

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 DUNKIN DONUTS/MINI-MART
5 993 AND 999 TROY-SCHENECTADY ROAD
6 REQUEST TO RECONSIDER AND RECLASSIFY ACTION
7 AS TYPE II UNDER SEQRA
8 *****

9 THE STENOGRAPHIC MINUTES of the above entitled
10 proceeding BY NANCY STRANG-VANDEBOGART,
11 a Shorthand Reporter, commencing on
12 December 20, 2011 at 7:02 p.m. at the Public
13 Operations Center 347 Old Niskayuna Road,
14 Latham, New York 12110

15 BOARD MEMBERS:

- 16 PETER STUTO, CHAIRMAN
- 17 MICHAEL SULLIVAN
- 18 LOUIS MION
- 19 BRIAN AUSTIN
- 20 PAUL ROSANO
- 21 ELENA VAIDA, Esq., Attorney for the Planning Board

22 Also present:

- 23 Joe LaCivita, Director, Planning and Economic
24 Development
- 25 Michael Tengeler, Planning and Economic Develoment
- Charles Voss, PE, Barton and Loguidice

1 CHAIRMAN STUTO: A couple of housekeeping
2 items.

3 Joe, I noticed in the package that we
4 have some extra materials - some SEQRA
5 materials, SEQRA primer - getting ready for
6 the new EAF. I appreciate that. Do you want to
7 add anything to that?

8 MR. LACIVITA: No, that was actually
9 supplied to us, Peter. So, I thought that it
10 would be great if the Planning Board Members
11 take a look at that as they do have to offer
12 SEQRA opinions.

13 CHAIRMAN STUTO: I think that it's good
14 material. I'm sure that all the Board will
15 read through it if they haven't done so
16 already.

17 A couple of other update items - the
18 GEIS, we have a traffic study that is going to
19 be -- do we have copies for the Board today?

20 MR. LACIVITA: They were supposed to be
21 in, Peter. I saw one copy come in.

22 CHAIRMAN STUTO: Joe Grasso distributed
23 them. Do you know where they are?

24 MR. TENGELER: They were delivered to our
25 office this afternoon.

1 CHAIRMAN STUTO: Should we bring them
2 down for the Board, do you think?

3 MR. LACIVITA: I can run up and get them,
4 or Mike can.

5 CHAIRMAN STUTO: We're going to advertise
6 that on the website.

7 MR. LACIVITA: There are a number of
8 locations. It's going to be on the website but
9 it's also going to be at the library, at DPW,
10 here in Planning and at Town Hall. There will
11 be office copies that people can come and
12 review. If someone wants a copy, they can FOIL
13 the document.

14 CHAIRMAN STUTO: And we'll have some kind
15 of meeting on that in January. Probably toward
16 the later part of January.

17 MR. LACIVITA: Probably on the 24th,
18 Peter, which I think is the second meeting in
19 January.

20 CHAIRMAN STUTO: So, if the Board has any
21 questions on that, let us know. I think that
22 we're getting near the end of the road.

23 Then the west end rezoning, can you
24 update us on that?

25 MR. LACIVITA: You would have had packets

1 tonight but we're having trouble making copies
2 of the mapping that was provided to us at ABD.
3 They're trying to provide us with copies. That
4 would also be on the 24th of January. We're
5 going to have documentation going back to the
6 original application in 2009 to revisit. The
7 zoning change that happened with the Land Use
8 Law change of 2007 - there has been a
9 significant number of property owners out in
10 that area that had their zoning changed from
11 what was industrial to commercial/office or
12 single family - whatever it is out that way.
13 There are a number of petitioners asking to
14 have that rezoning. We're looking at that at
15 least the Planning Board attorney or myself
16 will make a presentation that evening with all
17 the documentation that you have and hopefully
18 they'll be rendering a recommendation to the
19 Town Board.

20 CHAIRMAN STUTO: I think that Brian was
21 the only one that wasn't around for the
22 hearing, so I don't know if you've heard about
23 that or not. You'll be getting a full package.
24 We're happy to talk to you about that.

25 The first item on the agenda is a

1 relatively minor matter and in some sense it's
2 a technical matter.

3 This is the Dunkin Donuts minimart at 993
4 and 999 Troy-Schenectady Road. I think that
5 after the advice of counsel, we want to talk
6 about SEQRA and maybe make a change.

7 Elena, can you help us with that one?

8 MS. VAIDA: Yes. I drafted a resolution
9 that I think that all the members have a copy
10 of. It wasn't in the original package, but it
11 pretty much goes through what has been done in
12 terms of -

13 CHAIRMAN STUTO: Can you explain it in
14 lay-terms and then we'll read it into the
15 record.

16 MS. VAIDA: Basically what was done was
17 Dunkin Donuts was given final approval in
18 July, this past summer. The Board classified
19 the project as an unlisted project under SEQRA
20 and it turns out -

21 CHAIRMAN STUTO: There was a negative
22 declaration.

23 MS. VAIDA: Right, and final approval was
24 given for the project. After that, the Town
25 Attorney's office took a closer look at these

1 kinds of project where there are canopies with
2 the gas stations. It came to their attention
3 via the Stewart's project that we may have
4 been including property as square footage that
5 under SEQRA and the Town Law really shouldn't
6 be included.

7 MR. LANE: You mean the area -

8 MS. VAIDA: The areas under the canopies.
9 Actually it is, by definition, gross floor
10 area. So, this is really a resolution to
11 correct that.

12 CHAIRMAN STUTO: Now with a Type II
13 action, by definition, there is no significant
14 environmental impact and no further review is
15 necessary.

16 MS. VAIDA: Yes.

17 CHAIRMAN STUTO: So, because we're
18 downgrading it to a lesser category of
19 environmental review. If we agree with this,
20 we've done more environmental review than we
21 needed to do.

22 MS. VAIDA: That's absolutely correct.

23 CHAIRMAN STUTO: Has everyone reviewed
24 the resolution?

25 MR. LANE: Yes.

1 CHAIRMAN STUTO: Maybe we don't have to
2 read the whole thing, but we'll submit it to
3 our stenographer for the record. If we could
4 read everything after the now therefore.

5 MS. VAIDA: The Town of Colonie Planning
6 Board, as lead agency for SEQRA review of the
7 Dunkin Donuts/Mini Mart project, located at
8 993 and 999 Troy Schenectady Road, hereby
9 rescinds its July 12, 2011 SEQRA
10 classification of unlisted and having found
11 that the project does not exceed any Type II
12 thresholds, the Town of Colonie Planning Board
13 hereby reclassifies the project as a Type II
14 action and the final site plan approval and
15 findings for the project are hereby
16 reaffirmed.

17 CHAIRMAN STUTO: Are there any questions
18 or discussions from the Board on that?

19 Do we have a motion?

20 MR. MION: I'll make a motion.

21 MR. LANE: I'll second.

22 CHAIRMAN STUTO: All those in favor?

23 **(Ayes were recited.)**

24 CHAIRMAN STUTO: All those opposed?

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(There were none opposed.)

CHAIRMAN STUTO: The ayes have it.

*(Whereas the proceeding concerning the above
entitled matter was adjourned at*

7:08 p.m.)

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CERTIFICATION

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

NANCY STRANG-VANDEBOGART

Dated January 12, 2012