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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

REVIEW OF PLANS FOR THE PROPOSED
MOHAWK RIVERFRONT ESTATES PDD, 1360 LOUDON ROAD

THE TAPED AND TRANSCRIBED MINUTES of the above entitled
proceeding BY NANCY STRANG-VANDEBOGART commencing on
May 26, 2009 at 7:39 p.m. at the Public Operations Center 347
Old Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

- JEAN DONOVAN, CHAIRPERSON
- ELENA VAIDA
- MICHAEL SULLIVAN
- THOMAS NARDACCI
- GEORGE B. HOLLAND, JR.
- CHARLES J. O'ROURKE
- TIMOTHY LANE
- PETER STUTO, Jr. Esq., Attorney for the Planning Board

Also present:

- Joseph LaCivita, Director, Planning and Economic Development
- Brad Grant, Barton & Loguidice
- Kevin DeLaughter, Planning and Economic Development
- Kathy Simmons, Clough Harbour and Associates, LLP

1 CHAIRPERSON DONOVAN: Also on the agenda this
2 evening is Mohawk River Estates. We had a meeting on
3 that. The public meeting on that was actually closed
4 and now we're going into the findings.

5 We received a letter dated today from DOT in
6 relation to this project. In this letter he stated that
7 the traffic study methodology with the trip generation
8 distribution - the percentages appear to be reasonable
9 and he concurs with the conclusion that the proposed
10 development will not have a significant effect on the
11 traffic operations.

12 He then suggested that the town consider a
13 request for a connection to the southerly road into the
14 adjacent Seymour property as an element of the site
15 plan approval. This would eliminate a need to add a
16 third access point at some time in the future in the
17 event that the Seymour property is subdivided and/or
18 redeveloped. Then he says that it appears that there is
19 a discrepancy in the identification of the two proposed
20 accesses and in table 2, 3 and 4 and figures 2, 3, 4
21 and 5 on the traffic impact study. So, this discrepancy
22 should be clarified.

23 He says that we will provide detailed
24 instructions and comments for utility and non utility
25 work within the Route 9 right of way, once the engineer

1 for the proposed project submits plans to us with the
2 review and that's from Mark Kennedy, Regional Traffic
3 Engineer.

4 I know that Brad, you're going to address some of
5 this this evening?

6 MR. GRANT: We have gone through and provided
7 comments on the original traffic study. We have talked
8 to Clough Harbour and I think that it was satisfactory.

9 I think the bottom conclusion of the letter
10 received today is that the proposed development not
11 have a significant impact on traffic in that area.
12 There is some housekeeping to do on the traffic study.

13 A large part of our contribution here was to
14 develop a PDD findings statement in concert with
15 everyone that has worked on the project, including the
16 Planning Department. I'm going to go briefly through
17 that.

18 The project description - - you've all heard a
19 lot about this project. It's a mix of condominium and
20 apartment buildings. There was a question in the
21 minutes from last time. There was a one-story retail
22 office building at 10,000 square feet that is part of
23 that area for the project.

24 There was question at the last meeting whether or
25 not we can preclude a food service establishment from

1 occupying any part of that 10,000 square foot area.
2 There is no known tenants at this point. It isn't a
3 firm proposal at this point, but it is different than a
4 retail and office building in so far as parking
5 requirements and perhaps even traffic signs,
6 particularly for a drive through. So, there is some
7 language in those conditions there.

8 We did the SEQRA findings. The SEQRA compliance
9 for the Planning Board and SEQRA lead agency has
10 undertaken an environmental review of the project in
11 concert with the TDE and Barton and Loguidice on this
12 project. The lead agency has reviewed the PDD
13 application and site plans and descriptions and
14 supporting documentation. Based on its review, there
15 has been developed a SEQRA determination that Kevin has
16 prepared that you can go over after I get through with
17 this piece.

18 There was a long form EAF prepared for the
19 project. There were some minor revisions to take place
20 between the last meeting and now. Those have occurred.
21 In comparison with the Chapter 190 of the Land Use Law,
22 this project is consistent with the design standards.
23 The PDD allows for more flexibility in the use of this
24 site and giving a creative mix of multifamily
25 residential and commercial space.

1 The compatibility with the surrounding
2 neighborhoods: The proposed PDD will be generally
3 compatible. It is taking the place of Sunnyvale Trailer
4 Complex, but there is also an adjacent facility next
5 door to it. The mixed level use is consistent with the
6 existing neighborhoods.

7 It appropriately complements the comprehensive
8 plan for the town by providing the mix of housing
9 options. In particular, approving pedestrian
10 environment within the neighborhood. I think that the
11 thing that we really like about the project is the
12 multi-use trail with connections to the north and south
13 of the site for further extension for some other
14 parties, but it is a connection to the river. There is
15 public space, parking spots provided and a canoe, kayak
16 access.

17 So far as community enhancement: This project is
18 providing a use that is currently not there and is
19 privately owned.

20 The site is relatively flat. It slopes generally
21 to the north. The federal wetlands are in the center of
22 the site. That will be preserved overall as part of the
23 40% greenspace provided.

24 The adequacy of existing community facility.
25 There is a necessity to extend greater water capacity

1 to this area of the site in working with the adjacent
2 projects like Shelter Cove. There is a 12-inch water
3 main that is proposed that would come from the town's
4 park, the bike trail - a 16-inch main. Right now there
5 is an 8-inch main that is undersized for the level of
6 development that is coming this way.

7 Sanitary sewer would also have to be improved. A
8 pump station is proposed on this site and the use of a
9 force main on Route 9 and discharged into a gravity
10 sewer system with the Shelter Cove project and that's
11 further pumping the source main to the plant. This is
12 all part of the final engineering and both projects are
13 in that process.

14 The traffic study was reviewed. The responses
15 were reviewed as being acceptable. In DOT's letter
16 there are some slight modifications and discrepancies
17 in the traffic statement, but the bottom line
18 conclusions are sound.

19 With that, we came up with possible proposed
20 conditions of the PDD statement of findings. There are
21 11 of them.

22 First, is additional data submitted to
23 demonstrate compliance with design standards, town
24 codes 199.44 and 190.45 including site lighting.

25 Many of these comments will be addressed as the

1 design progresses.

2 The requirements of SEQRA must be fulfilled.

3 Next, the plan should include appropriate slopes
4 and stabilization, erosion control and dewatering
5 measures.

6 Next is the Town of Colonie Plan review comments
7 should be addressed by permits and plan approval should
8 be obtained as required from the SEAMAB, town planning
9 development department, the US Army Corp of Engineers,
10 New York State Department of Environmental
11 Conservation, DOT, New York State Canal Corporation and
12 Albany County Department of Health.

13 The Canal Corporation owns some lands down here,
14 plus they're very involved.

15 The site's necessary improvement shall be made to
16 the public water system to accommodate the proposed
17 project. That is well underway.

18 On site stormwater - quality management shall be
19 required for town and New York State DEC requirements
20 and quantity control, because of its connection to a
21 stream.

22 Improvements shall be made by DOT to maintain
23 proper functioning of the transportation. It will
24 require some permits. Mark Kennedy's letter says that
25 they will review the plans and address comments when

1 that comes forth.

2 Notification shall be provided to perspective
3 buyers and tenants regarding the presence of the
4 adjacent Town of Colonie landfill and Seymour's
5 Waterspouts and the associated potential noise and odor
6 impacts.

7 Then to further mitigate further potential
8 landfill odor impacts on future project and residents,
9 all buildings will have air conditioning.

10 I know that approval for food service has been
11 granted, recommended, or adopted under this findings
12 statement but not currently under the project narrative
13 or the site plan. This is a commercial retail and
14 office and they never had an approved service
15 establishment. Any food service establishment desire on
16 the site is subject to further review and approval upon
17 the Town of Colonie's Planning Board's recommendation
18 by the Planning Board to the Town Board and approval by
19 the Town Board. If a food service approval comes forth
20 and the application is sent to the Town Board, it would
21 require an amended narrative site plan that
22 demonstrates the parking required can be accommodated
23 within the approved conceptual parking capacity.

24 In talking with Pete before the meeting, the
25 inference here may want to be reworded. I guess the

1 parking considerations are just one of them. It's
2 something that would need to be looked at in terms of
3 ingress and egress and the requirements of traffic
4 control. There may be that many more trips proposed
5 from that area; a TGI Fridays or something like that.
6 If you adopt that, you may want that reworded. Parking
7 would not be the entire concern here. It would depend
8 on what they propose, but I think that the applicant
9 would like to have the flexibility of that as a
10 possibility. As it's proposed now, it would require
11 some commitments.

12 CHAIRPERSON DONOVAN: Brad, just one thing. This
13 is minor but on page four of the statement of findings
14 and in the fifth paragraph it says the Planning Board
15 prepares part two and part three of the environmental
16 assessment form - - at the May 26, 2209 Town Board
17 meeting and that should be Planning Board.

18 MR. GRANT: Okay.

19 CHAIRPERSON DONOVAN: And for clarification on
20 the food service: I don't believe that we talked about
21 it and it would have to come back to this board because
22 I do have concerns about seeing McDonalds open there or
23 some other food service. I think that could have a very
24 big impact on the area and the proximity to the river
25 or whatever.

1 MR. DELAUGHTER: The way that the conditions are
2 currently worded is that they would have to come back
3 not only to this board but to the Town Board for an
4 amendment.

5 CHAIRPERSON DONOVAN: Would you agree with that,
6 or not?

7 MR. DELAUGHTER: It's up to the board. It's a
8 procedural step that it may have to go through the Town
9 Board and they would have to weigh in on it as well as
10 the Planning Board.

11 CHAIRPERSON DONOVAN: And the Town Board would
12 just naturally accept what we do here so I would think
13 that we could eliminate that portion. It would just
14 have to come back to the Planning Board for any
15 approvals.

16 MR. DELAUGHTER: Just as long as the Town Board
17 accepts that. The Town Board would have to agree with
18 those provisions as well.

19 CHAIRPERSON DONOVAN: Correct. As long as the
20 Town Board accepts the conditions, that should be the
21 way that the conditions are worded - Brad, if you don't
22 mind, please.

23 As far as the Town of Colonie department review
24 comments shall be addressed: I believe that most of
25 them or all of them have been, if I'm not mistaken.

1 They are all part of the record.

2 MR. GRANT: Yes.

3 CHAIRPERSON DONOVAN: I did note that at the last
4 meeting we did have some of the neighbors from the
5 trailer park here and I don't know if there are any at
6 this meeting but the Supervisor - I just wanted to
7 mention the fact that we do have a community office in
8 the town so that if anyone is having any difficulties
9 that they're having in the relocation, I know that they
10 have worked for over a year in working with individuals
11 to help them but if anybody does have a problem, we do
12 have a community development office that might be of
13 assistance. I just wanted to get that into the record.

14 Tom, do you have any comments?

15 MR. NARDACCI: I don't have anything further.

16 CHAIRPERSON DONOVAN: Tim?

17 MR. LANE: No, thank you.

18 CHAIRPERSON DONOVAN: Mike?

19 MR. SULLIVAN: At the other meeting there was an
20 issue with the easterly units - those that are adjacent
21 to the river and that they would require stairs to get
22 access to this. Has that been resolved?

23 MS. SIMMONS: That's something that we'll look at
24 when we get to the design phase. We're not yet there.

25 MR. SULLIVAN: Some of the residents had

1 mentioned that the property during the 96 storm - that
2 there was some flooding and that water was going to
3 effect that elevation. Do you know what that elevation
4 was? Was there an ice jam there at the crescent bridge
5 that would necessitate to raise that?

6 MS. SIMMONS: All I'm aware of is the comments.
7 I'm not sure.

8 MR. SULLIVAN: I was just wondering what that
9 elevation was that caused the damage. That's all I had.

10 CHAIRPERSON DONOVAN: C.J.?

11 MR. O'ROURKE: I'm all set.

12 CHAIRPERSON DONOVAN: Okay.

13 MR. LANE: Actually, I did have one quick
14 comment.

15 When we talked about the SEQRA last time, I had a
16 question in regard to 13, a subservice liquid waste
17 disposal - where it talks about the septic systems.

18 MS. SIMMONS: All we have is one main septic
19 system where the apartments and retail is going to go.
20 They all go to that.

21 CHAIRPERSON DONOVAN: Elena?

22 MS. VAIDA: Not at this time.

23 CHAIRPERSON DONOVAN: Any people want to ask a
24 question in relation to this project?

25 MS. VAIDA: Actually, I have a question on the

1 SEQRA. I was just a little confused. I was trying to
2 straighten it out. I was looking at the proposed
3 findings and we classify this project as an unlisted
4 project. From looking at the SEQRA regulations it looks
5 like it would actually be a Type 1 project because it
6 affects more than 10 acres of land.

7 MR. DELAUGHTER: Generally it depends when you
8 characterize it as commercial residential or
9 non-residential.

10 MR. LANE: But you're talking about this
11 mixed-use thing.

12 MS. VAIDA: And I'm not sure how that would
13 impact the findings anyway.

14 MR. DELAUGHTER: The extension is really in the
15 procedure that you follow when making the determination
16 of a Type 1 action. It requires that you first of all
17 coordinate the agency; which we have done. It requires
18 that you complete a full environmental assessment form
19 rather than a short form, which we have done. The
20 procedural requirements have a net, either way.

21 It also requires that once you make a
22 determination, it's a formal positive or negative
23 declaration. The declaration can be filed in accordance
24 with the determination.

25 One point that I would make on the SEQRA: Your

1 first order of business would be the SEQRA
2 determinations. If you do adopt a negative declaration
3 then the second condition of the proposed findings
4 would be unnecessary. The form says the requirements of
5 SEQRA must be met.

6 MS. VAIDA: The reason for the negative
7 declaration is despite the fact that there are quite a
8 few environmental impacts for this project. Our experts
9 all agree that they've been adequately addressed or are
10 going to be addressed. So, it definitely needs to be a
11 conditional finding. I guess I'm wondering why isn't it
12 a conditioned negative finding.

13 MR. DELAUGHTER: Some of the discussion last time
14 that the draft was in front of the board - it was a
15 conditioned negative declaration. The language says
16 that the the impacts would be eliminated or reduced
17 from small to moderate through the existing regulatory
18 requirements. For example they need to address
19 stormwater quality. So, that is a potential impact and
20 by law, that needs to be mitigated. So, the mitigation
21 is incorporated into the plans with the various
22 recommendations to be incorporated in them.

23 CHAIRPERSON DONOVAN: Kevin, going through the
24 long form, I noticed that there are not any impacts
25 that cannot be mitigated. All the planning impacts can

1 be mitigated. Is that how you issue a negative dec?

2 MR. DELAUGHTER: Yes.

3 MR. STUTO: Elena and the engineer for the
4 developer speak to the information that was provided
5 between last meeting and this meeting to the town
6 designated engineer to have other various environmental
7 impacts. I think traffic is one of the significant
8 ones. Now, they are more satisfied that those impacts
9 are being mitigated. So, that was a major reason for
10 the shift from a conditional neg dec.

11 MR. GRANT: To what impacts the one-tenth of an
12 acre. We're not sure of what impact that would be to
13 some of these areas.

14 CHAIRPERSON DONOVAN: Are you comfortable with
15 the answers?

16 MS. VAIDA: Yes.

17 CHAIRPERSON DONOVAN: Tim, do you have anything?

18 MR. LANE: No.

19 CHAIRPERSON DONOVAN: Tom?

20 MR. NARDACCI: No.

21 CHAIRPERSON DONOVAN: Anybody from the board have
22 any further questions for the applicant, the TDE or our
23 staff?

24 MR. LACIVITA: I have one thing I'd like to do
25 before the vote is to verify the paperwork for the

1 project. We have a few different names. It says Mohawk
2 River Estates and the findings statement says Mohawk
3 Riverfront Estates and the SEQRA statement says Mohawk
4 River Estates. The name has been changed a number of
5 times. I just want to make sure that the recommendation
6 is going on Mohawk Riverfront Estates either LLC or
7 LLP. Is it River Estates or Riverfront?

8 MR. CLARK: Riverfront.

9 MR. LACIVITA: So for the record it is Mohawk
10 Riverfront Estates.

11 CHAIRPERSON DONOVAN: At 1360 Loudon Road.

12 Based on the information that we have before us
13 and we all have the SEQRA determination that was
14 prepared by Kevin, do I have a motion on the SEQRA?

15 MR. O'ROURKE: I'll move it.

16 CHAIRPERSON DONOVAN: We have a mover with C.J.
17 Do I have a second?

18 MR. NARDACCI: I'll second.

19 CHAIRPERSON DONOVAN: All those in favor?

20 **(Ayes were recited.)**

21 CHAIRPERSON DONOVAN: Opposed?

22 **(There were none opposed.)**

23 CHAIRPERSON DONOVAN: Kevin, do you want me to
24 sign this this evening?

25 MR. DELAUGHTER: Yes, please.

1 CHAIRPERSON DONOVAN: Based on the findings that
2 are in front of the board - I know that I had made the
3 one request that they put that one change in and I
4 would also guess that the correct name to the project
5 be changed throughout this document and Kevin had
6 recommended that number 2 could be eliminated now
7 because we have adopted the SEQRA on the project.

8 Does anyone have any input or questions on the
9 filings and do I have a motion to adopt the findings?

10 MR. O'ROURKE: I will make a motion to adopt
11 those findings to the Town Board.

12 MR. NARDACCI: I'll second.

13 CHAIRPERSON DONOVAN: All those in favor?

14 ***(Ayes were recited.)***

15 CHAIRPERSON DONOVAN: Opposed?

16 ***(None were opposed.)***

17 CHAIRPERSON DONOVAN: Okay, thank you. Good luck.

18

19 ***(Whereas the proceeding concerning the above entitled***

20 ***matter was adjourned at 8:07 p.m.)***

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CERTIFICATION

*I, NANCY STRANG-VANDEBOGART, Notary Public in
and for the State of New York, hereby CERTIFY that the
record taped and transcribed by me at the time and
place noted in the heading hereof is a true and
accurate transcript of same, to the best of my ability
and belief.*

NANCY STRANG-VANDEBOGART

Dated June 17, 2009