

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

3 \*\*\*\*\*

4 KJ ELECTRIC  
146 RAILROAD AVENUE  
5 SEQRA DETERMINATION AND APPLICATION FOR FINAL SITE  
PLAN APPROVAL

6 \*\*\*\*\*

7 THE STENOGRAPHIC MINUTES of the above entitled  
8 proceeding BY NANCY STRANG-VANDEBOGART,  
9 a Shorthand Reporter, commencing on  
September 11, 2012 at 7:45 p.m. at the Public  
Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

10 BOARD MEMBERS:

- 11 PETER STUTO, CHAIRMAN
- 12 KATHY DALTON
- 13 LOU MION
- 14 TIMOTHY LANE
- 15 KAREN GOMEZ
- 16 ELENA VAIDA, ESQ., Counsel to the Planning Board

17 Also present:

- 18 Joe LaCivita, Director, Planning and Economic  
Development
- 19 Joe Bianchine, ABD Engineers
- 20 Suzanne Perry

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1                   CHAIRMAN STUTO: We'll call up the next  
2 project. Thank you for your indulgence.

3                   Next on the agenda is KJ Electric, 146  
4 Railroad Avenue, SEQRA determination and  
5 application for final site plan approval. This  
6 is a 14,050 square foot warehouse/office  
7 presented by ABD.

8                   Joe, do you have an introduction on this  
9 one?

10                  MR. LACIVITA: Yes. KJ Electric was  
11 before the Planning Department in October 12,  
12 2011 for the DCC. It's been up for TDE review  
13 by Barton and Loguidice. Concept was granted  
14 on April 24<sup>th</sup> and preliminary SEQRA  
15 classification is unlisted. Again, concept was  
16 granted April 24<sup>th</sup> with that March 23<sup>rd</sup> SEQRA.

17                  There has been a slight change since the  
18 beginning. The original DCC and concept was  
19 granted on the square footage of 13,924. There  
20 was a slight change to the footprint. We  
21 bumped it out about 125 or 126 feet. That's  
22 why we're here tonight for final approval on  
23 the square footage of 14,050. It's the same  
24 content and the same use; warehouse and  
25 office.

1                   CHAIRMAN STUTO: Okay, we'll hear from  
2 the applicant on this?

3                   MR. BIANCHINE: I'm Joe Bianchine with  
4 ABD Engineers and Surveyors. I'm representing  
5 KJ Electric. KJ Electric is headquartered in  
6 Syracuse New York, but they have an office  
7 here in Colonie at 12 Arrowhead. They would  
8 like to move their office from 12 Arrowhead to  
9 the site here on Railroad Avenue. KJ Electric  
10 does servicing, repairs and sales of  
11 electrical equipment, motors and heavy  
12 electrical equipment. The site is on Railroad  
13 Avenue, as you can see. It's the only vacant  
14 parcel on Railroad Avenue. It's a two-acre  
15 site. It's next to Dance Dimensions and Lowe's  
16 is in the back, New York Legal Publications -  
17 everything is developed. This is the only  
18 parcel.

19                   It's got a little gravel area in the  
20 front that is used by the people on Railroad  
21 Avenue. They park there from time to time or  
22 whatever, but close to the back portion of the  
23 site is wooded. The Town/Village line runs  
24 right through here (Indicating). About  
25 one-third of it - the back portion is in the

1 Village and two-thirds is in the Town of  
2 Colonie. We have been before the Village and  
3 we have received their approval for the  
4 project. The Town is actually the lead agency  
5 on it.

6 CHAIRMAN STUTO: What is the nature of  
7 the approval in the Village? I'm just curious  
8 because it doesn't come up that often. Is that  
9 a final site plan approval?

10 MR. BIANCHINE: Yes, it was their final  
11 site plan approval.

12 CHAIRMAN STUTO: On the exact  
13 application?

14 MR. BIANCHINE: Yes, the exact same  
15 thing.

16 CHAIRMAN STUTO: And the exact square  
17 footage and so forth?

18 MR. BIANCHINE: Yes.

19 CHAIRMAN STUTO: Since we're on the top,  
20 I see a letter here about preserving the  
21 vegetation.

22 MR. BIANCHINE: That's right.

23 CHAIRMAN STUTO: Can you point out the  
24 back of your building and Lowe's?

25 MR. BIANCHINE: This is dark green back

1 through here (Indicating).

2 CHAIRMAN STUTO: How was that addressed?

3 MR. BIANCHINE: The comment came up  
4 because way back, the Pine Bush asked that we  
5 identify any non-native and invasive species  
6 on the site. So, we had biologists go out  
7 there and take a look at it and they did  
8 identify several different varieties of  
9 non-native and invasive species. We'll be  
10 clearing those out of this area.

11 CHAIRMAN STUTO: Those are not good,  
12 right?

13 MR. BIANCHINE: They're not good. It's  
14 something that we want to get rid of. There  
15 are a lot of big old oak trees and pine trees  
16 in the back. We'll be preserving those and  
17 that satisfies their comment.

18 The square footage of the building  
19 changed to a little less than 14,000 to just  
20 slightly over 14,000 because they did a little  
21 bump out on the back. That was the only real  
22 change. It's just that little bump out in the  
23 back that changed.

24 Again, this is an Industrial F Zone. It's  
25 an allowed use in an Industrial F Zone. It

1 will be a one-story masonry building. It will  
2 have parking in the front. There will be two  
3 access points to Railroad Avenue. We have to  
4 cross Railroad Avenue in this area  
5 (Indicating). Railroad Avenue is a divided  
6 roadway. Actually, that little area there is  
7 owned by CSX. We submitted all of our  
8 paperwork to CSX and we're waiting for their  
9 approval so that we can cross-access. It's not  
10 totally a Town road here.

11 There is water and sewer at the site, so  
12 we'll be connecting to the Town water and the  
13 Town sewer. We've been through the departments  
14 and they're okay with everything.

15 The site is all sand. We've done several  
16 test pits out there - percolation tests and so  
17 forth. So, we're using infiltration in these  
18 areas here and down through here will be grass  
19 (Indicating). This very gently sloping will be  
20 a depression which will handle our stormwater  
21 from the site. It will be probably two to  
22 three feet deep at most. It's spread over long  
23 areas of sand.

24 There is very little traffic. As I  
25 mentioned, they have eight employees and

1 they're looking to increase their staff as the  
2 economy improves to about 12 employees.

3 That's about it. It's in an industrial  
4 site and it's an industrial use.

5 CHAIRMAN STUTO: We'd like to hear from  
6 our Town Designated Engineer. Again, for the  
7 record, it's Chuck Voss from Barton and  
8 Loguidice.

9 MR. VOSS: Thank you, Mr. Chairman.  
10 Again, we've conducted a preliminary final  
11 review on this application. We've been working  
12 with the applicant over the last several weeks  
13 to iron out some comments that have come in  
14 from the Town departments and some comments  
15 from us. As Mr. Bianchine mentioned, they've  
16 been able to do that fairly satisfactorily.

17 If you like, I can run through those  
18 comments. They're relatively technical in  
19 nature, but let's just cover them quickly.

20 Town Department comments - this was from  
21 our letter dated August 3<sup>rd</sup> and all of these  
22 comments. We'll go through them one at a time,  
23 but they were addressed by the applicant.

24 The Department of Public Works had asked  
25 that a highway work permit, architectural

1 floor and plumbing plans and verification of  
2 contractors insurance are required for the  
3 project and that the public sewer extension  
4 was not required. The applicants were fine  
5 with that and they agreed to comply with that.  
6 They've met with Latham Water and reviewed the  
7 plans and essentially outside of some minor  
8 technical details, have signed-off on those  
9 and they are comfortable.

10 The Bureau of Engineering - they did the  
11 same. Their typical highway work requirement,  
12 copy of the CSX Railroad review and  
13 confirmation.

14 The Village of Colonie's Planning Board  
15 comments from June 5<sup>th</sup> were addressed by the  
16 applicant. We went through those one at a time  
17 and made sure that their comments were  
18 addressed accordingly. They're there.

19 We talked about the Village of Colonie  
20 preferring that the Town of Colonie be the  
21 responsible entity for the site. That's due to  
22 the size of the site that's within the Town of  
23 Colonie's jurisdiction and we agreed with that  
24 and think that's certainly adequate. I think  
25 that the applicant has agreed.

1           Again, we talked about the CSX median  
2           curb cut access. I think that it was as of  
3           July 3<sup>rd</sup>, we hadn't heard anything from them.

4           MR. BIANCHINE: We e-mailed them again  
5           and we're waiting for their title department  
6           to determine that they actually own that piece  
7           of land.

8           MR. VOSS: So, as soon as that  
9           confirmation comes in, we would obviously have  
10          that part of the record. But that can be made  
11          a condition of approval by the Board.

12          They have discussed with Pure Waters the  
13          sewer laterals.

14          Joe, I don't know if you wanted to touch  
15          on that. There was a prior approval given for  
16          those laterals from the sewer department.  
17          After working with the applicant and Latham  
18          Water, we have come to terms that they are  
19          adequate. I don't know if you wanted to  
20          elaborate on that.

21          The SWPPP certainly now complies. We  
22          talked about some additional details that the  
23          applicant would need to provide and they have  
24          certainly agreed to do that on site. So much  
25          of this is really technical in nature.

1            Dumpster location was one of those  
2            comments, but certainly I think that the  
3            applicants have shown that their preferred  
4            location certainly is adequate. I don't think  
5            that's going to cause any additional concerns  
6            for us with the stormwater management area.  
7            Initially, we were a little concerned that it  
8            was relatively close to that. We're now fine  
9            with that.

10           Other than that, I don't think that we  
11           have anything else. The rest of it was like  
12           the catch basin locations and things like  
13           that. Based on our review, the applicants have  
14           complied with everything that the Town  
15           departments have required and what we have  
16           asked for.

17           CHAIRMAN STUTO: Is there anyone from the  
18           public that would like to be heard on this  
19           application?

20           MS. PERRY: I have a question. What  
21           exactly does CSX own?

22           MR. BIANCHINE: They own the section in  
23           the middle (Indicating). They're apparently  
24           still loading things on Railroad Avenue  
25           because there are still tracks. But, there are

1 no tracks here (Indicating).

2 CHAIRMAN STUTO: Would you mind saying  
3 your name for the record?

4 MS. PERRY: My name is Suzanne Perry.

5 CHAIRMAN STUTO: Thank you.

6 Anybody else from the public like to  
7 speak?

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

9 CHAIRMAN STUTO: Karen, do you have any  
10 comments or questions?

11 MS. GOMEZ: No, I don't.

12 CHAIRMAN STUTO: Tim?

13 MR. LANE: Nothing.

14 CHAIRMAN STUTO: Lou?

15 MR. MION: No.

16 MS. DALTON: No.

17 CHAIRMAN STUTO: Nor do I.

18 Do we want to talk about the  
19 environmental review?

20 MR. LANE: The one question that I did  
21 have - and it's basically been answered - was  
22 in regard to the evasive species and the  
23 responses to the Pine Bush.

24 CHAIRMAN STUTO: We have an environmental  
25 assessment in front of us. I think that we all

1 have it in our packet. I assume that everyone  
2 has read it. There is a proposed negative  
3 declaration.

4 Chuck, do you want to run thoroughly  
5 that?

6 Elena, if you have anything to add,  
7 please do.

8 MR. VOSS: You have a SEQRA  
9 recommendation from the Town Attorney's office  
10 prepared by Rebekah Kennedy. Essentially, the  
11 cover page is the recommendation and I'll read  
12 through it quickly.

13 "Project name: KJ Electric; address of  
14 property: 146 Railroad Avenue. It is  
15 recommended that the Planning Board make the  
16 following determination regarding the above  
17 referenced application. The requested approval  
18 is an unlisted SEQRA action. We recommend,  
19 based on the attached EAF that the Board  
20 determine that the action will not have a  
21 significant effect on the environment."

22 That was dated today.

23 Mr. Chairman, if you like, I can run  
24 through Part III of the EAF where the  
25 justifications for the neg dec is listed.

1 CHAIRMAN STUTO: You mean Part II.

2 MR. VOSS: The back end of Part II.

3 CHAIRMAN STUTO: Yes, I think that will  
4 be a good idea.

5 MR. VOSS: "To all interested agencies,  
6 groups and persons: In accordance with Article  
7 8 -"

8 CHAIRMAN STUTO: Let me just ask you a  
9 question. Part II talks about all the impacts  
10 under C. That's the second page. Is that  
11 covered in the neg dec that you're about to  
12 read?

13 MR. VOSS: Yes, it is.

14 CHAIRMAN STUTO: Okay; let's do it that  
15 way, then. That's the most efficient.

16 MR. VOSS: Essentially the expanded Part  
17 III is answering those questions.

18 "To all interested agencies, groups and  
19 persons: In accordance with Article 8 of the  
20 state Environmental Quality Review, and the  
21 environmental conservation law, the statewide  
22 regulations under Act 6NCRR part 17, the lead  
23 agency, being the Planning Board of the Town  
24 of Colonie has received an environmental  
25 assessment form in connection with the

1 proposed action described below. The action  
2 and the lead agency have determined that said  
3 proposed action will result in no major  
4 impacts and therefore will not have a  
5 significant effect on the environment and that  
6 an environmental impact statement is not  
7 required to be prepared with respect to said  
8 action. This notice is a negative declaration  
9 for the purposes of the act. The lead agency  
10 again, is the Town of Colonie Planning Board.  
11 The person to contact for further information  
12 is Rebekah Nellis Kennedy at the Town  
13 Attorney's office. The project is identified  
14 as KJ Electric at 146 Railroad Avenue. The  
15 distribution is construction of a 13,920  
16 square foot sales, service and repairs  
17 building and associated parking utilities and  
18 landscaping."

19 CHAIRMAN STUTO: Can we correct the  
20 square footage on that?

21 MR. LACIVITA: Yes.

22 MR. VOSS: Joe, what do we have on that?

23 MR. BIANCHINE: That's 14,050.

24 MR. LACIVITA: You may want to reflect  
25 that also on the Part II, under C1.

1 MR. VOSS: I'll read that again.

2 "Based on the above, it appears that the  
3 project will not have a significant impact on  
4 the environment related to water resources.

5 Impact on transportation: The proposed  
6 project will generate only a modest number of  
7 vehicle trips. Because of the low intensity  
8 of use and direct access onto a local road, no  
9 significant impact to transportation systems  
10 is expected. Based on the above, it appears  
11 that the project will not have a significant  
12 impact on the environment related to  
13 transportation.

14 Impact on noise and Odor: There will be  
15 minimal noise and/or odor impact to adjacent  
16 properties in this Industrial Zoning District.  
17 Based on the above, it appears that the  
18 project will not have a significant impact on  
19 the environment related to noise and odor.

20 Impact on Growth, Character. and Health  
21 of Community or Neighborhood: The project will  
22 cause a change in the density of the land use.  
23 Because of the low intensity of use, no  
24 significant impact is expected. The project  
25 will create a demand for emergency services.

1           There will be no impact to the school system.

2           Property taxes are expected to offset any  
3 additional increase in costs associated with  
4 community services. The project is expected to  
5 create four new permanent jobs, as well as  
6 construction-related jobs, which can be  
7 considered a positive impact.

8           Conclusion: The Town of Colonie Planning  
9 Board has completed a careful review of the  
10 reasonably anticipated areas of environmental  
11 concern raised by the Project. Based upon that  
12 review, the criteria for determining  
13 significance contained in the SEQRA  
14 regulations, and the rule of reasonableness,  
15 the Planning Board issues this negative  
16 declaration, concluding that the facts and  
17 circumstances of this Project will not result  
18 in a significant adverse environmental impact.  
19 An environmental impact statement therefore  
20 will not be required."

21           CHAIRMAN STUTO: Are there any comments  
22 or questions from the Board Members on this?

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

24           CHAIRMAN STUTO: Anybody else?

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

1           CHAIRMAN STUTO: I think that was a good  
2 explanation. I think that I agree with  
3 everything that was said. I think that the  
4 write up supports the conclusions that are in  
5 there.

6           Do we have a motion on notice of  
7 determination of no significant effect on the  
8 environment and negative declaration?

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

10          CHAIRMAN STUTO: Do we have a second?

11          MR. LANE: Second.

12          CHAIRMAN STUTO: All those in favor?

13                       ***(Ayes were recited.)***

14          CHAIRMAN STUTO: All those opposed?

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

16          CHAIRMAN STUTO: The ayes have it.

17           On the final site plan approval,  
18 contingent upon complying with all the  
19 conditions of the Town departments and the  
20 Town Designated Engineers.

21           Do we have any comments or questions on  
22 that?

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

24          CHAIRMAN STUTO: do we have a motion?

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

1 CHAIRMAN STUTO: Second?

2 MS. DALTON: Seconded.

3 CHAIRMAN STUTO: All those in favor?

4 ***(Ayes were recited.)***

5 CHAIRMAN STUTO: All those opposed?

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

7 CHAIRMAN STUTO: The ayes have it.

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10 ***(Whereas the proceeding concerning the above***

11 ***entitled matter was concluded at***

12 ***8:06 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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14            -----  
15            **NANCY STRANG-VANDEBOGART**

16  
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18            **Dated September 19, 2012**

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**Legal Transcription**

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