlands should be  
23 considered."

24 Basically, I think that what Mike was saying  
25 here was to slightly move that westerly driveway

1 further east where the office would be. It would  
2 eliminate the easterly curb cut on Albany Shaker  
3 Road.

4 CHAIRMAN STUTO: So, you're saying centralize one  
5 curb cut.

6 MR. VOSS: Basically, yes.

7 "All agreed that consolidating the two proposed  
8 access points on Albany Shaker Road and the existing  
9 Afirm's westerly driveway on Albany Shaker Road into  
10 a common single driveway in an optimum location  
11 utilizing the existing median should be given if the  
12 left turn into the project area could be considered  
13 if a permanent cross access easement agreement  
14 pushing two properties would need to be  
15 established."

16 What he is saying there is look at the  
17 potential if both landowners are amenable to  
18 combining the access point on the west between this  
19 site and the Afirm's site into one boulevard coming  
20 in along the Westerly side basically on the boundary  
21 line providing better access for both properties  
22 into the parking areas. Again, they're looking at  
23 access management issues.

24 "The CME analysis suggests the access  
25 management to 227 Wolf Road would work and became

1 the TJ Wolf development which is the Starbucks.  
2 Despite the small number of crashes at these  
3 driveways now, the frequency of an illegal left turn  
4 often interferes with Wolf Road and Albany Shaker  
5 Road traffic throughout the day.

6 Basically they're recommending the fact that  
7 the Moe's and Starbucks right-in and right-out on  
8 Albany Shaker Road doesn't work very well. People  
9 make the right-in and it's not supposed to be a  
10 left-out with those configurations. So, we're  
11 concerned about that.

12 CME maintains that without access area along  
13 the majority of the Afirm's parcel -- Chris pointed  
14 that out -- That's in the left hand portion there  
15 (Indicating) -- accordingly DOT's Kevin Novak stated  
16 that New York State DOT cannot allow any access to  
17 or from Wolf Road in that defined area where there  
18 is a current destination, however, the applicants  
19 are avoiding that area with this new configuration.

20 "New York State DOT will consider a right-in  
21 and right-out driveway design on Wolf Road.  
22 However, they and the group expressed traffic  
23 operation merging concerns with the right-out  
24 movement as well as an offset intersection so close  
25 to the existing 4 off-ramp"

1           The concern was that you make the right-out  
2           onto Wolf Road and you need to merge the cross lanes  
3           to the left side and it's difficult at the light  
4           there.

5           "All agreed that the applicant should begin  
6           discussions with the Afirm's owner at this time to  
7           secure an access easement across the property to  
8           allow for a further connection extension to Maxwell  
9           Road between Albany Shaker Road and Marcus  
10          Boulevard."

11          That was to the back site there.

12          CHAIRMAN STUTO: How is that shown on the current  
13          plan? Can you verbalize it?

14          MR. BOYEA: Sure. We have designed and provided  
15          the paved driveway connection to the Afirm property  
16          right to the property line so that we can connect or he  
17          can connect at such time that he would like to come in  
18          or improve his property. That would allow us to get  
19          another property connectivity.

20          CHAIRMAN STUTO: Is that in our drawings? I  
21          haven't seen that.

22          MR. VOSS: In the most recent drawing it is.

23          CHAIRMAN STUTO: In our package?

24          MR. VOSS: It should be.

25          What's the date on that plan, Peter?

1           CHAIRMAN STUTO: This says Plan 2.

2           MR. VOSS: There was an additional plan that came  
3 in on October 17th.

4           CHAIRMAN STUTO: This is stamped November 13th.

5           Guys, we need current drawings.

6           MR. VOSS: Peter, I'll just continue on with some  
7 of these.

8           "A request for a full-access on Albany Shaker  
9 Road will need to be justified with a submission of  
10 overall traffic plan and an analysis by a traffic  
11 engineer."

12           They did submit their July 16th traffic  
13 analysis.

14           CHAIRMAN STUTO: Yes, but that is dated November  
15 12th, right?

16           MR. VOSS: Yes.

17           CHAIRMAN STUTO: You're reading from Mike Lyons'  
18 memo.

19           MR. VOSS: Right.

20           "A possible interconnection to Ulinsky Drive to  
21 the Hampton Hotel was discussed"

22           That's basically to the south of the hotel.

23           "Potential negative effects of this connection  
24 with a potential increase in left turns to and from  
25 Wolf Road at this existing unsignalized intersection

1           should be further particularly given the potential  
2           interconnection to the proposed new Maxwell Road  
3           connector."

4                     In other words, what Mike is saying here is  
5           that the thought of interconnecting this hotel site  
6           with the existing Hampton Inn's site through Ulenski  
7           Drive or through a connector there was discussed but  
8           the potential impacts of attracting more and more  
9           traffic through there is cut-through and could avoid  
10          some of the lights. That was a possibility. We  
11          just wanted to point that out.

12                    FROM THE FLOOR: Can you repeat that?

13                    MR. VOSS: Initially there was a thought by the  
14          Town Highway Department of why don't you connect this  
15          site to the back of the parking lot to Ulenski Drive?  
16          Ulenski Drive dead-ends, basically behind there. They  
17          didn't want to attract traffic basically and cut through  
18          the residential neighborhood in and out of this site.

19                    CHAIRMAN STUTO: So, they do not recommend it.

20                    MR. VOSS: No, they don't recommend it.

21                    "Folks attending stressed the benefits of cross  
22          connections of all parcels in the area bounded by  
23          Wolf Road, Albany Shaker Road, Ulenski Drive and the  
24          future Maxwell Road Extension. An eventual  
25          connection to the Maxwell Road Extension is critical

1 to maintain the operational area of Wolf Road and  
2 Albany Shaker Road in both temporary and preferred  
3 scenarios."

4 In other words, the whole method between really  
5 looking at the traffic issues here is to relieve the  
6 congestion on Wolf Road and eventually trying to  
7 push it back to the Maxwell Road connector. Folks  
8 who go northbound/southbound in this whole general  
9 corridor - the only way to do that now is by way of  
10 Wolf Road. As we all know, Wolf Road can be a  
11 nightmare at both ends during rush hour. The  
12 Maxwell Road Extension connector is really kind of  
13 critical to relieving some of that pressure. Really  
14 what the group is looking at is are there other ways  
15 to interconnect the additional commercial sites back  
16 to that new connector road so that they are not  
17 drawn out to Wolf Road. Again, they're looking at  
18 the larger access management issues here.

19 "A possible cross interconnection to the  
20 Moe's/Starbucks property was also discussed,  
21 however, potential negative effects of this  
22 connection with a potential increase in left turns  
23 to and from Wolf Road at this existing unsignalized  
24 driveway should be further evaluated."

25 Basically, there was a thought initially of

1 connecting the Moe's site to the parking lot with  
2 this site. Again, it was felt by the group in  
3 general that you're attracting traffic and  
4 cut-through parking lots to avoid the lights and to  
5 avoid the intersection. That idea was discussed and  
6 abandoned.

7 Mitigation costs, as we know, because this is  
8 in the Airport Area GIS - based on the statement of  
9 findings, would be applicable and that's just a  
10 standard comment that we always put in. Mike  
11 referenced that.

12 "The development of a long-term asset  
13 management may include permanent cross access  
14 easements between this site and the access property  
15 and would need to be in place."

16 Chris mentioned that they are amendable to  
17 that.

18 "The group as a whole sees a strong benefit to  
19 constructing a direct connector from Wolf Road that  
20 crosses behind the First Columbia parcel to the  
21 Maxwell Road Extension to promote travel safety and  
22 help mitigate conditions in the Wolf Road Shaker  
23 Corridor."

24 Initially, that idea was thought to be a  
25 appropriate and relevant when this was one large

1 site when the Afrim's parcel was part of that. The  
2 Afrim's parcel is not part of this and that idea  
3 basically goes away. It's not feasible. We cannot  
4 encumber an adjacent property owner with doing this  
5 project.

6 That's basically it.

7 As you can tell, they expressed a lot of  
8 concerns regarding traffic and access management.  
9 Those ideas were posed - Chris Bette and Chris Boyea  
10 and the applicants are hopefully going to take those  
11 into consideration as they move forward.

12 MR. BOYEA: We've gone ahead and updated the plans  
13 to show what was requested. We've got concurrent that  
14 DOT is okay with a right-in and right-out and Albany  
15 County has now issued that letter and said that they are  
16 okay with those accesses.

17 MS. MILSTEIN: My question is about Maxwell Road  
18 Extension. Is that right now - is it a proposal, is it  
19 definite or is there a plan assuming that it's going to  
20 occur at some point?

21 MR. VOSS: Clough Harbor is working on that project  
22 for the Town.

23 Joe, if you don't mind me putting you on the  
24 spot, if you can maybe bring the Board up to speed?

25 MR. GRASSO: The Town has hired us to advance the

1 schematic design of that road so we looked at the likely  
2 alignment of the road and the potential impacts.  
3 Obviously it goes through a large private property so  
4 the Town would be able to negotiate the acquisition of  
5 right of way from the landowner. Those discussions are  
6 in their early stages. There is no set time frame on  
7 the project that would involve that right of way  
8 position and also require Town funding.

9 MS. MILSTEIN: So, it's not a definite project.

10 MR. GRASSO: It's an important critical link that  
11 has been supported widely by all the involved agencies  
12 that Chuck mentioned. The Town is moving forward with  
13 the reconstruction of Winner's Circle which will take  
14 place next year and it's also an important link - the  
15 last remaining segment to be completed will be from the  
16 roundabout on Albany Shaker Road down to the roundabout  
17 at Marcus Boulevard. If I had to guess a timeframe I  
18 would think that in 2016 or 2017 it would be  
19 restructured. It's going to happen, it's just a matter  
20 of when and how it dovetails in with that other private  
21 property development.

22 MR. SHAMLIAN: I'm heading west on Albany Shaker.  
23 How do I get in?

24 MR. BOYEA: The only possible turn is here with  
25 this striped lane here (Indicating). A left is allowed

1 here.

2 CHAIRMAN STUTO: You said it was right-in and  
3 right-out.

4 MR. BOYEA: All of them are right-in and right-out  
5 but there is a left-in here.

6 CHAIRMAN STUTO: Then it's not a right-in and  
7 right-out. It's right-in left-in and right-out.

8 MR. BOYEA: That one has a left-in.

9 CHAIRMAN STUTO: I feel deceived when you  
10 originally said that. I'm not really comfortable. This  
11 is a little bit complicated. I don't think that all the  
12 issues in the November 12th letter have been addressed  
13 notwithstanding a memo from Albany County. It says that  
14 all parties have these concerns and not just Albany  
15 County. We still have a job to do to make sure that the  
16 traffic is right on this. This is a very significant  
17 parcel near a major intersection and I don't have  
18 confidence that we've optimized the ingress and egress  
19 here. I'm just not comfortable. It's going to take a  
20 little bit more studying. That's how I feel right now.  
21 That's just my comment. I'm going back through Mike  
22 Lyons' memo. I don't think that all of these things  
23 have been addressed.

24 MR. BOYEA: Understood. The only thing that I  
25 would offer here is that the two agencies are satisfied.

1           CHAIRMAN STUTO: And we're an agency too. We have  
2 to be satisfied as well.

3           MR. BETTE: I'm Kevin Bette and I'm filling in for  
4 Chris. He took his kids to Disney World.

5           This site is a very important site. As you  
6 have heard, initially we were approached by a lot of  
7 big retailers and we tried to combine them with that  
8 one site and we worked with Joe and the Town and we  
9 realize that's not the right thing to do. We know  
10 that this is a very important corner in the  
11 community. Our firm has been developing projects in  
12 the Town for over 25 years. We live down the street  
13 from here. We want to make sure that we build  
14 something that is good for the Town on this  
15 location. After all of this planning that has gone  
16 in here, we have come to the conclusion that the  
17 best thing to do is bring lodging and some jobs to  
18 Town.

19           Those of you that know our firm, our main  
20 business is bringing jobs into the Town of Colonie.  
21 The reason that we are trying to do this project is  
22 the growth in the capital district is centered on  
23 all the nanotechnology. Just to the south of us you  
24 have the whole school of nanotechnology. To the  
25 north of us you have the chip plant. Colonie serves

1 as the infrastructure for all of the folks that come  
2 to Town for both of those things through the  
3 airport. Wolf Road is an important corridor for  
4 lodging and that's driving a lot of the growth in  
5 the area. What we really want to try to do here is  
6 build lodging for the growth in the market, provide  
7 office space. I've had dozens of retailers begging  
8 me to give them a piece of the property. After  
9 talking with Joe and talking to the Town folks, we  
10 realized that just compounds the problem that's out  
11 there. We worked very hard, I want you to know, to  
12 solve all these problems. The rights-in and  
13 rights-out would be on Wolf Road and the Albany  
14 Shaker entrance here (Indicating).

15 I've been in discussions with Afrim and I think  
16 that we are close to combining these two driveways  
17 which I think is the last hurdle. That's a hard  
18 thing to do with the different uses that we have.  
19 We think that we have a plan in order to do that.  
20 That's the direction that we're looking for from the  
21 Planning Board.

22 I'd like to say that we're one of the pioneers  
23 of making sure that developers give cross easements  
24 to their neighbors. I think that with all our  
25 history here in the Town we've been proponents of

1           that. We've done it successfully in a lot of  
2           locations. You need to cooperate and we've tried to  
3           be very cooperative with all of our neighbors.  
4           That's why when you talk about all these potential  
5           connections, we're not going to try to do them if  
6           there is a potential problem like connecting Ulenski  
7           Drive, but we think that it's important that  
8           landowners cooperate and provide means to traverse  
9           between parcels without getting on and off the main  
10          highways. That's really DOT's focus on Wolf Road.

11                 We just did a project on Wolf Road where we did  
12          very well connecting. You can actually go behind  
13          all of the different properties rather than lefts  
14          and rights back out onto the highway.

15                 Mr. Chairman, I know that you may not be  
16          totally updated on all that happens. It's kind of  
17          frustrating to us because we're trying to get in  
18          front of the Planning Board to tell you guys all of  
19          this stuff. There is so much that happens at the  
20          department level that apparently you guys aren't  
21          updated on. That's frustrating for us because we  
22          want to come to the Planning Board, even if we don't  
23          have to go, we want to update you guys because we  
24          think that it's the Board's authority that we should  
25          have here rather than just hearing to all the

1 different permitting agencies. What we want to try  
2 to do is get some clear direction from the top so  
3 that we can turn around to all the other permitting  
4 agencies and say no, this is what the Planning Board  
5 wants. I think that you guys are going to want what  
6 we want which is good quality development that  
7 doesn't add to the congestion in the community, but  
8 still brings growth and jobs. That's what we are  
9 limiting ourselves to here. We're not trying to add  
10 a lot of retail. Obviously this is a very  
11 attractive retail location.

12 From a real estate standpoint we'd probably be  
13 smarter to come in and say we just want to put a big  
14 box here and we meet all the standards. That would  
15 not be a good thing, in our opinion, for the  
16 long-term of the Town. What I think that we are  
17 missing is how do we attract some of that high tech  
18 growth in the Town that's currently using the  
19 airport and all the highways in that area and have  
20 them stay here? We have letters from foreign  
21 corporations that have said that they come to Albany  
22 and they're looking for this type of accommodation.  
23 They're looking for this type of location for their  
24 regional office, if they come to Albany. They want  
25 something close to the airport with amenities

1 surrounding it. So, that's really what I'm trying  
2 to do here is build what I think is going to be  
3 something very good for the Town. It takes a long  
4 time. We're trying to be very patient, but we would  
5 like to get some action from the Board so that we  
6 can turn around to everyone else and say no, this is  
7 what the Board said that they want. That's kind of  
8 where we are tonight. We'd like you to look at this  
9 and if you say the only thing is that these are  
10 close together and it's two parcels - Afrim and I  
11 will sit down and try to come to an agreement on how  
12 we do that.

13 My son played soccer for him so I know him.

14 They have kinds of use where we are going to  
15 let them park in our property and hopefully we can  
16 work out something in that manner. I think that  
17 going down to the issue right here - I don't think  
18 that there is a lot of issues that are outstanding.  
19 I think that we've done a lot of work to try to  
20 mitigate the million issues that pop up. So, if  
21 there is any questions that the Board has, we'd like  
22 to answer them directly ourselves and I'd like to  
23 try to do what we can to move it forward with the  
24 recommendations from the Board so that we can go  
25 back to all the other Planning folks and say, this

1 is what you want.

2 MR. BOYEA: I think what Kevin is referring to is  
3 that we need to go back to SEAMAB. That's where we have  
4 been for the last few months. What was discussed back  
5 in April was to proceed in this manner and come back  
6 when SEAMAB is satisfied and I think that Barton and  
7 Loguidice can speak to that.

8 CHAIRMAN STUTO: I will make a couple of comments  
9 because I'm the one that made some semi-critical  
10 comments which is that I think that it's a great  
11 project. I don't think that anybody on the Board said  
12 that it's not. We think that it's a good use and a  
13 permitted use here.

14 We understand that you're in some kind of catch  
15 22 with SEAMAB and we have agreed to cooperate with  
16 that. We'll have you come back as many times as you  
17 need to come back. That's not really what the issue  
18 is that I'm stuck on. I don't know about everybody  
19 else.

20 The connectivity over to Afirm's on the lower  
21 right hand side of that drawing on the southeastern  
22 side - we didn't see that before today. All the  
23 memos that we have talks about connectivity.

24 You've addressed Ulenski and that's probably  
25 not a good idea. I'm convinced of that as well.

1 I'm glad to see the connectivity over there on  
2 Afrim's - on the southeast side. That wasn't in any  
3 of the drawings that we have. I don't have any  
4 particular problem with the connection on Wolf Road.  
5 I guess the problem is on Albany Shaker Road.

6 We just got presented today with a memo without  
7 any analysis from the County of Albany, but there  
8 were a lot of players at the table that went in to  
9 developing this memo.

10 You said right-in and right-out on the easterly  
11 one. Now there is a left-in. I asked where it was  
12 on the drawings. You guys said it was on the  
13 drawing. I couldn't find it. You said that it was  
14 a pork chop. I'm not sure what that means but I  
15 didn't see it on the drawings. I don't have a lot  
16 of confidence to totally button this thing up with  
17 respect to an environmental review or with respect  
18 to concept approval. I want those issues resolved  
19 on Albany Shaker Road. I'm not a traffic engineer  
20 but I've seen enough of these presentations to know  
21 everybody doesn't really seem to be on this same  
22 page. I don't know if we need an independent  
23 traffic study. I don't know if Chuck has taken a  
24 close enough look at it. I think that there is a  
25 better solution on Albany Shaker Road. So, that's

1           where I am with that. I would try to turn it over  
2           as quickly as possible. I don't know if we need  
3           another set of eyes from a traffic perspective on  
4           our side. That's where I'm at.

5           MR. BETTE: I used to be a traffic engineer. I  
6           know a lot about this.

7           CHAIRMAN STUTO: Right, but you're obviously biased  
8           for your project.

9           MR. BETTE: Craig is right on the spot saying that  
10          if he's traveling west on this road, how does he turn  
11          in? We didn't think that mattered for the hotel at all  
12          because we don't think that people that live in  
13          Loudonville are going to go to the hotel. We think that  
14          the traffic is coming from the highway corridor. But  
15          how you get into the office building - that became their  
16          problem. There will be people from the neighborhood  
17          that will go to the office building. So, there are two  
18          different solutions. If we put connectors to Afrim's,  
19          the people that are in an office environment that go  
20          there everyday - they would know how to get into the  
21          building. If we could work out an easement with him and  
22          have a connector in here and just use this exiting  
23          driving for the lefts-in, we could make that right-in  
24          and right-out. Initially I didn't think about that but  
25          when my brother Chris was talking about it, we wanted to

1 try to provide the left-in just for the office space.  
2 That might be the way to do it.

3 This connection back here that's been talked  
4 about - I disagree with Mike Lyons because a  
5 connector parallel to get over to the future  
6 connector behind Afrim's - we can just go out to  
7 this road and go around the roundabout. This  
8 proposed connector from a traffic standpoint is  
9 redundant because they are going to the same  
10 roundabout. Whether somebody goes and makes a right  
11 out - it's actually faster than trying to plan  
12 behind all this another connector road. We're right  
13 at the corner and we have frontage. You need a  
14 connector road if you're not on the frontage. To  
15 me, this connector isn't necessary. I think that's  
16 one of the comments. We've put it on. I don't know  
17 what that does. I think that the proper thing to do  
18 - and this is where we get caught. We get caught  
19 between all the different - the county, the Town  
20 Planning and I want to come to the Planning Board  
21 and say, what do you guys think? In my opinion,  
22 from a traffic standpoint, I'm prejudice but from a  
23 traffic standpoint if we had a connection here to  
24 Afrim's, the left turn to the office building could  
25 come in this way (Indicating) and park. There is

1 very limited traffic when the office building is 9  
2 to 5. So, that would be a very easy movement and  
3 then we could get rid of the lefts-in here and we  
4 can have a simple connection here. I would replace  
5 this connection with one that was further up here  
6 (Indicating). I think that solves all the problems.  
7 Then, we can sit down and talk about it. It's  
8 really not engineering.

9 MR. SHAMLIAN: I think that one of the things on  
10 the eastern side we need to try to eliminate - there are  
11 two ins and outs there. One is yours and one is  
12 Afrim's. Speaking for myself, I'd like to see one  
13 there. I agree with you about the connector on the  
14 southside of the property. I think that it's a dumb  
15 idea because I think that ultimately what will happen is  
16 people will be on Wolf Road and they will try to cut  
17 through this property, the back of Afrim's to avoid the  
18 light at the end of the Northway and a light at Wolf  
19 Road.

20 MR. BETTE: So, if we enhanced your parking over  
21 here, would that be okay?

22 MR. NEZAJ: People already make a left now so I  
23 don't think that will be a problem.

24 CHAIRMAN STUTO: I would like to see revised plans.

25 MR. LANE: That's where this all goes because if we

1 are going to do something tonight it has to be on what  
2 is in front of us and you're doing exactly what we do.  
3 You're saying well gee, we can do this. If Afrim is  
4 good with the change and the way that set up works there  
5 - I have to tell you that I worked at the garage there  
6 and I always wondered what was going to happen with that  
7 property and I think that every time I go by it - when  
8 is somebody going to do something with that property? I  
9 never imagined that I would be the one sitting here  
10 getting to look at it from this perspective.

11 I'm glad that it's a project as nice as this  
12 is. I entirely agree with you doing something that  
13 probably is the best use of the property but at the  
14 same time we're in a position - Pete says, we have  
15 to go forward with the best possible layout of what  
16 you want to do and you agree.

17 MR. BETTE: Here is the downfall of doing that.  
18 You have soccer moms parking in here (Indicating) and  
19 I'm driving traffic through that and they're trying to  
20 back out. It's not a clean road like this is. There is  
21 no area to queue up here. You're going to block people  
22 in and that's the other side of it.

23 CHAIRMAN STUTO: You're saying cut through Afrim's  
24 parking lot. Their entrance is on the east of their  
25 lot.

1           MR. BETTE: This is one of their entrances. The  
2 other one is further to the east. There is a house  
3 right here that is a business (Indicating). This is  
4 designed so that there is no parking spaces off of it.  
5 Traffic can queue up very easily and you're not blocking  
6 any parking spaces. If you eliminate this road here  
7 (Indicating), you're going to queue people up in a  
8 parking lot so that if a soccer mom is backing out and  
9 there are cars behind, you're creating a conflict so  
10 it's not great for Afrim.

11           That's kind of how we ended up here with the  
12 two driveways. The compromise is leaving both of  
13 them and making a connection for the left turn  
14 office user to come in. I think that the traffic  
15 study will tell you it's a very limited left turn in  
16 to get to the hotel.

17           MR. LANE: You still have to show it, though.

18           MR. VOSS: When this group met there was a  
19 discussion and I actually did some sketches of how that  
20 single entrance can work without effecting any parking  
21 spaces on the Afirm's side, but still getting a clean  
22 access like what you were saying to avoid any other  
23 issues. I'm sure that we could certainly sit with you  
24 guys and figure something out especially if Afirm is  
25 amenable to looking at their combined design there with

1 an easement, where you can come in with a single access  
2 point - single access driveway and then cut a cutoff to  
3 go into his parking lot and then a cut off to go here  
4 (Indicating). If you slide your easterly driveway there  
5 a little bit further east right on the edge of the line  
6 and then combine the two and then close off the Afrim's  
7 curb cut, he would actually pick up some parking spaces.

8 MR. BETTE: So, you're saying close this off and  
9 come in this way (Indicating).

10 MR. VOSS: Essentially, that's what it would be,  
11 but closer to the line. That way you've got clean  
12 access to your site and Afrim has clean access to his  
13 site and you're not losing any parking spaces either.  
14 We can conceptually work something out.

15 MS. MILSTEIN: Let me state my other concern.  
16 There is a really big difference in taking a left hand  
17 turn into Afrim's and the clientele and everything else  
18 than taking a left into an office building - a huge  
19 office building. That's taking a left hand turn in.  
20 That's a major concern of mine. Traffic on Albany  
21 Shaker is bad already. Then you throw in Christmas time  
22 and it's going to be a bigger mess. I am concerned  
23 about the traffic and traffic study and what's coming on  
24 in there.

25 MR. SHAMLIAN: The only issue there is that the

1 left into Afrim's at that point, given when people are  
2 making a left, is actually worse than the left into an  
3 office building at 8:30 in the morning. Traffic moving  
4 east on Albany Shaker is much heavier at night than it  
5 is first thing in the morning. I agree with you,  
6 though.

7 MS. MILSTEIN: I'm saying that it's a very  
8 different left hand turn into an office building.

9 MR. VOSS: Can I make a quick suggestion? I think  
10 that is where this is headed - maybe have Chris and  
11 Kevin look at these options here that you are discussing  
12 and come up with a new layout and then have Creighton  
13 Manning assess what the impacts of a combined drive  
14 might be at that location. Have them come back at your  
15 next meeting. If you can get that one quickly I think  
16 that the Board meets again on December 9th. If that  
17 works, you can have a reconfigured plan. We can look at  
18 it and certainly have comments on it and then you have  
19 something tangible to see in front of you. You can have  
20 a traffic engineer reassess that combined traffic. The  
21 current traffic study doesn't envision a combined  
22 driveway. It was never part of the original plan.

23 MR. BETTE: There is also a median right here  
24 (Indicating). So, you have storage for the left hand  
25 turn out of traffic which is important. We can do that.

1 We'll work on a combined drive access point.

2 MR. SHAMLIAN: How many parking spaces does the  
3 office building itself have?

4 MR. BETTE: The office building is 45,000 square  
5 feet. I think that it's four spaces per thousand.  
6 We've had this debate with the Planning Board.

7 CHAIRMAN STUTO: Century Hill is overparked.

8 MR. BETTE: The higher-end tenants don't park that  
9 heavy. Because the hotel only needs 10 percent of this  
10 parking during the day and if you look at the statistics  
11 you have more than enough for the office building itself  
12 on the site here.

13 MR. LANE: You'll be showing that?

14 MR. BETTE: Yes. That's the concept that we're  
15 trying to show. We're big supporters of the new  
16 urbanism and what the Town is trying to do overall.  
17 We've never gotten the codes out of the old way of doing  
18 things. We need to work on shared parking so we don't  
19 over-infrastructure ourselves. Combine mixed-use is  
20 that trend nationally that people are trying to do. The  
21 codes haven't caught up to how you implement mixed-use  
22 parking. This is our attempt at it. We think that it's  
23 fine for our users; both the hotel and the office space.

24 MR. LANE: Any consideration for doing porous  
25 pavement?

1           MR. BETTE: Yes. We're big proponents of that.  
2           My wife was actually yelling at me the other day. I  
3           said, I did that 20 years ago. I've been doing that  
4           especially when you're out in the sand. It's a very  
5           good use in recharging the aquifer.

6           MR. SHAMLIAN: In the hotel is there a restaurant?

7           MR. BOYEA: There isn't a banquet facility for  
8           something of that nature. It's just for the guests.

9           MR. BETTE: On the flag itself, there is a lot of  
10          them that have been interested in this site. This model  
11          has the restaurant inside the hotel. Some of them have  
12          it outside. We haven't been able to finalize the flag  
13          because we don't know the timing at the risk of getting  
14          approved.

15          MS. MILSTEIN: Is this an extended stay or just a  
16          regular stay hotel?

17          MR. BETTE: It was designed - this concept that we  
18          are proposing here is for a business traveler hotel.  
19          It's designed to accommodate an increase in  
20          international travelers that now come to Albany. You  
21          can say that it's extended stay. Most of the folks that  
22          we anticipate coming are coming for big meetings or for  
23          longer periods of time.

24          CHAIRMAN STUTO: Okay, we'll see you December 9th?  
25          I'm going to check to see who has signed up

1 yet.

2 Tara Morgan.

3 MS. MORGAN: So, just for clarity sake and I  
4 apologize if I'm looking at Afrim's, your property is to  
5 the right. I'm a property owner on Gay Lyn Drive behind  
6 Afrim's. Will any of your hotel patrons have access to  
7 Ulenski Drive or Gay Lyn outside -

8 MR. BETTE: No.

9 MS. MORGAN: Also, behind Afrim's, there is a quite  
10 of bit of bush and natural barrier. What sort of  
11 mitigation will you offer -- how far back will your  
12 parking lot be?

13 MR. BETTE: This is the parking lot here  
14 (Indicating). We don't get into any of those resident  
15 areas.

16 MS. MORGAN: And you said that you're not having  
17 any conferences or anything like that.

18 MR. BETTE: No.

19 CHAIRMAN STUTO: Any other questions or comments  
20 from the Board?

21 (There was no response.)

22 Thank you very much and we'd love to have you  
23 back as many times as you'd like to come.

24 MR. BOYEA: Just so that we're not back too many  
25 times, it's just the traffic times that we talked about

1           today. The rest of it from a layout standpoint -  
2           everything else is --

3                       CHAIRMAN STUTO: Yes.

4

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6                       (Whereas the above entitled proceeding was  
7           concluded at 8:07 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.

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NANCY STRANG-VANDEBOGART

Dated November 29, 2014

