

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

3 \*\*\*\*\*  
4 FUNERAL DIRECTORS SUPPORT SERVICES OFFICE  
5 605 SAND CREEK ROAD  
6 APPLICATION FOR FINAL SITE PLAN APPROVAL  
7 \*\*\*\*\*

8 THE STENOGRAPHIC MINUTES of the above entitled  
9 proceeding BY NANCY STRANG-VANDEBOGART, a shorthand  
10 reporter commencing on April 17, 2012 at  
11 7:31 p.m. at the Public Operations Center  
12 347 Old Niskayuna Road, Latham, New York 12110

13 BOARD MEMBERS:

- 14 PETER STUTO, CHAIRMAN
- 15 LOUIS MION
- 16 KATHY DALTON
- 17 BRIAN AUSTIN
- 18 MICHAEL SULLIVAN
- 19 ELENA VAIDA Esq., Attorney for the Planning Board

20 Also present:

- 21 Joe LaCivita, Director, Planning and Economic  
22 Development
- 23 Daniel Hershberg, PE, Hershberg and Hershberg
- 24 Ted Kolankowski, PE, Barton and Loguidice

25

1           CHAIRMAN STUTO: Next on the agenda is  
2 the Funeral Directors, 605 Sand Creek Road,  
3 application for final site plan approval.

4           You want to give it a quick into, Joe?

5           MR. LACIVITA: I think we'll turn it  
6 right over.

7           MR. HERSHBERG: Thank you, Mr. Chairman.  
8 My name is Daniel Hershberg of the firm of  
9 Hershberg and Hershberg. I'm here today with  
10 Steve Obermeyer from Ashfield Associates, the  
11 owner of the property and Dave Martin from BBL  
12 Construction Services.

13           You've seen this project a couple of  
14 times before. We have some significant changes  
15 in the site plan.

16           We have removed the parking that used to  
17 wrap around the building at this point here  
18 (Indicating) and moved it to the rear of the  
19 site. We added a substantial screen of  
20 evergreen trees around the side here  
21 (Indicating). We've moved the sidewalk to  
22 behind the power poles as requested by the  
23 Highway Department. We changed some evasive  
24 species, which I was surprised to hear all the  
25 species that were evasive and we have

1 resubmitted that plan.

2 CHAIRMAN STUTO: Are they prohibited or  
3 just suggested?

4 MR. HERSHBERG: Just suggested and they  
5 are on the DEC list. It was primarily raised  
6 to us with regard to one species and that was  
7 raised to us by the Shaker Society.

8 Regarding the Shaker Historical Society:  
9 To the best of my knowledge, there has been no  
10 official letter received. We did get an e-mail  
11 from them and I have given a copy of that and  
12 it was also copied to Joe. It should be in the  
13 file.

14 We changed the color of the roof to slate  
15 gray, which is at their recommendation. We  
16 offered to provide some signage showing the  
17 historical nature of the Shaker area. As a  
18 comment that she made subsequent to that, we  
19 offered to put some signage outside that would  
20 identify the area as historically significant.  
21 We're certainly willing to share those with  
22 the Shaker Historical Society and actually  
23 prepare the text for that and the proper  
24 location for it. We think that the proper  
25 location would be at Sand Creek Road and South

1 Family Drive; maybe at that point there  
2 (Indicating). We're probably talking about a  
3 slightly elevated ground plaque or something  
4 like that as the best way, so that people  
5 walking by can read something about the Shaker  
6 Historical Society.

7 The review was done and we had a very  
8 thorough review by Barton and Loguidice. It  
9 included a whole bunch of issues. I think that  
10 we actually have resubmitted today the copies  
11 of the plans that addressed all the issues in  
12 the first letter.

13 We have not reissued a SWPPP. There were  
14 some technical issues on the SWPP; what to  
15 contain and what the stormwater management  
16 report requires from the Town. There were no  
17 issues there that we cannot address. They were  
18 all addressed in the redesign. The basic  
19 design is that all of our pavement is porous.  
20 There are no catch basins required for the  
21 asphalt. The roof drainage is handled by an  
22 under drain system that goes around the  
23 building and it goes into this four-bay,  
24 overflows into the infiltration bay  
25 (Indicating). If nothing comes out with the

1           100 year storm -- but I'm sure that with a  
2           1,000 year storm - a little discharge would go  
3           out in the same direction in the same  
4           direction that the discharge goes and this  
5           travels down to a federal wetland that runs  
6           behind where CBA is now. That's really the  
7           location of the federal wetland, but it would  
8           go over the surface.

9           There were no comments from sewer and  
10          water that have not been addressed from the  
11          Pure Waters Department and the Latham Water  
12          District. There are no comments by any of the  
13          other departments that have not been  
14          addressed.

15          Regarding the issue of the sidewalk,  
16          which was a major issue last time -- today, I  
17          heard back from National Grid, I heard from  
18          Helina; H-E-L-I-N-A Gajewski, G-A-J-E-W-S-K-I,  
19          who is the property person in the eastern  
20          region for National Grid. She said that  
21          granting an easement was no problem. They  
22          would only grant a public easement to a  
23          municipality. I said, there is actually two  
24          municipalities and she does not anticipate  
25          that will create any problems. The area within

1 the Town of Colonie, they would grant to the  
2 Town of Colonie and to the Village of Colonie.

3 For the Board's interest here, I think  
4 that this plan has been distributed. We since  
5 have moved this sidewalk behind the power  
6 poles. This alignment - we went over yesterday  
7 with R.J. LeBerge on behalf of the Village and  
8 they were comfortable with this alignment  
9 going down all the way down and meeting the  
10 Shaker Run Apartments. He shared with us based  
11 upon the Village concern, this area here is  
12 not for development because the Shaker Run  
13 Apartments has already used up its maximum  
14 density for the site. The Village is fine with  
15 that. It's something out of the Town's  
16 control, but we point out that this is a  
17 benefit for both the people at Shaker Run  
18 Apartments as well as people going down in  
19 this direction (Indicating) and taking  
20 advantage of the existing sidewalk which is  
21 all the way down Wolf Road. We understand that  
22 this section is going to be filled in so that  
23 the balance of the pedestrian route will  
24 actually be a huge loop starting at Wolf Road,  
25 going all the way around and coming back to

1 Wolf Road at the other end. So, we think that  
2 the pedestrian accessibility is certainly met.

3 CHAIRMAN STUTO: Is that the final link  
4 for that whole section?

5 MR. HERSHBERG: There's actually one more  
6 section from South Family Road to North Family  
7 Road. That's one more section of sidewalk.

8 CHAIRMAN STUTO: So, that one "L"?

9 MR. HERSHBERG: Yes. Other than that, we  
10 will have completed that, so that there is  
11 pedestrian accessibility. We got a concurrence  
12 from R.J. LaBerge that this is the right  
13 location for it. He did not want to put it out  
14 next to the pavement. There is a portion on  
15 Sand Creek Road where there is a curve where  
16 they do end up next to the pavement, but this  
17 is also curved.

18 Also, the speed here, although it's  
19 posted for less - the average speed is closer  
20 to 45 or 50 miles an hour. It's really well  
21 exceeding the posted speed on the average. We  
22 believe that putting a sidewalk further back  
23 from the roadway is a good idea. There already  
24 is a water easement that runs in here, but the  
25 waterline easement wouldn't allow a sidewalk

1 to be put on it, but it doesn't encumber any  
2 property. We think that's a good proposal.

3 CHAIRMAN STUTO: Have we heard from the  
4 apartment owner, or no?

5 MR. HERSHBERG: No, we have not. I would  
6 take R.J. at his word -- it's actually  
7 Rossetti's corporation that owns it - that he  
8 would grant any easements since he probably  
9 can't use it for any development anyway.  
10 That's the missing link. We talked to the  
11 people at National Grid. They're good with it.  
12 We also talked with R.J. LaBerge representing  
13 the Village and I think that he's also talked  
14 with other people at the Village and they're  
15 comfortable in that regard.

16 CHAIRMAN STUTO: Have you seen the letter  
17 from LaBerge?

18 MR. HERSHBERG: Yes, we have. There was a  
19 good letter and it just says that the Village  
20 is willing to participate in it, but it didn't  
21 say at what level. One problem is that the  
22 elevation is a little bit higher than what we  
23 would have proposed - even adding the \$12,000  
24 worth of permanently engineering fees. It  
25 seemed a little heavy in there compared to



1           what our proposal is.

2           CHAIRMAN STUTO: Can you say what those  
3 numbers are?

4           MR. HERSHBERG: We had estimated \$20,000  
5 based upon just the construction costs and not  
6 any soft costs for the portion of 875 feet.  
7 This figure was between \$50,000 and \$60,000  
8 including all permitting fees, engineering,  
9 design fees, sub clearing, etcetera. So, there  
10 is quite a difference in there. One difference  
11 was that he thought that the permitting and  
12 engineering fees are like \$12,000. That would  
13 bring it down to \$38,000 to \$48,000 which is  
14 still a lot higher than we think, but that's a  
15 difference of opinion regarding the cost in  
16 there. We used the unit price out of a  
17 publication cost works, which is recommended  
18 as a design property. There were some issues  
19 that we did not consider. We didn't consider  
20 the cost of getting the culvert across the  
21 sidewalk - the sidewalk across that culvert  
22 area. There has to be a culver in there. That  
23 was not included. I would like to indicate  
24 that we think that the Funeral Directors offer  
25 of \$20,000 is a reasonable offer. The fact is

1           that is one element in here. We don't know  
2           whether or not the Village will participate  
3           and maybe take over the permitting and  
4           engineering costs. There is also potential, I  
5           think, that this might be subjected to some  
6           grants. There are some Safe School Route  
7           Grants that are available.

8           CHAIRMAN STUTO: For the Board, we have  
9           to pay particular attention here because we  
10          have to come up with some kind of solution for  
11          this open ended issue.

12          MR. HERSHBERG: Our position here is that  
13          worst case scenario, if this takes a year or  
14          two to come to fruition, we would not like the  
15          Funeral Directors Support Services to have to  
16          wait for a CO until all of that takes place.  
17          We think that making a cash escrow  
18          contribution is the right answer here.

19          CHAIRMAN STUTO: So, you're willing to  
20          build a sidewalk along your property and make  
21          an escrow contribution for the balance?

22          MR. HERSHBERG: Yes. Again, we think that  
23          the escrow figure of \$20,000 was reasonably  
24          arrived at. However, greater minds can always  
25          come up with different numbers. We won't

1           dispute the source of that number, but we  
2           think that essentially \$50,000 or \$60,000 is a  
3           little bit heavy.

4           CHAIRMAN STUTO: Tom, I know that you've  
5           formulated some opinions that that topic. It's  
6           easier for us to compare apples to apples.  
7           Let's just say overall cost; soft, hard and  
8           otherwise.

9           MR. KOLANKOWSKI: Yes, we looked at it  
10          and we just had a project in the Village very  
11          similar to this one. That was a DOT funded  
12          project that would allow additional costs and  
13          it was \$16.20 a foot. That worked out to about  
14          \$70,000 for construction. On top of that would  
15          be your engineering costs, and so on.

16          CHAIRMAN STUTO: So, you're on the high  
17          end?

18          MR. KOLANKOWSKI: We're even higher than  
19          LeBerge.

20          CHAIRMAN STUTO: I didn't realize that.

21          MR. KOLANKOWSKI: It was a DOT funded  
22          project, so it would be a little more  
23          expensive.

24          CHAIRMAN STUTO: Because why?

25          MR. KOLANKOWSKI: There is higher

1 engineering costs.

2 CHAIRMAN STUTO: They have higher  
3 standards?

4 MR. KOLANKOWSKI: There is paperwork  
5 that's involved.

6 CHAIRMAN STUTO: So, where does that  
7 leave us? I think that what is being proposed  
8 is that they are going to build it along their  
9 property and then they want to escrow the  
10 rest.

11 MR. KOLANKOWSKI: Dan, can you clarify?  
12 The estimate that you did was for just -

13 MR. HERSHBERG: It was an 875 foot piece  
14 by five feet. There was a piece within the  
15 Village. It starts at the Village line to  
16 about Shaker Run - that 875 feet.

17 CHAIRMAN STUTO: You would do everything  
18 to the Village line?

19 MR. KOLANKOWSKI: The original proposal  
20 was from the Village line.

21 CHAIRMAN STUTO: Plus put money in  
22 escrow.

23 MR. HERSHBERG: That's right; \$20,000 in  
24 escrow.

25 CHAIRMAN STUTO: What do you see for the

1 Village?

2 MR. KOLANKOWSKI: I would say that our  
3 estimate -- because you're getting funded by  
4 some DOT program - that it would be closer to  
5 what you're going to get in terms of what is  
6 an appropriate share for the applicant in this  
7 instance. I think that with their proposed  
8 needs, it's very appropriate.

9 CHAIRMAN STUTO: Right, but what's the  
10 shortfall on the Village side?

11 MR. KOLANKOWSKI: Probably in the  
12 neighborhood of \$50,000. I think that they are  
13 also proposing that when future development  
14 comes in on the adjoining pieces -- it was 900  
15 feet time \$60. That's \$54,000; right? It's a  
16 \$34,000 shortfall.

17 CHAIRMAN STUTO: Tom, do you agree with  
18 his map? What's the shortfall under this  
19 scenario? Between what and what? Between 38  
20 and 60?

21 MR. KOWLANKOWSKI: I think that it would  
22 be with engineering costs - a DOT funded  
23 project would be about \$90,000 total.

24 CHAIRMAN STUTO: You believe that would  
25 be a real number in your professional opinion?

1 MR. KOLANKOWSKI: For a DOT project  
2 that's based on a project that we just had  
3 built.

4 CHAIRMAN STUTO: This is going to be a  
5 Village project.

6 MR. KOLANKOWSKI: For the Village  
7 project, there is probably less than that.  
8 It's probably 15 or 20 percent less.

9 CHAIRMAN STUTO: The question is: How we  
10 are going to meet that shortfall.

11 MR. HERSHBERG: I have just one question  
12 whether or not Ted's figure is for the entire  
13 sidewalk from -- what cost per square foot did  
14 you use?

15 MR. KOLANKOWSKI: Sixty dollars a lineal  
16 foot.

17 MR. HERSHBERG: So, that's \$12 a square  
18 foot.

19 MR. KOLANKOWSKI: It's included  
20 stormwater management type of stuff. There was  
21 also some retaining wall work that was done on  
22 this.

23 MR. HERSHBERG: There is no retaining  
24 wall proposed on our site at all. I'm not so  
25 sure that we're comparing apples to apples.

1 Again, it's tough to take a DOT project with  
2 retaining walls built to DOT standards and  
3 regulations and compare that to this.

4 CHAIRMAN STUTO: Okay, well, what's Ted's  
5 number and what's your number? We'd like to  
6 get a sense of the shortfall.

7 MR. KOLANKOWSKI: And then there is  
8 LeBerge's number as well - the Village's  
9 engineer.

10 CHAIRMAN STUTO: And they're in between.

11 MR. KOLANKOWSKI: Yes, they're in  
12 between.

13 CHAIRMAN STUTO: Okay, well, we just want  
14 a range. What's your number? It is 70 minus  
15 20?

16 MR. KOLANKOWSKI: If you take out the  
17 engineering, yes.

18 CHAIRMAN STUTO: Joe, how are we going to  
19 make the shortfall, do you think? How far is  
20 the Village willing to go?

21 MR. LACIVITA: It looks like from the  
22 length that we got, they're willing to  
23 participate at some level. We don't know what  
24 the exact amount is. In our meeting we did  
25 discuss the Village being a participate in the

1 design and engineering of it, which would  
2 hopefully be their participation cost in it,  
3 which would be an anticipation of about a  
4 \$10,000 to \$12,000. So, we're looking at a  
5 gap, at least from my estimation - that gap  
6 could be potentially be another \$20,000 - in  
7 putting money in escrow, if the meeting of the  
8 minds is where the Village brings their  
9 engineering and design and takes 12 of that,  
10 you're getting closer to that potentially  
11 \$40,000 to \$50,000 gap. After we get that set,  
12 if the Town has a program that we're trying to  
13 get our pathways and walkways adopted, we have  
14 a funding mechanism that we can go and seek  
15 grant money potentially for that like Safe  
16 Routes to School and DOT projects in order to  
17 get these additional funds to get to do these  
18 things.

19 Additionally, there are a couple of  
20 parcels that are left to develop here where we  
21 could ask them, as it comes time for them to  
22 become participants in reaching the  
23 shortfalls. I think, if I'm not mistaken,  
24 there is three parcels left to design and  
25 there is actually one within - I think that



1           it's 10 Airline Drive in the mitigation  
2           component. So, there is a possibility that the  
3           gap can be addressed with the remaining  
4           development in that area and also across the  
5           street.

6           CHAIRMAN STUTO: There are going to be  
7           some moving parts here.

8           MR. LACIVITA: Absolutely.

9           CHAIRMAN STUTO: What is your opinion of  
10          the applicant's proposal in terms of fairness  
11          to the applicant?

12          MR. LACIVITA: I think that the escrow is  
13          fair based on what I've seen throughout the  
14          Town. Sidewalks have always been an issue  
15          within in the Town - who is going to maintain  
16          them, who is going to construct them.

17          CHAIRMAN STUTO: But they're building  
18          beyond their property to the Village line,  
19          plus they're putting enough additional money.

20          MR. LACIVITA: And the biggest moving  
21          part is that you have a Village that's already  
22          constructed sidewalks up to the project line  
23          that they have. It's outside our jurisdiction.  
24          So, I think that with the remaining pieces  
25          that are here, I think that we can get that

1 gap filled.

2 CHAIRMAN STUTO: But their proposal is  
3 fair in terms of their contribution.

4 MR. LACIVITA: I think so.

5 CHAIRMAN STUTO: Does the Board have any  
6 feeling on that? This was a big part of it.

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

8 CHAIRMAN STUTO: Okay, let's keep going  
9 on with the next issue.

10 MR. HERSHBERG: Okay, well, that was the  
11 primary issue that was addressed once they  
12 took care of it. Once we took the parking lot  
13 out of this area here. The lighting plan has  
14 been adjusted. There was a question regarding  
15 the use of some up lighting by the entrance  
16 there that has not been specified yet. We're  
17 certainly working with that and it will be  
18 consistent. Actually the photometric shows an  
19 area that is quite dim by comparison to a  
20 whole bunch of parking lots. The average foot  
21 candles are about .4 or .5 foot candles.  
22 Again, it's not as light as many of the  
23 parking areas.

24 We think that we've addressed the major  
25 issues that were brought up before, and the

1 rest of them Ted will tell you that the  
2 stormwater issues don't require any redoing of  
3 our existing plan. We just have to document  
4 some additional stuff that was identified.  
5 I'll let Ted answer, but I think that most of  
6 the concerns that he addressed in his  
7 letter - we have addressed in our latest  
8 submission.

9 CHAIRMAN STUTO: Ted, do you want to  
10 offer your comments and then we'll go to the  
11 public?

12 MR. KOLANKOWSKI: Sure.

13 As Dan said, we did receive revised plans  
14 today. I took a look at the comment letter.  
15 I'd like to talk about something that are  
16 already addressed in the plan.

17 The plans that we had from March did  
18 address a lot of the comments from the City of  
19 Watervliet. The change in plans obviously  
20 resulted as an attractive revision of the site  
21 plan. The building is attractive.

22 We asked to see the Shaker Heritage  
23 Society comments and as Dan said, he sent us  
24 an e-mail. If you'd like me to read it was  
25 basically a confirmation from the applicant of

1           what they had asked for in response to the  
2           Shaker Heritage Society. That was what we  
3           asked for recently.

4           I'd also like to point out that there is  
5           a lot of sustainable design elements that were  
6           incorporated in the plan. The substitution of  
7           some plants for the invasive use of green  
8           stormwater management practices - we're using  
9           100 percent pervious pavement on the site and  
10          also there are stormwater management practices  
11          with infiltration. I didn't know this until I  
12          looked at the comments tonight, but there is  
13          actually an infiltration around the eaves of  
14          the building, and at the base of the  
15          foundation as well. I think that in general,  
16          this project sets some positive precedents for  
17          future projects.

18          There will be two waivers that are still  
19          required from the Planning Board and the  
20          packet that you've seen has the waiver of  
21          resolution included with the reasons. The only  
22          two waivers left are the front yard setback  
23          greater than 20 feet, and parking in the front  
24          yard. We're also looking for comment letters  
25          from the Village of Colonie. I think that

1 we've gotten to the end of that. We still have  
2 an outstanding letter. They haven't received a  
3 response from the City of Watervliet on the  
4 revised plans. Based on the letter that we  
5 received last time and the changes that they  
6 made, I wouldn't expect any problems there.  
7 Their access point over the easement is  
8 actually raising the grade up several feet.

9 Is that correct, Dan?

10 MR. HERSHBERG: Yes, and when we saw  
11 this, we came very close to a structure over  
12 there. They said that if we did that, they  
13 wanted that adjusted by cutting this off here.  
14 We eliminated that concern. We also changed  
15 the grade, so that we're raising the grade  
16 over the top of their water main which is  
17 preferable to cutting over the top of it.

18 MR. KOLANKOWSKI: In terms of the  
19 stormwater pollution prevention plan, it's  
20 going to need to be revised and resubmitted to  
21 us for review. In general, the proposed system  
22 is, in our opinion, feasible and appropriate  
23 for the site. As I said before, it  
24 incorporates a lot of green stormwater  
25 management practices.

1           We just had some comments on the parking  
2 stalls - in terms of which ones were banked  
3 and the quantities.

4           MR. HERSHBERG: On the latest plan, we  
5 show all these on the side of the pavement as  
6 20 banked parking spots on this side of the  
7 pavement. All of the things shown in gray are  
8 going to be constructed. From the current  
9 applicant's needs, they'll never have to be  
10 built. We think that the 73 parking spots are  
11 more than enough.

12           CHAIRMAN STUTO: You agree with that,  
13 right Ted?

14           MR. KOLANKOWSKI: Yes.

15           We had a number of comments about  
16 landscaping plan which I did read in Dan's  
17 letter which was received today that they were  
18 addressing those comments. There wasn't  
19 anything major there. Lighting plan - there's  
20 just a couple of little technical issues. I  
21 just mentioned the stone apron and that's been  
22 clarified.

23           I won't go through all of their comments  
24 on the SWPP since it's going to be revised. I  
25 saws Dan's letter that his intension was to

1 submit it on the 23<sup>rd</sup>.

2 MR. HERSHBERG: Yes, the SWPPP  
3 resubmitted on the 23<sup>rd</sup>.

4 MR. KOLANKOWSKI: We also incorporated  
5 some comments from the Planning and Economic  
6 Development Department. There is going to be a  
7 contribution of a proportionate of share of  
8 funds for mitigation of a cumulative impacts  
9 consistent with the airport area GEIS,  
10 statement of findings totaling \$85,114; 43,358  
11 of that is transportation costs. Separate fees  
12 are due to the office, issuance of Planning  
13 Board approval and an issuance of a building  
14 permit.

15 We talked about the waivers for setback  
16 of the parking. There was a question from the  
17 PEDD about the landscaped islands which has  
18 been addressed.

19 MR. HERSHBERG: We actually will submit a  
20 diagram where it shows where we have 1,507  
21 square feet versus the 1,460 that is required.  
22 We have more than is required. The Code  
23 requires 20 square feet per parking space. We  
24 have the 1,507 square feet that you have  
25 identified.

1           MR. KOLANKOWSKI: There was a request for  
2 the Shaker letter and the City of Watervliet  
3 letter. Also, we had previously gotten some  
4 subdivision plans and the subdivision was  
5 already approved. I think that pretty much  
6 wrapped up the comments that we had.

7           In terms of SEQRA, I think that one of  
8 the important things to keep in mind is that a  
9 full environmental impact statement was  
10 prepared back when the Ashfield Associates  
11 commercial subdivisions were filed.

12           The one other question that we had was on  
13 the Army Corp permit.

14           MR. HERSHBERG: I'd like to present you a  
15 letter that for accuracy is dated April 17,  
16 2012 from the Army Corp of Engineers. They  
17 picked it up at about 4:30 this afternoon and  
18 they copied the Town. What it says is that the  
19 areas identified as wetland do not meet the  
20 current criteria for the United States  
21 requirement. They are actually isolated  
22 wetlands. So, there are no federal wetlands on  
23 our site at all. I'll provide that letter to  
24 you.

25           MR. KOLANKOWSKI: I think that pretty



1 much wraps it up. We didn't include it in your  
2 packet, but we have the Part I of the long  
3 environmental assessment form which is in the  
4 packet. It was revised for this version of the  
5 plans. We also have Part II which we filed out  
6 and a SEQRA resolution.

7 CHAIRMAN STUTO: So, if it's not in our  
8 packet, you're going to have to go over it in  
9 detail because we haven't had a chance to  
10 review it.

11 MR. KOLANKOWSKI: Do you want me to do  
12 that now?

13 CHAIRMAN STUTO: Let's wait until after  
14 the comment. This looks like it's headed in a  
15 positive direction.

16 MR. KOLANKOWSKI: I'm all set.

17 CHAIRMAN STUTO: Okay, we'll now hear  
18 from the public. Anyone from the public want  
19 to comment on this?

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

21 CHAIRMAN STUTO: Okay, we'll hear from  
22 the Board and start on this end.

23 MR. AUSTIN: I have nothing. I'm happy  
24 that you have switched the parking.

25 MR. MION: I have nothing.

1 MS. DALTON: I like the porous pavement.  
2 Thank you.

3 MR. HERSHBERG: I love porous pavement.

4 CHAIRMAN STUTO: I think that it's a  
5 beautiful looking building. I appreciate the  
6 changes that you made to accommodate the  
7 neighbors and the comments of the Planning  
8 Board. I like porous pavement. You're the  
9 biggest advocate that we see for that. It  
10 makes sense what you say.

11 MR. HERSHBERG: I was with a client today  
12 who said why 40 years ago did you use porous  
13 pavement before it was in? I used it back then  
14 because it was economically feasible to use  
15 porous pavement when you have to build all  
16 your stormwater collection system and run it  
17 some place.

18 CHAIRMAN STUTO: I appreciate how far  
19 you've gone on the sidewalk.

20 Joe, I'd like to ask you if we have a  
21 letter from the engineer from the Village of  
22 Colonie.

23 MR. LACIVITA: Yes.

24 CHAIRMAN STUTO: They've asked us to hold  
25 this for a week on the request of the Deputy

1 Mayor - determination on the sidewalk. I think  
2 that the way that we describe it, you can get  
3 back to them and let them know that we  
4 respectfully considered the request. We just  
5 don't know that we can ask the developer to go  
6 any further on their contribution to the  
7 sidewalk. You get the point that I'm saying?

8 MR. LACIVITA: Yes.

9 CHAIRMAN STUTO: Even waiting a week and  
10 hearing from the Deputy Mayor wouldn't really  
11 have changed things.

12 MR. LACIVITA: I think that this Board  
13 agrees along with the TDE that \$20,000 is an  
14 equitable contribution.

15 CHAIRMAN STUTO: More than fair,  
16 considering their putting the sidewalk as far  
17 as they are.

18 Those are the comments from the Board. I  
19 think that we need to go over the SEQRA. We  
20 can talk fast, but we have to get to that.

21 MR. KOLANKOWSKI: Impacts on land - will  
22 the proposed action result in a physical  
23 change in the project site? The answer is no  
24 relative to construction on steep slopes.  
25 There are no steep slopes, land with water

1 table -

2 CHAIRMAN STUTO: You can read just the  
3 main topics.

4 MR. KOLANKOWSKI: Will there be an effect  
5 to any unique or unusual land forms on the  
6 site? The answer is no; it's unlikely.

7 Will the proposed action affect any water  
8 body designated as protected under Articles  
9 15, 24, and 25 of the Environmental  
10 Conservation Law? It will not.

11 Will the proposed action affect any  
12 non-protected existing or new body of water?  
13 It will not.

14 Will the proposed action affect surface  
15 or groundwater quality or quantity? It will  
16 not.

17 Will the proposed action effect drainage  
18 flow or patterns or surface water run-off? The  
19 answer is no. In fact, they're going to reduce  
20 the run-off.

21 Will the proposed action affect air  
22 quality? The answer is no.

23 Will the proposed action affect any  
24 threatened or endangered species? The answer  
25 is no, and we have an explanation in the

1 resolution on that.

2 Will the proposed action substantially  
3 affect non-threatened or non-endangered  
4 species? The answer is no. Again, there is an  
5 explanation on that.

6 Impact on agricultural land resources -  
7 Will the proposed action effect agricultural  
8 land resources? The answer is no, and there is  
9 an explanation in the resolution as to why the  
10 answer is no.

11 Impact on aesthetic resources - will the  
12 proposed action affect aesthetic resources?  
13 The answer there is no.

14 Impact on historic or archeological  
15 resources? The proposed action won't impact  
16 any site or structure of historic, prehistoric  
17 or paleontological importance. The answer is  
18 yes because we're in a historic district, but  
19 we explain how the applicant has coordinated  
20 with the Shaker Historical Society. There is a  
21 sign-off form the State Historic Preservation  
22 Office.

23 Impact on open space and recreation -  
24 will the proposed action effect the quantity  
25 or quality of existing or future open spaces

1 or recreation opportunity? The answer is no.

2 Impact on critical and environmental  
3 areas - there are no critical environmental  
4 areas on the project. So, that answer is no.

5 Impact on transportation - will they be  
6 an effect to the existing transportation  
7 systems? The answer is no. There is an actual  
8 explanation for that in the resolution.

9 Impact on energy - will the proposed  
10 action effect the community sources of fuel or  
11 energy supply? The answer there is no.

12 Noise and odor impact - will there be  
13 objectionable odors, noise or vibration as a  
14 result of the proposed action? The answer  
15 there is no.

16 Impact on public health - will the  
17 proposed action effect public health and  
18 safety? The answer there is no.

19 Impact on growth and character of  
20 community or neighborhood. Will the proposed  
21 action affect the character of the existing  
22 community? We answer that no, and there is an  
23 explanation in our resolution on that.

24 Is there or is there likely to be public  
25 controversy related to potential adverse

1 environmental impacts? There really aren't  
2 any, so the answer there is no.

3 Instead of doing a Part III as a separate  
4 document, we incorporate into Part III into  
5 the SEQRA resolution.

6 CHAIRMAN STUTO: Give us a minute to look  
7 over the resolution.

8 I'll ask Counsel's suggestion on how we  
9 take the final step here.

10 MS. VAIDA: And I think that obviously  
11 this isn't the first time that we've seen this  
12 project. There has been quite a bit of  
13 discussion on it. So, I think that the issue  
14 that's raised in the environmental assessment  
15 form has been discussed and looked at over the  
16 course of revising the application and  
17 answering any questions that the Board Members  
18 had. Those have been answered. It's a negative  
19 declaration. It has a lot of detail in it  
20 basically explaining why there are reasons for  
21 the determination of non-significance.

22 CHAIRMAN STUTO: Do you disagree with  
23 anything in there?

24 MS. VAIDA: No, I don't.

25 CHAIRMAN STUTO: Does the Board have any

1 questions?

2 MS. VAIDA: It sums up everything that's  
3 in the original assessment form.

4 CHAIRMAN STUTO: I have no questions. If  
5 anybody does, they can speak.

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

7 CHAIRMAN STUTO: How do you suggest we  
8 adopt the resolution?

9 MS. VAIDA: You would move to - the  
10 notice of determination and the effect on the  
11 environment - a negative declaration as  
12 written and as distributed to all the Planning  
13 Board Members. You can make a motion to accept  
14 that.

15 This also calls for your signature,  
16 Peter, after it's been voted on.

17 CHAIRMAN STUTO: We can have the  
18 stenographer put it in the record.

19 MS. VAIDA: It's calling for a negative  
20 declaration.

21 MR. MION: I'll make that motion.

22 MR. AUSTIN: Second.

23 CHAIRMAN STUTO: Discussion?

24 ***(There was no discussion.)***

25 CHAIRMAN STUTO: All those in favor?



1                                   **(The ayes were recited.)**

2                                   CHAIRMAN STUTO: All those opposed?

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

4                                   CHAIRMAN STUTO: The ayes have it.

5                                   Okay, on the waivers?

6                                   MS. VAIDA: I just need some  
7 clarification -- it looks like you're still  
8 seeking three waivers, right?

9                                   MR. HERSHBERG: Actually, I think that  
10 the original third waiver was on the  
11 percentage of green islands and we think that  
12 we've met that.

13                                  MS. VAIDA: Are you looking for the  
14 waiver for the 20 foot maximum building  
15 setback?

16                                  MR. HERSHBERG: Yes.

17                                  MS. VAIDA: And then a waiver from the  
18 prohibition within the front yard?

19                                  MR. HERSHBERG: Yes.

20                                  MS. VAIDA: And then a waiver for  
21 requiring 22 parking spaces of the required 95  
22 because you're banking -

23                                  MR. HERSHBERG: Yes, we're banking the  
24 additional. We only provide 73.

25                                  MS. VAIDA: Then the 22 are being banked.

1 CHAIRMAN STUTO: Is that a waiver when  
2 you bank?

3 MS. VAIDA: I would say so. That would be  
4 a reason to grant that.

5 MR. HERSHBERG: The plans only have 73  
6 paved parking spots on them.

7 CHAIRMAN STUTO: And there's a notation  
8 of the banked spots?

9 MR. HERSHBERG: Yes.

10 CHAIRMAN STUTO: It's in the area that  
11 says whereas.

12 MS. VAIDA: Whereas the applicant has  
13 indicated the proposed location for 27 spaces  
14 will be banked.

15 MR. HERSHBERG: Yes, 27.

16 CHAIRMAN STUTO: The waiver is for 22,  
17 but the banking is 27.

18 MR. HERSHBERG: We show 27.

19 CHAIRMAN STUTO: And they banked more  
20 than they needed to.

21 I've read it and I'm happy to submit it  
22 to the stenographer provided that the Board  
23 has read the resolution in front of us.

24 Can your read the title?

25 MS. VAIDA: It's a resolution - a waiver

1 of the Land Use Law requirements for parking  
2 and they set back requirement of 20 feet.

3 CHAIRMAN STUTO: Okay, it will be  
4 submitted into the record in its entirety.

5 Do we have a motion on that?

6 MR. MION: I'll make the motion.

7 MS. DALTON: I'll second it.

8 CHAIRMAN STUTO: Discussion?

9 ***(There was no discussion.)***

10 CHAIRMAN STUTO: All those in favor?

11 ***(The ayes were recited.)***

12 CHAIRMAN STUTO: All those opposed?

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

14 CHAIRMAN STUTO: The ayes have it.

15 MS. VAIDA: I also think that it's a good  
16 idea later on to sign this so they have a  
17 written copy of the actual waiver.

18 CHAIRMAN STUTO: Sure.

19 Now on the main question before us which  
20 is the approval for final site plan. I assume  
21 that the motion would be conditioned upon  
22 complying with the comments with the TDE and  
23 Town departments.

24 Was there anything else?

25 The sidewalk built to the Village line

1 and escrowing \$20,000. The escrow agent, being  
2 the Town of Colonie, to be used for the  
3 sidewalk within the Village - or if you don't  
4 mind, other sidewalk uses in case that falls  
5 apart somehow.

6 MR. HERSHBERG: That's \$20,000 for escrow  
7 sidewalk uses as determined by the Town of  
8 Colonie.

9 CHAIRMAN STUTO: Okay.

10 MR. KOLANKOWSKI: The letter from the  
11 City of Watervliet. It's unlikely that there  
12 will be anything of concern.

13 CHAIRMAN STUTO: But that's not already  
14 conditional, we'll make the letter from  
15 Watervliet to be another condition.

16 MR. HERSHBERG: There was actually a  
17 condition in Ted's letter anyway. By  
18 reference, it's already there.

19 CHAIRMAN STUTO: That's fine with me.  
20 Do we have a motion on that?

21 MS. VAIDA: You're including all the  
22 conditions in the TDE's letter?

23 CHAIRMAN STUTO: Yes, we have that.

24 MR. AUSTIN: I'll make that motion.

25 MS. DALTON: I'll second it.

1 CHAIRMAN STUTO: Discussion?

2 *(There was no discussion.)*

3 CHAIRMAN STUTO: All those in favor?

4 *(The ayes were recited.)*

5 CHAIRMAN STUTO: All those opposed?

6 *(There were none opposed.)*

7 CHAIRMAN STUTO: The ayes have it.

8

9

10 *(Whereas the proceeding concerning the above*

11 *entitled matter was adjourned*

12 *at 8:15 p.m.)*

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**CERTIFICATION**

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3  
4            *I, NANCY STRANG-VANDEBOGART, Shorthand*  
5            *Reporter, and Notary Public in and for the*  
6            *State of New York, hereby CERTIFY that the*  
7            *record taken by me at the time and place*  
8            *noted in the heading hereof is a true and*  
9            *accurate transcript of same, to the best of*  
10           *my ability and belief.*

11  
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14            \_\_\_\_\_  
                  **NANCY STRANG-VANDEBOGART**

15  
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17            *Dated May 7, 2012*

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