

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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4 \*\*\*\*\*  
5 HEARING REGARDING THE PROPOSED BOGHT COMMUNITY  
6 FIREHOUSE AT CANTERBURY CROSSING PRELIMINARY  
7 PRESENTATION AND DISCUSSION  
8 \*\*\*\*\*

9 THE TAPED AND TRANSCRIBED MINUTES of the above  
10 entitled proceeding BY NANCY STRANG-VANDEBOGART  
11 commencing on August 25, 2009 at 8:27 p.m. at the  
12 Public Operations Center 347 Old Niskayuna Road,  
13 Latham, New York 12110

14 BOARD MEMBERS:

- 15 TOM NARDACCI, ACTING CHAIRMAN
- 16 MICHAEL SULLIVAN
- 17 ELENA VAIDA
- 18 GEORGE B. HOLLAND, JR.
- 19 CHARLES J. O'ROURKE
- 20 TIMOTHY LANE
- 21 PETER STUTO, Jr. Esq., Attorney for the Planning
- 22 Board

23 Also present:

- 24 Joseph LaCivita, Director, Planning and Economic
- 25 Development
- Mike Lyons, Planning and Economic Development
- Brad Grant, Barton & Loguidice
- Lynn Sipperly, Sipperly and Associates
- Dale (Skip) Francis, C.T. Male Associates, PC
- Richard A. Campagnola, C.T. Male Associates, PC
- Donald Zee, Esq.
- Ken Urquhart, Boght Community Fire District

1           ACTING CHAIRMAN NARDACCI: The third item  
2 on the agenda this evening is the presentation  
3 and discussion of the Boght Community  
4 Firehouse at Canterbury Crossing, 1035 Loudon  
5 Road and this is an amendment of the planned  
6 development district PDD to replace a 30,000  
7 square foot office building with a 26,747  
8 firehouse and EMS station.

9           Joe, do you want to start this?

10          MR. LACIVITA: What you have before you  
11 this evening a project for this PDD and this  
12 board has made the recommendation to the Town  
13 Board for acceptance of the PDD for the  
14 Canterbury Crossings.

15          The developer had been working with the  
16 Boght Fire Department community to move that  
17 parcel into the property. They talked about  
18 this over time. Now I believe that there is  
19 stimulus funding and some other things that  
20 they have available to the Boght community  
21 that has made it attractive for the Boght Fire  
22 Department to overtake that parcel that was  
23 once approved under a PDD for an office  
24 complex and convert that to the Boght  
25 community.

1           I believe that Lynn Sipperly and Don Zee  
2 are here to talk a little bit about this as we  
3 move forward. I'll turn it over to you guys.

4          MR. SIPPERLY: Mr. Chairman and the  
5 Planning Board, these folks have filed a  
6 request for the Town Board to do an amendment  
7 to the Canterbury PDD to allow a substitution  
8 of what was proposed for a 30,000 square foot  
9 office building now to be occupied by the  
10 Boght Community Fire facility.

11          The footprint for where the building is  
12 going is the same parcel that was outlined for  
13 the office building. There is no additional  
14 environmental impacts with regard to wetland  
15 impacts or buffer impacts. It's all within the  
16 same footprint that was there for the office  
17 building.

18          In fact, if you flip this up, you can see  
19 the office building outline.

20          There are a lot of civil areas also; not  
21 so much in the land uses but maybe in the  
22 density. We had proposed a 30,000 square foot

1 office building. What is proposed now is a  
2 26,700 square foot facility that would be for  
3 the Fire Department and the EMS facility for  
4 Colonie.

5 What I'd like to do is just present where  
6 this is located and also just identify what  
7 the application is before the Town Board to  
8 amend the PDD to allow this land use.

9 The PDD has approved land uses that were  
10 proposed as it was presented to the Town  
11 Board.

12 There are just a few other things with  
13 regard to the office building. Naturally the  
14 office building would function five days a  
15 week with traffic at the a.m. and p.m. peak  
16 hours. That is not the situation with the  
17 firehouse. So there are some benefits to this  
18 use here in that we have reduced the impacts  
19 that we had. Again, the firehouse operates  
20 typically during an emergency for sure, and  
21 then in their other hours there would be  
22 meetings.

23 What I'd like to do at this point, if it  
24 works well with the board, is to actually turn  
25 it over to C.T. Male who are the designers for  
our facility here. I'll let them go through  
the actual particulars.

MR. CAMPAGNOLA: My name is Rich  
Campagnola and I'm a principal architect with  
C.T. Male. I'd like to briefly go over the  
building and then turn it over to the site  
engineer to discuss the land use.

Basically the intent of the Boght  
Community Fire District is to relocate the  
program that's currently functioning at the  
Loudon Road site which exists with three  
separate buildings; the apparatus or  
firehouse, a fire hall for social events and  
administrative office building and turn it  
into a single functional facility. The fire  
district has been looking at the use for some  
time as well as the condition of the their  
existing properties. They have come to the  
decision that those buildings and systems are  
reaching the end of their service and no  
longer are accommodating the functions of a

1 modern day firefighting facility. It's coming  
2 to the point where they have to make a  
3 decision whether it's worth the repair and  
4 maintenance of those facilities or to locate  
5 all of the facilities into a single combined  
6 unit. This would have the same function, the  
7 same number of people that are currently on  
8 those sites in three separate building into  
9 one modern facility and will also accommodate  
10 modern apparatus and firefighting needs.

11 In conjunction with this, we're looking  
12 at a shared services facility combining the  
13 current functions of EMS Station 4 and the  
14 Town of Colonie into this facility. This will  
15 be a similar operation to the Midway Station 2  
16 where there are bunking facilities for the EMS  
17 personnel.

18 With regard to the architectural design  
19 for this facility, we're looking at a  
20 structure that will need to accommodate higher  
21 loading requirements for snow and wind  
22 performance. So, this structure will be built  
23 to meet those building code requirements. It  
24 also needs to be a maintenance free structure  
25 so that the firefighters and the personnel can  
concentrate on their activities rather than  
the maintenance of the structure. We wanted to  
design this in the context of the PDD and the  
residential character. While we must have high  
bays to accommodate the apparatus, we're  
talking 14-foot high apparatus doors and the  
ability to lift cabs within the building. That  
takes approximately 19 or 20 feet of space.  
So, we recognize that we're going to have a  
high level area to accommodate those garage  
uses.

26 One thing that we didn't want to do is  
27 basically have the frontage that looks like an  
28 auto service center with multiple doors  
29 combined. So, part of the set up of the  
30 building is to allow EMS to exit and enter the  
31 building from a separate direction and fire  
32 apparatus to have a front apron which allows  
33 them to pull out in front of the building for  
34 entering the road as well as the need for  
35 responder parking.

1           You have the first responders that show  
2 up into a radio room location right in the  
3 front of the building, and then the main  
4 number of responders responding to the call  
5 need to have direct access into the apparatus  
6 bays. EMS will enter from a separate direction  
7 as their calls may be different. Some might be  
8 combined. They need to come in on separate  
9 directions. So, we provide basically three  
10 entrance points. First there will be an  
11 apparatus apron. Then, a responder entrance  
12 which also ties into the original access road  
13 to some retail development along the PDD which  
14 also will have access with EMS, public and  
15 other activities. There will be a  
16 non-responder entrance so that there will be  
17 parking for the fire hall, training activities  
18 and other non-responder personnel within the  
19 building.

20           With the height of the building to  
21 accommodate the garages, we're looking at a  
22 maximum height of between 24 and 28. We want  
23 to put a parapet around this to incorporate  
24 where we can put some roof topping equipment  
25 for the views. But the remainder of the sides  
of the structure especially facing a  
residential area will be single story sloped  
roofs for residential character.

MR. FRANCIS: I'm Skip Francis. I'm a  
civil engineer for C.T. Male. I just want to  
go over a couple of particulars at the site.

We did present this site layout  
information to a DCC meeting on August 12<sup>th</sup>.  
I'd like to just summarize some of the  
highlighted comments that were made there.

A future plan will show an accessory  
structure in the rear for lawn care equipment,  
a small garage for lawn care equipment and a  
pavilion for outside training facilities for  
leisure use by the Fire Department.

One concern that was raised was the  
existing vegetation through the existing  
owners back here (Indicating) and we plan to  
complement some of the existing vegetation to  
enhance a visual buffer.

We discussed the parking area for the  
first responders. As Rich mentioned, there is

1 a necessity to have it near the apparatus  
2 phase. This is contrary to the Land Use Law,  
3 but the DCC and Planning Department are  
4 comfortable with that remaining as well as  
5 enhancing the landscaping out front to enhance  
6 the area.

7 Stormwater will be routed to the site,  
8 collected and discharged across the street  
9 into the proposed stormwater basin as part of  
10 the PDD. So, the stormwater treatment  
11 detention requirements will be met by that  
12 basin. It won't be on this parcel, itself. The  
13 master SWPPP will be amended. Our SWPPP will  
14 amend the master SWPPP addressing this  
15 specific site. So, it will provide all the  
16 numbers for this district to the overall  
17 development of stormwater.

18 No fire trucks will be routed to the rear  
19 of the building. As you can see by the layout  
20 there are no pull-through bays. So, all the  
21 fire apparatus will be right here in front  
22 (Indicating).

23 There will be a flagpole and monument  
24 area out front. It will be similar to one that  
25 is of the existing type now.

Sanitary water features the existing  
district line running in the back of this  
parcel (Indicating) for interconnection to the  
water service. It's a proposed water service  
at this time for a PDD development within the  
infrastructure right of way there. I  
understand that the water district extension  
has to be approved for this facility to tie  
into it.

We did have discussion about having a  
fire hydrant directly in front of this  
facility and will coordinate that.

There is a traffic signal in front of the  
existing EMS facility, just south of the  
intersection of Preston Drive. That traffic  
signal will be relocated to the intersection  
of Preston Drive and Route 9 as this facility  
is developed.

That, in summary, are some of the  
highlights. We're still waiting for the formal  
release of those DCC comments. We wanted to at  
least introduce the project to you. We would

1 be glad to answer any questions that you may  
2 have.

3 ACTING CHAIRMAN NARDACCI: Just a  
4 question for Joe.

5 Tonight we're just looking at a  
6 preliminary presentation. The next step will  
7 be a concept submission and we'll have to go  
8 through the full process and then make a  
9 recommendation to the Town Board to act and  
10 change the PDD.

11 MR. LACIVITA: That's absolutely correct.

12 ACTING CHAIRMAN NARDACCI: How far are  
13 you from a concept submission?

14 MR. FRANCIS: Probably within the next  
15 30 days for sure.

16 MR. LACIVITA: This has also actually  
17 been referred to us by the Town Board. There  
18 was a letter.

19 MR. ZEE: Regarding the time frame:  
20 Unfortunately we have a real definitive time  
21 period that we're working with. We appreciate  
22 coming here this evening before the DCC  
23 comments are actually typed up, but there is  
24 stimulus money that is available and with that  
25 stimulus money there needs to be some sort of  
approval in place. We were hoping to work with  
the town and we would meet back at your next  
meeting to hopefully lift the burden on  
C.T. Male to be able to address the comments  
from the DCC meeting. We are able to address  
them but we don't have all the comments so  
that we could have a formal list. We were  
hoping to be back before the Town Board  
hopefully toward the end of September because  
there needs to be, from my understanding in  
talking to the attorney for the board, some  
sort of approval from the Town Board in place  
before the end of September so that there is  
sufficient reason for the town to receive the  
stimulus money. That would to my  
understanding, take up just about the entire  
site development construction of the building.

26 ACTING CHAIRMAN NARDACCI: So, Joe, our  
27 review is concept acceptance and then  
28 recommendation to the Town Board.

1 MR. LYONDS: The recommendation to the  
2 Town Board at this point would simply be an  
3 action to recommend this amendment to the PDD  
4 to the Town Board. If the Town Board accepts  
5 the PDD with any minor changes, then your  
6 recommendation turns into a concept acceptance  
7 and then the applicant goes forward and  
8 submits preliminary final plans for review to  
9 the TDE and the town departments.

10 ACTING CHAIRMAN NARDACCI: And not for  
11 the Planning Board?

12 MR. LYONS: And then it goes back to the  
13 Planning Board one more time for final review.

14 ACTING CHAIRMAN NARDACCI: So we will  
15 have to give a final review?

16 MR. LYONS: Yes, and actually your  
17 recommendation would turn into a concept  
18 acceptance if adopted by the Town Board.

19 MR. ZEE: And we understand that any approval  
20 from this board would be conditioned upon  
21 Canterbury Crossing subdivision site plans  
22 being approved.

23 We're still some ways off on the bounds  
24 of the Canterbury project. All of these  
25 drawings are at Barton Loguidice's office.  
26 They've been there for a few weeks. There is a  
27 lot of information for them to review and they  
28 have been working very closely with  
29 Mr. Sipperly's office. We understand that if  
30 the board would recommend the positive  
31 recommendation to amend this PDD and then the  
32 Town Board would ultimately approve it, it  
33 would be conditioned upon the rest of the  
34 engineering information being set forth by  
35 both the town engineering department and the  
36 town's special review committee.

37 ACTING CHAIRMAN NARDACCI: That's speaks  
38 directly to my point. There are a lot of  
39 mobile parts and I want to make sure that the  
40 TDEs and all the DCC comments are addressed  
41 and all the information that's necessary to be  
42 provided to B & L in a timely manner for a  
43 full review. That's so that when we get here,  
44 we don't have open-ended questions. We may be  
45 sure that we have all the departmental memos  
46 and we have all their input on this proposal.

47 Let me open it up to questions.

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Tim?

MR. LANE: Being that this is from stimulus funds, is there any kind of requirement that stimulus projects being approved have solar or aspects such as that?

MR. CAMPAGNOLA: As part of the stimulus funds, it will be a lead certified building. We will have bike racks and there will be designated parking spaces for efficient vehicles and things like that. We're looking at the points right now we can contain for lead certification. We have already submitted an application with NYSERDA for this project.

MR. LANE: What about solar?

MR. CAMPAGNOLA: At this point, we're not intending on putting solar panels on the roof.

MR. LANE: Any particular reason?

MR. CAMPAGNOLA: Again, for the most part, we are looking at systems that are easily maintained by firefighters that can be as maintenance free as possible without having to worry about them getting up on the roofs or having long standing maintenance contracts to operate systems. It's a building that for the most part is largely unoccupied during most portions of the day.

MR. LANE: Well they'll always need power.

MR. CAMPAGNOLA: That's correct.

MR. LANE: That's why I think it would make a good candidate for it.

MR. CAMPAGNOLA: That's possible but in this stage of our development, that's not one of the things that we're looking at. We are waiting for that NYSERDA scoping meeting to help guide us through the process.

MR. LANE: Isn't that the kind of thing that builds into NYSERDA? It just seems that you're dismissive of it from the get go.

MR. CAMPAGNOLA: No. In the initial stages we based our preliminary design on certain systems; basically air and with package units and a lot of conventional systems. Depending on the incentives that may be available in the NYSERDA program we need to

1 make sure we know which points we need to  
2 attain for lead certification that could be  
developed through design corrections.

3 MR. LACIVITA: Do you know if you're  
going for gold or silver?

4 MR. CAMPAGNOLA: We just need to be lead  
certified. There hasn't been a decision yet  
5 until the scoping meeting to determine which  
levels we're trying to obtain.

6 ACTING CHAIRMAN NARDACCI: George?

7 MR. HOLLAND: No comments at this time.

8 ACTING CHAIRMAN NARDACCI: I just want  
clarification on stimulus funds. I work with  
9 some projects that have applied for funding  
and you have not obtained funding at this  
point, right?

10 MR. CAMPAGNOLA: No. The application has  
been put in by the Fire District.

11 ACTING CHAIRMAN NARDACCI: Was that the  
Fire District that applies for the funding  
12 through the state or is it directly from the  
feds?

13 MR. CAMPAGNOLA: It's a federal program  
directly through Homeland Security.

14 ACTING CHAIRMAN NARDACCI: I just want to  
make sure that we're clear that there is a  
15 chance for funding, but there is no funding in  
hand.

16 MR. CAMPAGNOLA: That's correct. NYSERDA  
17 program is separate from the federal stimulus  
funds.

18 ACTING CHAIRMAN NARDACCI: Elena?

19 MS. VAIDA: There was a mention of solar.  
I just remember reading the other day - isn't  
20 there some big tax credit that you can get for  
commercial buildings using solar energy?

21 MR. ZEE: They're not a taxable entity.

22 MS. VAIDA: I don't have any questions at  
this point. Basically I'm going to be waiting  
to get some feedback from our engineer.

23 ACTING CHAIRMAN NARDACCI: C.J.?

24 MR. O'ROURKE: I'm happy that my grandson  
and my daughter and my kids can pay for it  
with the stimulus.

25 So, we cannot make an amendment? Trust  
me, I'm 100% happier seeing this go in than

1 the office building in the PDD. I think that  
2 it fits very well. The architecture doesn't do  
3 a whole lot but if the developer is alright  
4 with that sitting at the top of his road,  
5 that's fine.

6 There is no way that we can make an  
7 amendment to that PDD tonight?

8 MR. LACIVITA: That would be a board  
9 decision.

10 MR. LYONS: But it wasn't on the agenda  
11 for action.

12 MR. O'ROUKRE: I speak for only myself,  
13 but we sent this to the Town Board with favor  
14 from this board with an office building and I  
15 think that if the time frame were such that  
16 funds were available and it was something  
17 quickly -- again, I think that's where Mr. Zee  
18 was going with it. Stop me if I'm speaking out  
19 of line, but I would be okay voting to amend  
20 the PDD to replace the office with this  
21 contingent upon obviously the full review by  
22 the town departments and the TDE. To me, it  
23 just seems like we're asking all the  
24 departments to get together and do all this in  
25 30 days. My God, I've been on this board two  
years and I haven't seen anything happen in  
30 days, except my hair get grayer.

MR. LACIVITA: I think to your point,  
C.J., that's why when I was asked about the  
notification, I asked for it to go to both  
sides and to the Boght area to get the  
opportunity if residents had questions that  
they could address them now but speak  
specifically to the Fire Department.

MR. O'ROURKE: No, and that's why I want  
to specifically speak for myself that in terms  
of community function, as outlined in the Land  
Use Law in terms of granting PDD, I think that  
this is like a hand in glove versus office  
building which I never understood within the  
PDD. It sits there.

In my estimation, I would have no problem  
and I just wanted for the rest of the board  
members to know that I would have no problem  
amending this and getting this to the Town  
Board for the September 10<sup>th</sup> meeting.

1 MR. ZEE: Mr. O'Rourke, as C.T. Male had  
2 indicated we did have a global meeting with  
3 the DCC committee. It's unfortunate that the  
4 individual that was responsive for typing up  
5 those comments is on vacation so we don't have  
6 the actual comments, but we did have a summary  
7 of our meeting notes. I'm pleased that  
8 C.T. Male tried to address all their comments.  
9 I'm not saying that we addressed every one. We  
10 took our own notes.

11 MR. O'ROURKE: The way that it has to  
12 work is that we would have to get it to the  
13 Town Board and then it comes back before us

14 anyway.

15 MS. VAIDA: Procedurally, the change that  
16 you're going to make is not consistent to the  
17 prior approved planned development.

18 MR. ZEE: Right. The office building  
19 versus the fire station. So, we had to  
20 substitute the fire station -

21 MS. VAIDA: What is the difference? Is it  
22 the type of use? How does it change your  
23 responses? We should have to make findings of  
24 fact, I guess. The amendment is significant  
25 enough so that we have to sort of re-approve  
or re-recommend all the findings of facts that  
we did before. Are you able to go through that  
criteria and just point out how this project  
changes your provisional responses?

MR. ZEE: I think that when you look at  
stormwater management, there is really no  
change with the amount of impervious surface  
with the parking lot and the building that are  
comparable. We're putting the stormwater in  
the exact same location, which is across the  
street on the proposed Preston Drive.

With regard to water and sewer uses: I  
would think that when you have a building that  
is partially occupied during the course of a  
week versus an office building that is pretty  
much occupied 9 to 5, five days a week, the  
use of water and sewer is reduced.

With regard to traffic impacts: When you  
look at traffic you look at peak hours of a.m.  
and p.m. We believe that we don't have the  
peak hour traffic for the fire station. You

1 would have potentially maybe on some weekends  
2 some social activities there, but I don't  
3 think that they're going to adversely impact  
4 the traffic on that corridor.

5 From a visual standpoint, we're not  
6 talking about a building that is substantially  
7 larger in size. The square footage has been  
8 reduced. We're pretty much two stories. The  
9 architect from C.T. Male had indicated the  
10 rear of the building would be one story and a  
11 slope roof which is comparable to residential.

12 From the frontage standpoint, we believe  
13 that in many respects that it is commercial  
14 looking. Office buildings are commercial  
15 looking.

16 We've got this distance in here  
17 (Indicating) and I think that the scale is  
18 100. I'm going to guess that this is over a  
19 football field length between the closest  
20 residential buildings, from our client's  
21 perspective. This building is no closer to the  
22 residential along Route 9 as the office  
23 building. So, we don't believe that from a  
24 proximity standpoint that there is any greater  
25 impact.

MS. VAIDA: So the location has changed  
from where you were putting the office  
building?

MR. ZEE: No, it's exactly the same.

MS. VAIDA: So it's already been approved  
with an office building right there.

MR. ZEE: That's right. As we indicated,  
when you flip this up, you can see where the  
office building was there (Indicating). That's  
exactly pretty much on top of it. So, from an  
impact standpoint, the stormwater, traffic,  
water, sewer and from a visual impact there is  
no greater impacts caused by this.

In fact, this portion of the development,  
as you may recall, is senior citizen housing.  
We think that senior citizens being close to  
emergency services is positive from a

marketing standpoint.

ACTING CHAIRMAN NARDACCI: Mr. Zee, can  
you explain why exactly, legally we have to go  
through this review?

1 MR. ZEE: The PDD for Canterbury is  
2 specific. You're entitled to a certain number  
3 of housing units and a certain housing type,  
4 plus the 6,000 neighborhood retail and 30,000  
5 square foot office building. That's all that  
6 is permitted. So, since we are now asking for  
7 the fire station, we have to have the PDD  
8 language specifically amended to allow for a  
9 fire station. It should be noted that fire  
10 stations are permitted in every single zoning  
11 district in the Town of Colonie except for  
12 PDDs. I'm sorry. I think it's every single  
13 district expected for PDDs and cemetery that  
14 permit fire safety in the town. So, it's a use  
15 that the town, as a practical matter has  
16 permitted in all the other districts but since  
17 the language here is specific, we need to come  
18 before the Town Board and to you to ask for  
19 that modification. So, it's only a  
20 modification of changing and eliminating the  
21 office use and substituting it for the fire  
22 station.

13 MR. LACIVITA: And if you remember during  
14 the course of this board's review of the  
15 project, the fire station actually had a  
16 number of conversations. But the unfortunate  
17 thing is that when we had to make the  
18 recommendation to the Town Board, it was  
19 either this or that and we had to go with the  
20 office because really the Fire Company didn't  
21 realize that there was this potential for this  
22 stimulus money. Now because this is  
23 potentially available to them, it makes it  
24 more viable and that's why we're here today.

19 MS. VAIDA: So your response is: I don't  
20 know where this came from. The objectives, the  
21 findings that we have to make -

21 MR. STUTO: You made some general  
22 comments that are quite informative with our  
23 specific required written findings that we  
24 have to make. It's in the Land Use Law and I  
25 think that's what she's saying.

24 MS. VAIDA: Yes, that's what I'm talking  
25 about. It doesn't seem like your answers would  
be any different tonight than they were back  
then. I guess that's what I'm trying to get

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at. To reconsider all this seems unnecessary.

MR. O'ROURKE: I agree. Actually there's more benefit for the PDD to have the fire station and that's what was discussed before we sent it to the Town Board the first time.

MR. LACIVITA: When you think about when most developers come in, they're looking at their parcel with highest and best use. Here, I think that this is less of an impact to that parcel.

MR. LANE: When we discussed this previously, I mentioned about the impact on the Fire District because of all the additional housing. Having that at a high profile might be something to draw people to join as members which is beneficial as well. I don't know if that will happen or not but I still think that it's a good thing.

MS. VAIDA: In these comments, this almost looks like a draft.

MR. O'ROURKE: It might have been a Canterbury impact.

ACTING CHAIRMAN NARDACCI: Mike?

MR. SULLIVAN: I would just like to know how does the size of the combined facility compare to the existing EMS required facilities that it is replacing? Is it roughly the same or is it much larger?

MR. CAMPAGNOLA: It is slightly larger. What you're going to see is storage space that is now used in the attics and things like that. So, if you combine that space, that probably shouldn't be used until the need is there. EMS is pretty much the same footprint than what it currently has.

MR. SULLIVAN: Do we know how big the pavilion is that is proposed?

MR. CAMPAGNOLA: Pretty much the same as what is sitting out there. A small wood frame structure.

MR. SULLIVAN: Thank you.

ACTING CHAIRMAN NARDACCI: Okay, at this time, I'd like to open this up to the members of the public who are interested or would like to make a comment or ask a question. Is there

1 anyone who would like to make a comment or ask  
2 a question?

3 FROM THE FLOOR: Your amendment: Is it  
4 either/or? Can you make the fire station or  
5 the office building in there just in case the  
6 stimulus funding dries up?

7 ACTING CHAIRMAN NARDACCI: That's a good  
8 question. Say this money doesn't come  
9 forward -

10 FROM THE FLOOR: We would be purchasing  
11 the land anyway.

12 ACTING CHAIRMAN NARDACCI: Are there any  
13 other questions or comments?

14 MR. SMITH: Dave Smith. I have a couple  
15 of questions.

16 The EMS is coming out on the side street  
17 and then going into Route 9 and then the  
18 firehouse is coming right out onto Route 9?

19 MR. CAMPAGNOLA: Right now they're coming  
20 out onto Preston Drive.

21 MR. SMITH: Right and then it goes right  
22 out onto Route 9. Both of them?

23 MR. CAMPAGNOLA: Yes.

24 MR. SMITH: Has it been looked at - where  
25 you are now is kind of the center of the  
Boght. How would that effect response times?

MR. URQUHART: I'm Ken Urquhart. I'm the  
Captain of the Boght Fire Company.

This would put us more centrally located  
in the area.

MR. SMITH: The EMS - - the town just  
bought that property a few years ago and put  
that new EMS building up. What's happening to  
that structure?

MR. URQUHART: I don't know. I don't know  
what the town will do with that. One of the  
exciting things about Boght is that we've been  
talking about regenerating the firehouse and a  
new facility and things of that nature.

MR. CAMPAGNOLA: As was said, a lot of  
what they have been looking at is what they  
can do with the land and the facilities that  
they have. A lot of the programs that need to  
go into the facilities and looking about how  
to combine those three separate structures is

1 basically what we have developed is this  
2 project.

3 MR. SMITH: So do we have to worry about  
4 a Cumberland Farms going on that old parcel?  
5 How about trucks? Are there just going to be  
6 idling trucks there? We need to worry about  
7 the existing area and its development, too.

8 ACTING CHAIRMAN NARDACCI: I think that  
9 as a board we've tried to work on being  
10 proactive on redevelopment of parcels. The  
11 Town Board recently took some action to make  
12 changes in the Land Use Law to make it easier  
13 and more attractive for developers to  
14 redevelop parcels. I think that was something  
15 that was driven here with discussions like  
16 this.

17 Is there anyone else that would like to  
18 make a comment or ask a question?

19 MR. JARVIS: I'm Ernie Jarvis and I live  
20 in that area; 422 Baker Avenue.

21 Are there going to be any more roads  
22 entering into that project?

23 MR. SIPPERLY: The road system is the  
24 same as it was proposed.

25 MR. JARVIS: Is there an access proposed  
off of Vliet Street?

MR. SIPPERLY: Not as part of this  
project.

ACTING CHAIRMAN NARDACCI: Is there  
anyone else that would like to make a comment  
or ask a question?

***(There was no response.)***

ACTING CHAIRMAN NARDACCI: Okay, I  
suggest that you get working right away with  
the town and I think that it's a positive  
change that's necessary. There is a lot of new  
development over the whole area. A new fire  
station with combined services is a real  
positive for the area.

MR. O'ROURKE: So, you're not going to  
accept the motion if I make a motion to make  
the amendment.

ACTING CHAIRMAN NARDACCI: I don't think  
that we can because it wasn't listed publicly.

MR. LACIVITA: It's been posted publicly.  
All the neighbors had notice.

1 MR. LYONS: We don't have any SEQRA  
documents to amend -

2 MR. LACIVITA: I think that if anything,  
3 if we can get the answers to DCC comments and  
so on and have Brad possibly present, we could  
4 do it at the next meeting.

5 ACTING CHAIRMAN NARDACCI: I think that  
if we could get it on the next meeting, that  
6 would be great. Brad, if you can do what you  
can to get this going, that would be great.  
7 From the town's perspective, whatever notes  
have to be typed out, if they have to be  
8 handwritten, we'll do a handwritten copy.  
Let's not hold it up.

9 MR. CLARK: I think it's interesting that  
no one asked about the radio tower.

10 MR. URQUHART: The antennas are short and  
there will be no siren.

11 MS. VAIDA: And if I may add, just to  
expedite this: It doesn't seem like you need  
12 to rehash everything that we did last time.  
Maybe you could just focus on how that changes  
13 what we already approved and what impact that  
has.

14 MR. ZEE: I believe that the only way to  
really address the reduction of the impacts  
15 that -- I can provide some -

16 ACTING CHAIRMAN NARDACCI: There is a lot  
of energy and desire to move ahead. There are  
17 documents that we don't have that we have not  
reviewed including SEQRA documents. So, I just  
18 don't think that we're going to be able to  
move forward tonight.

19 MR. JARVIS: The other project isn't even  
approved yet before this board.

20 MR. LACIVITA: What project is that he's  
talking about?

21 MR. LYONS: Canterbury.

22 ACTING CHAIRMAN NARDACCI: This is not a  
final approval at all.

23 MR. O'ROURKE: Yes, it has. Concept has  
been approved, sir, for Canterbury.

24 MR. STUTO: Just so you know, this board  
has made a recommendation to the Town Board.  
25 My understanding is that the Town Board hasn't  
acted on it as yet. Is that correct Mike?

1 MR. LACIVITA: The Town Board did act on  
2 it.

3 MR. STUTO: They're asking us to amend  
4 the recommendation to the Town Board.

5 MR. JARVIS: I'm not asking.

6 MR. STUTO: No, the applicant is asking.  
7 That's what I'm saying. The application is  
8 asking us to amend the recommendation to the  
9 Town Board.

10 MR. GRANT: Peter, do you see that  
11 happening as a separate document as an  
12 amendment to the existing PDD plan?

13 MR. STUTO: That's how I see it. I've got  
14 to look again at the old recommendation.

15 MR. O'ROURKE: Then if we have to agree  
16 to the whole statement of findings, it's 30  
17 days right?

18 MR. JARVIS: C.J., it's been going on for  
19 three months.

20 MR. STUTO: Someone can correct me. It's  
21 in the PDD article which is Article 13, I  
22 think. This is Sub G.

23 Upon receipt of the Planning Board's  
24 findings of recommendation, the Town Board may  
25 then consider the legal establishment of the  
planned development district through that  
zoning district map amendment.

The Town Board may wish to consider  
making whatever amendment that it needs to  
make. I'm not sure where the 30 days is.

MR. O'ROURKE: I thought that there was  
30 days with his statement of findings.

MR. STUTO: I don't see it here. I don't  
see a 30 day requirement.

Do you know different, Mike?

MR. LYONS: Maybe 30 days for SEQRA? I  
believe the initial application was a Type I  
action so you had a 30-day lead agency  
coordination. To be honest, I haven't really  
looked into SEQRA on this because I thought  
that we were just doing a discussion and  
presentation on the project. I'm not sure if  
this is an amendment to SEQRA. You might  
review it and find out that the impacts of the  
proposed use is equal or less than the use  
that was identified in the initial SEQRA and

1           therefore you don't need to re-coordinate a  
2           review for a Type I action.

3           MR. STUTO: We'll try to avoid that.

4           MR. LYONS: You don't avoid it, you need  
5           to do it. You don't want to jeopardize the  
6           applicant's proposal.

7           MR. STUTO: We're not ready for SEQRA  
8           tonight anyway.

9           MR. ZEE: So what you're saying is that  
10          for the best case scenario, this town  
11          circulates the notice for coordination  
12          tomorrow, August 26<sup>th</sup>.

13          MR. LYONS: Don, we're not saying  
14          anything right now.

15          MR. ZEE: I just want the board to  
16          understand the time line that we're talking  
17          about.

18          They circulate the notice to coordinate  
19          tomorrow, which is August 26<sup>th</sup> and then all the  
20          involved agencies have until September 25<sup>th</sup> to  
21          respond. If they have until September 25<sup>th</sup> to  
22          respond, then no SEQRA determination can be  
23          made until you received a response for the  
24          passage of time. So, if somebody does not  
25          respond and just decides to sit there, then no  
26          determination can be made, if you need that  
27          coordination for this amendment. This is  
28          currently the zoning and I believe we only  
29          need an amendment to the zoning, which is  
30          currently in place.

31          This board can make this determination  
32          that you may not need a coordinated review  
33          because it could be a minor adjustment, given  
34          the fact that you look at the impacts that we  
35          are proposing and that's why I wanted Lynn to  
36          stand up and talk about what the impacts of  
37          this project are on the community and in fact,  
38          the impacts are less or are decreasing any  
39          impacts. Water/sewer uses are less. We have  
40          probably 3,500 square feet less of impervious  
41          surface of the building which would have less  
42          stormwater impacts. The stormwater detention  
43          basins are there.

44          ACTING CHAIRMAN NARDACCI: Mr. Zee, look,  
45          I've been here for two years. We've had a  
46          number of meetings about this project.  
47          Whatever the coordination was between your

1 client's decision of how to develop this  
2 property to now having an opportunity to move  
3 forward on a fire station - it's great, it's  
4 an improvement. It would have been nice if you  
5 had a decision when you came the first time.

6 MR. ZEE: The thing that I'm saying is  
7 that I don't care about the stimulus money.  
8 The town, I think, should be caring about it  
9 and the Fire District should be caring about  
10 it. The time frame that I'm hearing right now  
11 is based on the fact that the determination  
12 can't be made until after September 25<sup>th</sup> even  
13 if you made the notice available tomorrow.

14 ACTING CHAIRMAN NARDACCI: Well, let's  
15 step back and say, when did you come in and  
16 submit this?

17 MR. ZEE: We had a conversation -

18 ACTING CHAIRMAN NARDACCI: No, I'm not  
19 talking about a conversation. When did you  
20 formally submit -

21 MR. LACIVITA: We had them on DCC on  
22 August 12<sup>th</sup>.

23 ACTING CHAIRMAN NARDACCI: Okay, so  
24 August 12. You're talking specific dates so  
25 let's step back and talk specific dates. When  
26 did you submit this?

27 MR. LYONS: It would have been July 21<sup>st</sup>.

28 ACTING CHAIRMAN NARDACCI: Okay, I don't  
29 know how much more quickly that we can act  
30 here. We have projects that have been sitting  
31 and waiting. I don't want you to miscategorize  
32 what the town thinks or what this board thinks  
33 about moving forward on something as important  
34 as this.

35 MR. ZEE: Understood.

36 ACTING CHAIRMAN NARDACCI: Is it possible  
37 to get done what needs to get done in time for  
38 our next board meeting so that we can fully  
39 consider this? What I have here is a fire  
40 station but it's still a 30,000 square foot  
41 project. It's not enough. We just talked about  
42 another project that couldn't move forward  
43 because it didn't have the full reviews. We're  
44 talking about equity; regardless of what the  
45 project is.

1 MR. LYONS: We can look at SEQRA tomorrow  
2 and we'll be back to the board with regards to  
3 what we need to do for SEQRA.

4 ACTING CHAIRMAN NARDACCI: We'll do  
5 everything that we can to move forward  
6 expeditiously as we have; particularly since  
7 this project has been before us since my first  
8 day on the board.

9 MR. ZEE: We appreciate that.

10 MS. VAIDA: Is there a procedure to  
11 amend? We already approved and adopted SEQRA  
12 on the original project and this is such a  
13 minor change and has less of an impact. Is  
14 there a way to just amend the prior SEQRA, or  
15 does it even need to be changed?

16 MR. LYONS: I do not know.

17 ACTING CHAIRMAN NARDACCI: That's what we  
18 need to know. We need to know what we have to  
19 do with regards to SEQRA.

20 MS. VAIDA: Would your answers to the  
21 SEQRA, to the environmental assessment form be  
22 different with this project than the original  
23 one?

24 MR. LYONS: Slightly different.

25 MR. ZEE: When you talk about a Type I  
action, we already have the rezoned PDD so  
we're just seeking a modification of just this  
parcel. I believe that when you have a Type I  
action, the threshold is that if you are  
seeking to change a structure that's over  
50,000 square feet or if it's an increase of 5  
acres of property - and we're doing less than  
that. I just want to point out that although  
it was a Type I action originally for the PDD,  
now we're only of focusing on a small section  
of the PDD. When we're looking at the SEQRA,  
we're only looking at the SEQRA as it relates  
to the acreage. So, I don't think that this  
would ordinarily be a Type I action but in  
fact an unlisted action which may not require  
the coordination. That's why I'm saying that  
the timeframe may not have to be the 30 days.  
So, I just want you to know.

MR. STUTO: We're listening and we'll  
consider that.

ACTING CHAIRMAN NARDACCI: Okay, so  
hopefully we'll see you at the next meeting.

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*(Whereas the proceeding concerning the  
above entitled matter was adjourned at  
9:12 p.m.)*

**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.*

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**NANCY STRANG-VANDEBOGART**

*Dated October 1, 2009*