

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

PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

BRITISH AMERICAN PLAZA
PHASE I
791 ALBANY SHAKER ROAD
SKETCH PLAN REVIEW

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on November 14, 2017 at 8:22 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
BRIAN AUSTIN
LOU MION
CRAIG SHAMLIAN
STEVEN HEIDER
SUSAN MILSTEIN

ALSO PRESENT:

Michael C. Magguilli, Esq., Town Attorney's Office
Joseph LaCivita, Director, Planning and Economic
Development Department
Michael Tengeler, Planning and Economic Development
Department
Ryan Weitz, PE, Barton and Loguidice

1 CHAIRMAN STUTO: Next one is British American
2 Plaza, Phase I, 791 Albany Shaker Road, Sketch Plan
3 Review, four multi-story office buildings totally 269,600
4 square feet, a four-story 98-room hotel and open
5 development area.

6 Joe LaCivita, any comments?

7 MR. LACIVITA: Yes, this project has a
8 long-standing history with the Town and the applicant,
9 British American. It dates back to July of 2006 when the
10 Planning Board at that time saw this project for the first
11 time with 294,000 square feet of overall development on
12 the site. It was before the Planning Board, again, at
13 that time in 2007, 2008, 2009 and 2010 - when concept was
14 actually granted and a neg dec was adopted.

15 Since that timeframe, mitigation that was
16 needed on this site for wetland mitigation was done in
17 the Sand Creek corridor, which is the same watershed.
18 That now has been closed and the SEQOR was adopted - the
19 negative declaration at that time.

20 So, I'm going to turn it over to Tony
21 Stellato and Heather from CHA to go forward.

22 MR. STELLATO: Tony Stellatto with CHA and
23 Heather Wyld is with me.

24 Since Joe covered the first five bullet
25 points of my presentation, the only thing that I wanted

1 to add to what Joe said is on your right over here is
2 the original 2007 concept. This is the basis of the neg
3 dec in the 2007 concept approval. Again, concept
4 acceptance was reaffirmed in 2010. The current concept
5 plan is a little bit different. It's very much the
6 same. This area is all the same.

7 This is Phase I of the project and Heather is
8 going to present instead of an office building that we
9 showed in the original concept, we now have a smaller
10 office building and a hotel.

11 With respect to SEQR thresholds, the one
12 thing that I think probably interests the Planning Board
13 the most - I know that it interested me the most - is
14 traffic.

15 We did do a trip generation comparison for
16 what we proposed today versus what we proposed in 2007
17 and I believe that we submitted that information to the
18 Board. I don't know if you have seen it yet, but the
19 trip generation for the project as we currently propose
20 is less. So, the traffic impact on traffic thresholds
21 are less than they would have been in 2007.

22 With that said, what I would like to do is
23 have Heather take you through what we are calling Phase
24 I of the development and then we can answer any
25 questions that the Board has at this time.

1 MS. WYLD: As Tony mentioned, Phase I is what
2 I'm going to pretty much cover. It's in the southeast
3 corner of the property adjacent to Watervliet Shaker Road.
4 The rest of the property is not changing from what the
5 previously proposed concept was. So, I'm just going to
6 run through Phase I where those changes exist. It's just
7 a blown up version of that so you can see it a little bit
8 better.

9 So, there is an existing roadway that serves
10 the existing Hilton Garden Inn. This is actually owned
11 by British American. It was constructed in accordance
12 with Town standards with the intent of eventually
13 dedicating it to the Town. So, as part of this project,
14 we are going to dedicate that existing roadway as well
15 as extend it to a cul-de-sac. The roadway extension with
16 the cul-de-sac will also be dedicated to the Town.

17 From the cul-de-sac there is going to be a
18 shared single point of access for both lots. From the
19 Town road both lots down here in Phase I - it's going to
20 be subdivided into two lots so that each building will
21 sit on its own individual lot. Both of those lots will
22 be compliant with the area requirements for the
23 commercial office district. That's going to be separate
24 from the rest of the property so it's actually going to
25 be subdivided into three parcels at this point.

1 We've got on the eastern portion of the
2 property a 48,000 square foot hotel. It's four stories
3 high.

4 Just west of that is a 24,800 Square foot
5 office building with a basement and we are also
6 providing 220 parking spaces to accommodate for both
7 buildings for Town requirements.

8 We're providing a secondary means of access
9 to the project from Watervliet Shaker Road at the
10 southeast corner of the property to be restricted for
11 emergency vehicle access.

12 We received DCC comments back in
13 August/September. Since then we have met with most of
14 the departments to incorporate their requirements and
15 address any comments that they had and we'll see more of
16 that when we get to concept with the utilities and
17 whatnot.

18 I think that pretty much describes the plan.
19 I'll open it up to the Board with questions that you
20 might have.

21 MR. HEIDER: You do know that your planner gave
22 old plans -

23 MS. WYLD: Okay, so what was submitted at
24 sketch plan in August was different. It is generally the
25 same except for the building orientations. The building

1 sizes are pretty close to what we had shown there. We did
2 reorient the buildings just based on better approach,
3 visibility and access to the buildings.

4 MR. STELLATO: We weren't trying to pull a fast
5 one there. We eventually had to cover that in our plan
6 for our presentation and we noticed at the last minute -
7 we clicked on the link on the agenda of the website and we
8 noticed that the current site plan is there and we thought
9 that was in your packet.

10 MS. WYLD: Sorry about that. We have since
11 developed a plan further. We have submitted for concept.
12 We are actually going to be here in a few more weeks for
13 concept acceptance. So, that's the plan that we are
14 presenting to your right now because that's the most up to
15 date.

16 CHAIRMAN STUTO: Are you asking for any
17 waivers?

18 MS. WYLD: No.

19 CHAIRMAN STUTO: So, it's fully compliant?

20 MR. STELLATO: It's fully compliant.

21 CHAIRMAN STUTO: The Town still wants the road,
22 Joe?

23 MR. LACIVITA: The road would have been through
24 the process and then it would be here. So, we are getting
25 it early. They designed that cul-de-sac right there

1 actually. It was initially designed for an ODA. Because
2 it was a private road, the extension for the open
3 development area now goes away.

4 CHAIRMAN STUTO: So, the Town does want it.

5 MR. LACIVITA: Yes.

6 MR. MAGGUILLI: Joe, that was part of the 2007
7 approval?

8 MR. LACIVITA: The 2007 approval, Michael, I
9 believe was just a straight line through and then an
10 off-set through there (Indicating). You got it right
11 behind you as to the original layout.

12 MR. STELLATO: There actually is a cul-de-sac
13 right there.

14 MR. LACIVITA: Okay, but you can see that it
15 was all streamed through. Was the dedication back in the
16 2006/2007 time frame?

17 MR. STELLATO: I don't know that we got that
18 far.

19 MR. LACIVITA: We are going for full
20 dedication, Mike.

21 CHAIRMAN STUTO: I have another question, but
22 we may want to hear a little bit more about your new
23 traffic analysis. I'm not totally oriented on that but it
24 goes out onto Albany Shaker Road. Does it go to a shared
25 driveway before it hits Albany Shaker? Is that shared

1 with the Hilton or the golf course?

2 MS. WYLD: It's actually owned by British
3 American. There is an access easement that Hilton Garden
4 Inn has from British American to utilize that.

5 CHAIRMAN STUTO: So, it doesn't impact the golf
6 course.

7 MS. WYLD: No.

8 CHAIRMAN STUTO: So, the Hilton shares it.

9 MS. WYLD: Yes.

10 CHAIRMAN STUTO: It goes to Albany Shaker Road.
11 That's a difficult left hand turn to take during peak
12 hours.

13 Do you have any comment on that?

14 I think that when this thing eventually gets
15 built out it's going to be -

16 MR. STELLATO: There was a threshold analysis
17 that was done in 2007 and Albany County was involved.
18 They actually set the threshold at 100,000 square feet.
19 We can build to 100,000 square feet before a traffic
20 signal was going to be required there. The full
21 development will actually require a signal. Phase I is
22 well under the traffic generated from the 100,000 square
23 foot threshold.

24 Did we submit the traffic analysis?

25 MS. WYLD: The traffic analysis was submitted

1 with concept.

2 MR. STELLATO: So, in your concept package
3 you'll get to see all the numbers that go with that.

4 CHAIRMAN STUTO: Has there been a recent
5 conversation with Albany County on that traffic signal
6 issue?

7 MR. STELLATO: They were at the DCC meeting. I
8 don't want to speak for them, but they are in general
9 agreement. I think that they want to maintain their right
10 to continuously comment during the process. Some time has
11 gone by but they are on the same page.

12 CHAIRMAN STUTO: I don't have any further
13 questions.

14 Anybody else?

15 MR. HEIDER: Do you have a flag for the hotel?
16 Is the hotel a brand?

17 MR. STELLATO: Yes, unfortunately the owners
18 were here and they had to step out due to time
19 constraints. I don't know that we are at liberty to share
20 that tonight. I know that in your packet for concept
21 there is a rendering that does disclose that and when we
22 do come back for concept we will be -

23 MR. HEIDER: My only concern which is more of a
24 future concern is that there are some beautiful hotels and
25 everybody loves the new toy and we're going to eventually

1 get stuck with a lot of big old hotels. I'm just curious
2 because every hotel person that I talk to says that it's
3 already over-saturated. I'm just curious how this fits in
4 to that over-saturation.

5 MR. STELLATO: I think that what we will do is
6 bring that comment back to the owner and have them come
7 back with an assessment of the market. I believe that they
8 have a contract with a hotel brand and a franchise
9 agreement and if those agreements are granted, generally
10 there is a market study involved.

11 It's interesting because I was out doing some
12 traffic observations a couple of weeks ago at the
13 intersection just to re-familiarize with current
14 conditions and I happen to stop and I was watching how
15 many cars came down the existing access road into the
16 existing hotel. It was the middle of a week, post
17 summer.

18 It was only like two weeks ago. I happen to
19 stop into the front desk at the Hilton Garden Inn and I
20 asked the desk clerk how occupied they were and what the
21 percent occupancy was there currently and she said 98%
22 and it's been that way since the summer.

23 CHAIRMAN STUTO: Maybe that's because of the
24 airport.

25 MR. HEIDER: Ask the Radisson that same

1 question.

2 CHAIRMAN STUTO: Can you talk about the phasing
3 and what you expect in the future after this phase?

4 MR. STELLATO: Sure. Phase I is a go, which is
5 the 25,000 square feet of office and the hotel. There is
6 no big sign for it yet, but the owners have told us that
7 they believe that there is a pretty strong market and they
8 expect that shortly after we're in for our final approvals
9 that they will be initiating the early stages of approval
10 for the remainder. So, they do believe that -

11 CHAIRMAN STUTO: The whole rest of it.

12 MR. STELLATO: There is definitely going to be
13 phasing attached to it, but they are in discussions with
14 future tenants and they feel that there is a market that
15 is going to drive the project to completion sooner rather
16 than later. I know that is pretty vague.

17 MR. MAGGUILLI: So, there is no further need
18 for an open development area for this project.

19 MR. STELLATO: For the future phases - that
20 remains to be determined. It depends on how the future
21 buildings will be owned. If they are all owned by one
22 entity, no. If they are owned by two entities, we think
23 that we can get two conforming lots. If it's three
24 entities, maybe not.

25 MR. MAGGUILLI: For Phase I, definitely no ODA?

1 MR. STELLATO: Phase I is going to have an ODA.
2 The reason for that - we understand that although we can
3 create two compliant lots and we have created two fully
4 compliant lots, the access is going to be shared. The
5 access is over one lot and that's why we have to get the
6 ODA.

7 MR. MAGGUILLI: Do you plan on going through
8 the ODA process parallel to the planning process?

9 MR. STELLATO: Yes, sir.

10 MR. LACIVITA: Actually that's what it says in
11 here, Mike.

12 MR. MAGGUILLI: Has anything been filed with
13 the Town?

14 MS. WYLD: Yes, it's been submitted to the Town
15 Supervisor's office. We are awaiting placement on the
16 Town Board agenda so that we can be referred back to the
17 Planning Board.

18 MR. MAGGUILLI: When did you do that?

19 MS. WYLD: We submitted in early October, I
20 believe that it was. I know that there has been two Town
21 Board meetings that have since passed that we have not
22 made the agenda for. We are hoping that it's before you
23 in advance of our concept acceptance meeting.

24 CHAIRMAN STUTO: We will ask Barton and
25 Loguidice to comment on this. Do you have any comments?

1 Are we going to need to do anything with the environmental
2 review that has already been completed?

3 MR. STELLATO: In terms of the SEQOR review as
4 the applicant has stated, there is a preliminary traffic
5 analysis included in the concept submission. We actually
6 have that concept submission and are working our way
7 through that.

8 CHAIRMAN STUTO: Did you say that we neg dec'd
9 this already at one time?

10 MR. STELLATO: In 2007.

11 CHAIRMAN STUTO: That's what I am asking. What
12 did you expect to happen? Were you going to amend that?

13 MR. STELLATO: We wouldn't expect with the
14 change and the building configuration and the proposed
15 tenants that as long as there is no significant change and
16 as long as there is no change to the traffic impact, that
17 neg dec should be able to stand.

18 MR. MAGGUILLI: There may be mitigation fees as
19 well.

20 MR. STELLATO: Correct.

21 MR. MAGGUILLI: Have you anticipated the change
22 in that?

23 MR. STELLATO: In terms of the Airport Area
24 GEIS area, we have not taken a close look at that but we
25 can include that in our concept review depending on the

1 square footage of the buildings, that may need to be
2 tailored.

3 MR. LACIVITA: The only change that may happen
4 Mike is when the mitigation fees are actually locked in
5 upon stamping of the plans. They never got to that process
6 for final. So, we have accelerated that or brought those
7 forward in 2015 dollars. So, that is probably where we
8 plan -- unless the GIS study goes faster and accelerates
9 and gets approval and we can move forward with that
10 number.

11 MR. MAGGUILLI: But the formula remains the
12 same.

13 MR. LACIVITA: It remains the same.

14 MR. MAGGUILLI: They are locked in on the
15 approval.

16 MR. LACIVITA: At that time, yes, but then the
17 stamped plans would be under 2015 dollars. We will confirm
18 all of that as we get closer in the process.

19 CHAIRMAN STUTO: Do you have any other
20 comments, Ryan or anything else you think that we should
21 focus on?

22 MR. WEITZ: Not at this time, Chair.

23 CHAIRMAN STUTO: Any other comments from the
24 Board?

25 (There was no response.)

1 Thank you.

2

3 (Whereas the above entitled proceeding was
4 concluded at 8:35 p.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATION

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

I, NANCY L. STRANG, 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.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

