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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

CENTURY HILL PLAZA OFFICE
15 AND 16 PLAZA DRIVE
APPLICATION FOR CONCEPT ACCEPTANCE

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter, commencing on February 27, 2018 at 7:13 p.m. at The Public Operations Center, 347 Old Niskayuna Road, Latham, New York.

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

ALSO PRESENT:

Joseph LaCivita, Planning and Economic Development Department
Michael Tengeler, Planning and Economic Development Department
Chris Bette, First Columbia
Kevin Bette, First Columbia
Joseph Grasso, PE, CHA
Chuck Voss, PE, Barton and Loguidice
Barbara Numrich
Michael Brennan, Conservation Advisory Council

1 CHAIRMAN STUTO: Next on the agenda is Century
2 Hill Plaza Office, 15 and 16 Plaza Drive, application
3 for concept acceptance, two-story 40,000 square foot
4 office, 2 five-story office totally 228,000 square
5 feet and a four-story 67,830 square foot office.

6 Joe LaCivita, do you have any comments on this?

7 MR. LACIVITA: Just for the record, Peter, we
8 were here for sketch plan review back on February 6,
9 2018. Since that time, the applicant has reviewed the
10 comments of sketch and sent them onto the county for
11 review. We are here for concept acceptance.

12 CHAIRMAN STUTO: We will turn it over to the
13 applicant.

14 MR. BETTE: Thank you, Mr. Chairman. My name is
15 Chris Bette and with me tonight is my brother Kevin.
16 We are with First Columbia, the owners of the land
17 around the Anglo Dynamics building on Plaza Drive.

18 As Mr. LaCivita said we have been here before.
19 We were here a couple of weeks ago for sketch plan,
20 but we were here a few years ago and received approval
21 for this very same plan. It includes the same amount
22 of square footage - about 335,000 square feet of
23 commercial development. Access is provided off of both
24 Auto Park Drive and Century Hill Drive, along Plaza
25 Drive.

1 Utilities were all installed on all of those
2 roads, so all the utilities will be extended from the
3 existing systems to the buildings. There is sufficient
4 capacity in all the systems to support the building.

5 This Board has allowed us over the years, as we
6 have developed Century Hill Drive, to request a waiver
7 to reduce the number of parking spaces. We are again
8 requesting that waiver. As we have demonstrated in the
9 past, our parking spots are one-third vacant, daily.
10 Through the use of cross use and cross easements we
11 are building less parking spaces, but utilizing more
12 of them daily without any parking inconvenience.

13 Again, we are going to ask the Board again for
14 a parking waiver on the number of parking spots for
15 the site.

16 Again, the buildings - we anticipate them to be
17 consistent with what we have been doing for the last
18 20 years down at Century Hill - a mix of brick
19 exterior and metal exteriors so we are again going to
20 continue to complement and be consistent with what we
21 have done.

22 As we mentioned, this is a re-approval of a
23 plan that the Planning Board approved a few years ago.
24 We are asking the Board to reinstate the concept
25 acceptance that you granted.

1 Just so you all know, at the time of the
2 previous approval, we also went through the SEQR
3 process and a negative declaration was issued for the
4 project.

5 With that, I will hand it back over to you Mr.
6 Chairman.

7 CHAIRMAN STUTO: Okay, thank you. This has been
8 reviewed by our Town Designated Engineer, Barton and
9 Loguidice.

10 Chuck Voss, could you give us your comments on
11 this project?

12 MR. VOSS: Sure, Peter; thank you.

13 As Chris mentioned, we reviewed this project
14 not only this last time but also back in 2010 when
15 they came for their initial concept acceptance. We
16 have issued a brief concept letter that the Board has
17 in their packets and I will just touch on a couple of
18 quick things.

19 Basically for the record, we don't see any
20 changes or modifications to this plan that was
21 submitted prior back in 2010. So, essentially
22 everything looks consistent with what we saw the last
23 time around when they got their first concept
24 acceptance.

25 I think that the only thing that we have a

1 potential question on that we already discussed with
2 Chris and Kevin was just the sizing of the stormwater
3 basin that is located at 14 Century Hill Drive. They
4 are proposing to use that existing large basin that
5 they have already constructed for the Anglo Dynamics
6 building and the roadway to help accommodate the
7 stormwater from the site.

8 Back then when that site was developed and that
9 stormwater system was developed, the DEC regs were
10 slightly different. They have changed since then so we
11 just want to make sure that the new system is
12 consistent with those new regs. So, we want to take a
13 look at that.

14 There are existing utilities now at the site;
15 there is water and there is sewer and power. So,
16 really everything looks the same from our standpoint.

17 CHAIRMAN STUTO: Since the last meeting we
18 asked you to send a letter which you did send to all
19 of the various Town officials. I received it
20 electronically. I don't see it in the package here,
21 though.

22 Would you mind summarizing the letter, just so
23 we can make sure that issue is on the record?

24 MR. BETTE: Yes, I can give you a quick
25 summary.

1 A couple of points that we wanted to make -
2 when we made the application in 2010 obviously the
3 market was not as strong, so there has been some time.
4 We have absorbed up all the space in the remaining
5 buildings that we have so we think that there will be
6 more coming. We'd like to ask that in a park-like
7 setting like ours, the concept approval can last
8 longer - maybe 10 years to be consistent with the GEIS
9 and all that kind of stuff.

10 CHAIRMAN STUTO: Okay, that's an issue for the
11 Town Board.

12 MR. BETTE: Right, that's why it was sent to
13 the Town.

14 The other point was that in dealing with the
15 GEIS, it all deals with traffic. We are big supporters
16 of the impact fee system. We think that it works well
17 - and paying into it.

18 What happened when we were doing the Angio
19 project - it was thought at the time that Walmart was
20 going to go on a neighbor's property and they were
21 cooperating and building the linkages and that didn't
22 happen. We see the linkage that we constructed. This
23 is Century Hill Drive, a Town road; Auto Park Drive, a
24 Town road; all dead-end roads from a safety standpoint
25 and from a traffic circulation standpoint, it was

1 recommended in the GEIS to build this linkage. That
2 road is about 1,500 feet long. We bore the cost of
3 that.

4 CHAIRMAN STUTO: Can I ask you a question? Are
5 you referring to the updated GEIS or even prior to
6 that?

7 MR. BETTE: The update. So, this road is about
8 1,500 feet long. It serves everyone that is down
9 there. We also paid our impact fees. In other projects
10 in the GEIS area, a similar situation came up where
11 you have a 1,900 foot long connector road, both sides
12 of the road owned by a private developer connecting
13 two Town roads.

14 We just would ask the Town Board and your Board
15 if we could be consistent in how to apply the traffic
16 improvements. So, we look at it that our mitigation
17 fees are going to go to build another connector road.
18 We just ask for credit for our future buildings here -
19 not to pay money back, but to say that we should get
20 some credit for building that connector road. That was
21 the point of the letter.

22 CHAIRMAN STUTO: Okay, I'm glad that you got
23 that out. We do want to treat everybody fairly and
24 apply the same principals when we do that. We have
25 asked both Chuck to look at it and also Joe Grasso,

1 who happens to be here because he has a lot to do with
2 the - at least the update of the GEIS. I think that he
3 was familiar with the old one.

4 So, between the two Town Designated Engineers,
5 could you at least respond and how you suggest we
6 analyze the last issue that was brought up by the
7 applicant?

8 MR. GRASSO: Yes, I'll go first.

9 So, we were involved in the updated GEIS which
10 was done around 2011 and Kevin is right when he
11 mentioned that the connector road was not one of the
12 improvements that we are collecting mitigation fees
13 for. The cost of that is not spread throughout
14 additional developments throughout the area.

15 When this property came up for development back
16 in the late 1990's by Northeast American Realty, it
17 was proposed for a series of car dealerships. We were
18 actually doing the site plan at the time. During the
19 planning process the Planning Board raised the concern
20 or the need for cross connection through the property
21 that could eventually go from Auto Park Drive over to
22 Century Hill Drive.

23 CHAIRMAN STUTO: Can you tell us what year that
24 was, approximately?

25 MR. GRASSO: The late 1990's. So, it started

1 off with a subdivision of Auto Park Drive, which was
2 the partnership between Northeast American Realty and
3 Mark Neimith. Even as part of that subdivision, that
4 the Planning Board required easements that were split
5 between the Northwest American Realty property and
6 then Mark Neimith's property. It evolved through the
7 site planning process and Northeast American Realty
8 went through with a Saturn Dealership, Cadillac
9 Dealership and Hummer Dealership - they were all
10 proposed on this exact project site. So, that was the
11 evolution of this private area.

12 When the GEIS was updated in 2011, this area of
13 Route 9 - there were 25 specific measures that
14 comprised the conceptual improvement plan for the
15 Route 9 area. Out of those 25 measures, 12 of those
16 measures we are not collecting mitigation fees for.
17 The involved things were cross connection between
18 properties, linkages between roads, limited access
19 rights and certain curb cuts, pedestrian
20 accommodations, some signalization improvements. So,
21 out of all the 25 measures that were identified as
22 being required as projects continue to be developed,
23 we are only collecting mitigation fees for 13.

24 One of the reasons for this specific linkage
25 where a cross connection road is not being collected

1 for mitigation fees is that because it's something
2 that is really driven by the development of this
3 project site and it's something that the Planning
4 Board had always required as part of previous planning
5 for the property.

6 The other thing is that with the concept of
7 mitigation fees, the reason why it's a fair-share
8 system is that you only pay for your use of the
9 various improvements. So, if these projects don't
10 utilize the connector road on the other side of Route
11 9, then these projects won't be assessed mitigation
12 fees. Their traffic is distributed through the roadway
13 network by CDTC through their step model and you only
14 pay mitigation fees for where your traffic is going
15 through the identified improvements.

16 So, for this specific linkage, we would believe
17 that the majority of the trips using this road would
18 be for the properties that we are going to see in
19 tonight's application. Therefore the mitigation fees
20 would be assessed to the current applicant and not be
21 paid for by other development that occurs throughout
22 the study area.

23 CHAIRMAN STUTO: Okay, I'll let you respond if
24 you want.

25 MR. BETTE: So, we agreed with that obviously

1 when we built the building but we said okay, if that's
2 the Town's policy, then we'll do that. Now that we see
3 the other application coming in to connect 1,900 feet
4 from here to here we say, what's the difference? We
5 just wanted it to be fair for everyone. You could
6 argue that there would be more thru-traffic. All this
7 does is eliminate someone making a right hand turn,
8 which isn't really the problem. It is a little bit
9 gray.

10 When they did the update to the GIS, it was
11 decided that some things were reimburseful and some
12 weren't, but we never really talked about that. I
13 think that to be fair, that should be discussed.
14 Certainly there are some things that go directly with
15 the project, but you see what happens with the GIS, as
16 Joe points out in the 90's - the first GIS was done in
17 '98 -

18 MR. GRASSO: '89.

19 MR. BETTE: - uses change so you do all this
20 study in the area - this was going to be all these car
21 dealerships (Indicating) and this was the Starlite
22 Theater (Indicating). As uses change, you need to be
23 able to update the GEIS and then sometimes the
24 reimbursements change. It's hard because if you had
25 enough time, you would say - and this is what I was

1 saying at the last meeting - when a project comes in,
2 you should check it against the GEIS because Joe is
3 doing the best job that he can to make assumptions,
4 but you don't know really what is going to happen. We
5 don't know. Hopefully office buildings aren't going to
6 be obsolete in the next 10 or 20 years but we have to
7 make our best guess and try to get concept approval so
8 that when a company comes in -- because they want to
9 get going right away once they decide. We want to iron
10 out everything and we don't want to slow down other
11 projects either.

12 CHAIRMAN STUTO: We don't have to resolve this
13 tomorrow - is that true?

14 MR. GRASSO: That's true.

15 CHAIRMAN STUTO: And how would you suggest that
16 we advance this discussion?

17 MR. GRASSO: The one thing that Chris mentioned
18 is that these are not new concerns. These are not the
19 first times that we are hearing about this. During the
20 public hearing for the GIS, when it was up for final
21 adoption by the Planning Board, there were comments
22 provided by Chris Bette as well as their attorney,
23 Peter Lynch. Those comments were in the record and
24 there were specific responses to those same exact
25 questions. So, it was something that was fully vetted

1 by the Planning Board and seriously considered by the
2 Planning Board through the adoption of the update to
3 the GIS. Again, it's something that I agree with Chris
4 - these are things that you can constantly re-evaluate
5 but I think that they have done good planning by
6 accommodating the cross access connection with the
7 site plan.

8 I assume that it's something that is still
9 desired by the Planning board. It's need may not be as
10 important as it once was because when the update was
11 done in 2011, it identified a need for the connector
12 road and identified a need for a signal at the Auto
13 Park Drive/Route 9 intersection. Therefore, once those
14 improvements go in, it's highly unlikely that there is
15 going to be a significant amount of traffic using that
16 cross-connector road by pay parcels other than what
17 you're looking at tonight.

18 MR. BETTE: The traffic isn't the only measure.
19 It doesn't provide important safety. Both of those
20 cul-de-sacs are now beyond the length that you permit.
21 They are very long cul-de-sacs. It does provide a
22 cross connection. We probably would have laid out
23 parking differently had the Planning Board said build
24 a connector and also at the same time, Walmart is
25 trying to get going. So, we're kind of in that whole

1 theme of traffic with Walmart and that didn't happen.
2 So, things change.

3 MR. GRASSO: Yes. The other thing to keep in
4 mind is that 4 and 6 Auto Park Drive around the other
5 side -- the south side of Auto Park Drive - those same
6 linkages are also identified on that conceptual
7 improvement plan, so it is intended that there be
8 additional linkage from the Auto Park Drive all the
9 way through to Route 9 to the south so there would be
10 these redundancy forms of access to all these
11 properties.

12 MR. BETTE: Most of the linkages that the
13 Planning Board regularly requires and supports is
14 between neighboring buildings. Let's say we didn't own
15 all these. It's nice to be able to drive through the
16 parking lot just like we did on Wolf Road that saves
17 trips going out to the road.

18 This is different linkage because we just built
19 a road. We're not just giving a linkage between
20 properties. We built a whole dedicated road, not
21 unlike this road in our opinion. So, that's all we
22 wanted to point out.

23 CHAIRMAN STUTO: I'm not sure how to dissect
24 that and analyze that. I'll try to put it in lay terms
25 because we're laypeople here on the Board.

1 To my understanding, you're saying the road on
2 the Bette property serves mainly the Bette property.
3 The other cross connector road that's going to go
4 through Ayco serves the general traveling public
5 that's trying to get from Point A to Point B and if
6 they take that route, the new alternative road, it
7 takes traffic off the intersection of Route 9 and 9R.
8 So, that's my lay-understanding.

9 MR. BETTE: Yes. The way that we look at it,
10 you're correct. I would guesstimate, being an old
11 traffic guy, this development of that magnitude up
12 there - they would occupy 90% of the traffic on that
13 new road, probably not different from this road
14 (Indicating) because all of these tenants were
15 existing on Century Hill Drive and they use that road
16 too. I think that it's important to connect the public
17 streets and you call them linkages in your report, but
18 it's really a road. We don't have just a linkage. We
19 were required at the time that we were laying this out
20 to build a dedicated road and at the time it said you
21 guys built it. We said, okay. If everybody does that,
22 then competitively we are not at a disadvantage.

23 So, all we are saying is that we are kind of at
24 a disadvantage if this road gets built for another
25 office developer, especially with mitigation fees that

1 came from us.

2 CHAIRMAN STUTO: Okay, is there any way that we
3 can quantify it? I think that the British American one
4 - we're starting to look at now. They are building a
5 road at their expense inside their own property,
6 aren't they? Ayco is not because you're saying -- I
7 remember we studied it. That's really supposed to help
8 that intersection at 9R and 9.

9 MR. GRASSO: That's right.

10 CHAIRMAN STUTO: And that is demonstrated by
11 traffic studies.

12 MR. GRASSO: And Ayco is creating those traffic
13 studies for us to do that analysis. This project could
14 do the same.

15 MR. BETTE: Right, we can give you traffic
16 studies. I think that what you will find is that,
17 yes, mostly the developments are using those roads in
18 front of them. There is some residual use from the
19 public that uses both of the roads. Ours is probably
20 less than this. I would admit that. I'm just saying
21 that it's just a little bit unfair from the way that
22 we look at it. We just want to bring it out and
23 discuss it.

24 MR. GRASSO: Understood.

25 CHAIRMAN STUTO: Okay, we will continue the

1 discussion.

2 MR. BETTE: Thank you.

3 CHAIRMAN STUTO: Were there members of the
4 public looking to speak on this? I see a couple of
5 sign-ins.

6 MS. NUMRICH: My name is Barbara Numrich and I
7 live at 350 Old Loudon Road. I just want to bring up
8 the traffic issue again. His buildings generate 1,600
9 employees and Ayco, again, is going to be 1,200
10 employees. Rush hour is going to be all around the
11 same time. I just want to bring that to your attention
12 again. This is all traffic.

13 The Comprehensive Plan - we are not paying any
14 attention to it. All that traffic is going to be
15 coming onto Route 9 and I know this one road that
16 you're talking about that they're going to build is
17 one row - this is like - all this traffic - this isn't
18 going to deal with all of this traffic. Are you taking
19 that into consideration? How can you do all these
20 things before that plan is even looked at?

21 CHAIRMAN STUTO: Before which plan is looked
22 at?

23 MS. NUMRICH: The Comprehensive Plan.

24 CHAIRMAN STUTO: Well, we did a GEIS update
25 which studied traffic - traffic was what was updated.

1 So, we identified in the GEIS update the traffic
2 improvements which Joe gave me a copy of and it
3 identifies 25 improvements.

4 MS. NUMRICH: I can see it for his project.
5 Ayco was not there beforehand. I can say that his
6 project was. Your thing was presented before Ayco was
7 even there. Ayco - this project was brand new so you
8 can say all the other housing developments that have
9 come up on Route 9 - they were a part of that. Ayco
10 was not. That's another 1,200 -

11 CHAIRMAN STUTO: I will let Joe address that. I
12 have my own response but Joe is going to have a more
13 accurate response.

14 MR. GRASSO: So, during the preparation of the
15 update in 2011 - the Starlite property is referred to
16 as Parcel 28. If you go back in the documents we
17 always called it Parcel 28. That property was looked
18 at in full development. It was looked at 450,000
19 square feet of office space and then there was another
20 scenario where it was looked at as if it was a retail
21 space to establish a certain threshold of trip
22 generation.

23 We are doing the review of the Starlite
24 property or the Ayco project. The applicant has
25 established that the trips that could be generated

1 from that property are much less than was evaluated
2 when we did the traffic update and we needed those
3 answers to make sure that these 25 improvements would
4 continue to mitigate traffic impacts as these
5 properties build out and make sure that the traffic
6 stays at or better than the conditions that are in
7 today.

8 MS. NUMRICH: Do you even know what the traffic
9 is like in the summer? I mean, in that one little road
10 you cannot tell me that one little road is going to
11 take care of that traffic.

12 MR. GRASSO: I just want to reiterate to the
13 Board what we talked about. The connector road is a
14 huge significant regional improvement. It's important
15 to the whole plan coming together, but there are a
16 number of other improvements that were not only
17 identified in the Route 9 area that was updated, but
18 if you go back to the '89 study it covers the whole
19 Boght Road area. So, there are a number of
20 improvements and as long as we continue to keep doing
21 all of these improvements, traffic should be able to
22 continue to be at acceptable levels of service.

23 MS. NUMRICH: Are they all going to be done
24 with that project?

25 MR. GRASSO: They will not all be done like the

1 Starlite project or the Ayco project. They will be
2 required to do a number of improvements in order to
3 make sure that the traffic doesn't degrade
4 temporarily.

5 MS. NUMRICH: Temporarily.

6 CHAIRMAN STUTO: Ma'am, I'm going to give you
7 my lay interpretation of this, okay? That's just to
8 say, regular normal, non-engineering terms.

9 That cross-connector is not going to solve all
10 the problems. It's not going to make them all go away.
11 I think that we agree with that. I don't think that's
12 what he's saying. It just going to keep them at an
13 acceptable level. I also want to say this: We listen
14 to what you say and I think that we all pay attention
15 while driving around. If you check traffic at 5:00,
16 you can go to any of the arteries that go through the
17 capital district; the Northway, Route 9, the feeders
18 that go into that - 787, Route 9, Washington Avenue -
19 they all have the same condition. Everybody is trying
20 to get somewhere else and if they were arteries of a
21 person, the person would be having a heart attack.
22 It's attributable to the whole region. All the feeder
23 roads and all the exit ramps or entrance ramps are all
24 full and traffic is creeping along trying to get where
25 they are trying to get.

1 I'll just finish the one thought and then stop.

2 In your particular area everything is feeding
3 north at 5:00. So, you're going up Route 9 or they are
4 trying to get on the Northway. There are certain spots
5 that keep it from - unless you go in another lane
6 going over the Mohawk River, it's not all of the
7 sudden going to break lose and get better. These
8 improvements that are identified are supposed to keep
9 it at acceptable levels as the development progresses.
10 That's my statement with non-engineering terms.

11 MS. NUMRICH: But that connector road that he's
12 talking about isn't going to help the Northway at all.
13 That's not helping the Northway at all.

14 CHAIRMAN STUTO: The only thing that I will say
15 is that if people are coming from Cohoes and they were
16 thinking about getting on the Northway, they may take
17 a right and go up Route 9 instead. That's one
18 possibility at the 5:00 time.

19 MS. NUMRICH: But you know what it's like.

20 MR. VOSS: I think that it would be helpful.
21 You know that we are involved in the Comprehensive
22 Plan update and we can understand how that process is
23 evolving, but this area has been extensively studied
24 from a traffic standpoint for the better part of 30
25 years now. That's really what Joe is referencing. If

1 you go online to the Town's website you can look up
2 the Boght Road/Columbia Street GEIS -

3 MS. NUMRICH: I've been looking at it for 30
4 years.

5 MR. VOSS: It's very good. It's a very detailed
6 traffic review and analysis and it shows existing
7 conditions. It shows anticipated conditions and then
8 it shows obviously some mitigation measures that the
9 Town and individual developers are doing - it's not
10 going to happen overnight, as Peter mentioned. It's an
11 incremental process.

12 MS. NUMRICH: But you are the planners and you
13 know what is happening on Albany Shaker Road. You know
14 what conditions already exist so that's why we are
15 coming to the Planning Board and saying you know what
16 the traffic problems are already in the Town. So, when
17 you're looking at approving these projects, why are
18 you not saying hold on because we know that these
19 problems already exist? That's all.

20 CHAIRMAN STUTO: Anybody else?

21 MR. BRENNAN: Mike Brennan, Conservation
22 Advisory Council.

23 When we reviewed this we requested a
24 landscaping plan be included with the final so that we
25 could take a look at it to make sure it included

1 native plantings and that nothing there was evasive.

2 Has that been prepared, or will that be coming?

3 MR. BETTE: That will be coming.

4 MR. BRENNAN: Thank you.

5 CHAIRMAN STUTO: Anybody else?

6 (There was no response.)

7 Members of the Board?

8 (There was no response.)

9 Okay, the question before us is for concept
10 approval, as presented, subject to Town Designated
11 Engineer comments and departmental comments. Do we
12 have a motion on that?

13 MR. HEIDER: I'll make that motion.

14 CHAIRMAN STUTO: Second?

15 MR. AUSTIN: Second.

16 CHAIRMAN STUTO: Any discussion?

17 (There was no response.)

18 All those in favor, say aye.

19 (Ayes were recited.)

20 All those opposed, say nay.

21 (There were none opposed.)

22 The ayes have it.

23 Thank you.

24 MR. BETTE: Thank you.

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Whereas the above entitled proceeding was
concluded at 7:36 p.m.)

CERTIFICATION

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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.

NANCY L. STRANG

Dated _____

