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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

LIA RETAIL
860 LOUDON ROAD
SKETCH PLAN REVIEW

THE STENOGRAPHIC MINUTES of the above entitled
proceeding BY NANCY STRANG-VANDEBOGART,
a Shorthand Reporter, commencing on
April 24, 2012 at 7:01 p.m. at the Public
Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

PETER STUTO, CHAIRMAN
KATHY DALTON
BRIAN AUSTIN
BRIAN HAAK

Also present:

Michael Tengeler, Planning and Economic Development
Daniel Hershberg, PE, Hershberg and Hershberg

1 CHAIRMAN STUTO: First on the agenda is
2 Lia Retail, 860 Loudon Road, minor site plan
3 waiver approval.

4 Mike, can you brief us on this?

5 MR. TENGELER: Certainly. This is the Lia
6 restaurant/retail redevelopment proposal. This
7 project has gone through the DCC on February
8 22, 2012. They were in for sketch plan review
9 on March 13th.

10 From there, the Board had suggestions as
11 to parking. They're here for two waivers
12 tonight.

13 The two waivers include parking within
14 the front yard setback and having a building
15 setback more than 25 feet from the front line.

16 There has also been a SEQRA
17 recommendation made by Rebekah Kennedy in the
18 Town Attorney's office. She has referred to it
19 as an unlisted action for the Board's review
20 tonight.

21 CHAIRMAN STUTO: Okay. We're going to
22 hear from the applicant?

23 MR. HERSHBERG: Briefly, if you would
24 like. Thank you Mr. Chairman. My name is Dan
25 Hershberg from the firm of Hershberg and

1 Hershberg. We're here today representing
2 William Lia. You've seen this project before.

3 When we previously showed it to you, the
4 building was back about 150 feet back to a
5 point about here (Indicating). We had another
6 row of parking in front of it. The Board
7 recommended that we try to line it up with the
8 Red Robin Restaurant next door. So, that's
9 what this plan does.

10 Here is the front of the Red Robin, the
11 sidewalk and the front of Red Robin lines up
12 precisely with the sidewalk in front of our
13 building. We have reduced the front offset to
14 about 104 feet. We still need the waiver for
15 parking in the front yard because there are
16 more than 25 feet back. We didn't think that
17 it would be appropriate to develop this with
18 only a 25 foot setback.

19 If there are any questions by the Board,
20 I would be happy to answer them.

21 CHAIRMAN STUTO: Can you just restate
22 what the two waivers are?

23 MR. HERSHBERG: Parking in the front
24 yard, and a front yard setback of greater than
25 25 feet.

1 CHAIRMAN STUTO: Anybody from the public
2 looking to be heard on this item?

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

4 CHAIRMAN STUTO: Anybody from the Board
5 want to talk about it?

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

7 CHAIRMAN STUTO: We saw this last time.
8 We appreciate the fact that you moved the
9 building back the way that we suggested. I,
10 personally, have no problems with the two
11 waivers. We can take a motion on that, but I
12 think that we first have to do the SEQRA.

13 Mike, can you walk us through that?

14 MR. TENGELER: Sure. What I have here is
15 a SEQRA recommendation from Rebekah Nellis
16 Kennedy, Attorney, of the Town Attorney's
17 office who classified it as an unlisted SEQRA
18 action. She has her supporting documentation
19 as to why she believes that it should be a neg
20 dec and I can go through that and put that on
21 the record, if you like.

22 CHAIRMAN STUTO: Yes.

23 MR. TENGELER: I'll read these verbatim.

24 Does the action exceed any Type I
25 threshold? No.

1 Will action receive coordinated review as
2 provided from listed actions? No.

3 Could action result in any adverse
4 effects associated with the following:
5 existing air quality, surface or groundwater
6 quality or quantity, noise levels, existing
7 traffic patterns, solid waste production or
8 disposal, potential for erosion, drainage or
9 flooding problems? No, no such impacts will
10 occur. Proposed project would demolish a
11 current building and construct a 9,000 square
12 foot retail building. Proposed retail and
13 restaurant use is consistent with adjacent
14 uses in this HCOR zoning district. Proposed
15 paving and building plan represents a
16 significant decrease in each with a large
17 increase in greenspace.

18 Aesthetic, agricultural, archeological,
19 historic or other natural or cultural
20 resources or community neighborhood character?
21 No such resources exist on site.

22 Vegetation or fauna, fish, shellfish or
23 wild life species, significant habitats or
24 threatened or endangered species? No such
25 impacts would occur. Proposal includes a large

1 increase in greenspace.

2 Communities existing plans or goals as
3 officially adopted or a change in use or
4 intensity of use or land? No such impacts will
5 occur.

6 Growth, subsequent development or related
7 activities likely to be induced by the
8 proposed action? No such impacts will occur.

9 Long-term or short-term cumulative or
10 other effects not identified? No such impacts
11 will occur.

12 Any other impacts including changes in
13 use or quantity or type of energy? No such
14 impacts will occur.

15 Will the project have an impact on the
16 environmental characteristics that cause the
17 establishment of a CDA? No.

18 Is there or is there likely to be
19 controversy related to the potential adverse
20 environmental impacts? No.

21 Rebekah has checked the box that says
22 that the proposed action will not result in
23 any significant adverse environmental impacts
24 and provide - and the attachments are attached
25 to support the explanation.

1 CHAIRMAN STUTO: Any questions on that?

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

3 CHAIRMAN STUTO: Thank you for reading
4 through that.

5 Do you have the neg dec language there?

6 MR. TENGELER: Yes.

7 CHAIRMAN STUTO: Can you read that?

8 MR. TENGELER: To all interested
9 agencies, groups and persons: In accordance to
10 Article 8, State Environmental Quality Review
11 of the Environmental Conservation Law and the
12 statewide regulations under the Act, the lead
13 agency has received an environmental
14 assessment form in connection with the
15 proposed action described below and the lead
16 agency had determined that said proposed
17 action will result in no major impacts and
18 therefore will not have a significant effect
19 on the environment, and therefore an
20 environmental impact statement is not required
21 to be prepared with respect to said action.
22 This notice is a negative declaration for the
23 purposes of the act. The lead agency is the
24 Town of Colonie Planning and Economic
25 Development Department. The person to contact

1 for further information is Rebekah Nellis
2 Kennedy, Attorney to the Town of Colonie, Town
3 Attorney's office, 534 Loudon Road,
4 Newtonville, New York, 12128. Reasons for
5 determination of non-significance: The lead
6 agency has reviewed the application, site
7 plans, project description and supporting
8 documentation and conducted such further
9 investigation of the project and its
10 environmental effects as lead agency has
11 deemed appropriate. Based on this review, the
12 lead agency has determined that the action
13 will have no significant effects on the
14 environment.

15 CHAIRMAN STUTO: Do we have a motion on
16 that negative declaration?

17 MS. DALTON: I'll make the motion.

18 MR. AUSTIN: I'll second.

19 CHAIRMAN STUTO: All those in favor?

20 ***(Ayes were recited.)***

21 CHAIRMAN STUTO: All those opposed?

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

23 CHAIRMAN STUTO: The ayes have it.

24 Motion on the two waivers on the project?

25 The waiver to allow parking in the front

1 setback and a waiver to allow greater than
2 maximum building setback?

3 MR. AUSTIN: I'll make the motion.

4 MS. DALTON: I'll second.

5 CHAIRMAN STUTO: Any discussion?

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

7 CHAIRMAN STUTO: All those in favor?

8 ***(Ayes were recited.)***

9 CHAIRMAN STUTO: All those opposed?

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

11 CHAIRMAN STUTO: The ayes have it.

12 Thank you.

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(Whereas the proceeding concerning the above

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entitled matter was concluded at

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7:12 p.m.)

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CERTIFICATION

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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.***

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15 **NANCY STRANG-VANDEBOGART**

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18 ***Dated May 20, 2012***