

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 LOUDONVILLE HOME FOR ADULTS  
298 ALBANY-SHAKER ROAD  
5 APPLICATION FOR FINAL SITE PLAN APPROVAL  
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6 THE STENOGRAPHIC MINUTES of the above  
entitled matter BY NANCY STRANG-VANDEBOGART,  
7 a Shorthand Reporter, commencing on September  
25, 2012 at 7:02 p.m. at the Public  
8 Operations Center, 347 Old Niskayuna Road,  
Latham, New York 12110.

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10 BOARD MEMBERS:

11 PETER STUTO, CHAIRMAN  
KATHY DALTON  
12 LOU MION  
BRIAN AUSTIN  
13 TIMOTHY LANE  
MICHAEL SULLIVAN.

14

15 Also present:

16 Elena Vaida, Esq., Counsel to the Planning Board

17 Michael Tengeler, Planning and Economic

18 Joe Grasso, PE, Clough Harbour and Associates

19 William Mafriaci, IE, Hershberg and Hershberg

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1                   CHAIRMAN STUTO: First on the agenda  
2                   is the Loudonville Home for Adults, 298  
3                   Albany-Shaker Road. This is an  
4                   application for final site plan approval.  
5                   We've seen this for concept. It's a  
6                   13,000 square foot one-story addition.

7                   Mike, would you like to give us an  
8                   introduction on this?

9                   MR. TENGELER: Sure. Here's a quick  
10                  introduction.

11                  This project actually involves a merger  
12                  of an adjacent parcel and a demolition of an  
13                  existing single family home. Access is to  
14                  the Town portion of Albany-Shaker Road.

15                  Just to get some dates on the record -  
16                  they attended a DCC meeting on June 8, 2011.  
17                  They received concept acceptance on May 22,  
18                  2012 and have since progressed to a TDE and  
19                  Town review. They're here tonight to present  
20                  the final.

21                  CHAIRMAN STUTO: The applicant?

22                  MR. MAFRICI: Good evening. My name  
23                  is Bill Mafrici with Hershberg and  
24                  Hershberg.

25                  As Mike said, we received concept plan

1 approval on this 13,000 square foot addition  
2 for the Loudonville Home. We received a  
3 number of comments from the Planning staff  
4 and the Town Designated Engineer. There was  
5 one outstanding issue regarding the merger of  
6 the property.

7 Last minute we've had a deed developed  
8 and sent to the Planning Department - to Mike  
9 Lyons, earlier this afternoon. I do have a  
10 copy of that. We are prepared to file.

11 CHAIRMAN STUTO: You have a deed that  
12 merges the parcels; is that what you're  
13 saying?

14 MR. MAFRICI: We do not have a signed  
15 deed. We have a deed prepared to be  
16 signed.

17 CHAIRMAN STUTO: Do you own the other  
18 parcel now?

19 MR. MAFRICI: The applicant has two  
20 deeds prepared.

21 If the Board has any questions, we'll be  
22 glad to try to answer them.

23 CHAIRMAN STUTO: Why don't you talk  
24 about the project again? That would  
25 refresh everyone's memory. I think that

1 would be a good idea.

2 MR. MAFRICI: It's a 13,000 square  
3 foot addition to the existing home. This  
4 is the Loudonville Home. There is one way  
5 access and circulation off of  
6 Albany-Shaker Road. Going around the  
7 development and coming out also on Albany-  
8 Shaker Road.

9 CHAIRMAN STUTO: Can you circle where  
10 the old and where the new is?

11 MR. MAFRICI: This is existing  
12 (Indicating). This is going to be  
13 demolished. This is a separate parcel  
14 that's going to be joined. We have  
15 submitted for a minor two-lot subdivision.  
16 The project was also granted a variance by  
17 the ZBA in March of 2012. All the  
18 utilities exist. A regular connection  
19 with sanitary stormwater -- like I said  
20 the stormwater is infiltration basin that  
21 we're using with vegetative swales. This  
22 is a green infrastructure technique. We  
23 have prepared a SWPPP that has gone  
24 through the Stormwater Department for  
25 review, and also the TDE. We're proposing

1           vegetation and landscaping to buffer the  
2           surrounding area. That pretty much is the  
3           project.

4                   CHAIRMAN STUTO: I guess we'll hear  
5           from our Town Designated Engineer, Joe  
6           Grasso. He's reviewed it on behalf of the  
7           Town.

8                   Joe?

9                   MR. GRASSO: In your packets we had  
10          issued our last comment letter that's  
11          dated August 31, 2012. In it there were  
12          19 comments. They were all technical in  
13          nature because the applicant had done a  
14          good job addressing our previous comments  
15          and any planning related comments that had  
16          been previously been provided when the  
17          project was going through the review  
18          process. Those comments in that letter  
19          are rather technical in nature. Since the  
20          issuance of that letter, the applicant has  
21          provided additional information and  
22          revised plans which we have also had a  
23          chance to take a cursory review and have  
24          found that it looks like all of those  
25          comments have been addressed.

1                   We've also been following up with Town  
2                   departmental comments. There weren't any  
3                   major comments there. I think that most if  
4                   not all of those departmental comments have  
5                   also been addressed. We felt that the  
6                   project was ready for final consideration by  
7                   the Planning Board.

8                   Included in your packets, if the project  
9                   is deemed appropriate to move along, is a  
10                  full environmental assessment form. The  
11                  applicant had prepared Part I which goes  
12                  though the environment setting of the project  
13                  site and a description of the project. We  
14                  have, based on the information in the record,  
15                  gone through and completed Part II of the  
16                  full EAF. During that review we have found  
17                  that we don't believe that there is potential  
18                  for significant impact or any thresholds that  
19                  require additional environmental review, or  
20                  the preparation of an environmental impact  
21                  statement. So, we've also included a draft  
22                  negative declaration that would allow the  
23                  Planning Board to complete the SEQRA process.  
24                  So, if the project is deemed acceptable to  
25                  the Planning Board before it moves on a

1 consideration of site plans, it should offer  
2 resolution to declare the Planning Board lead  
3 agent and issue a negative declaration in  
4 accordance with the information included in  
5 your packets.

6 CHAIRMAN STUTO: Okay, and I'll ask  
7 you to help us through that process.

8 There are members of the public here that  
9 may want to comment. We're going to hear  
10 from them. We're interested in what they have  
11 to say.

12 I'm going to ask a couple questions  
13 because they may be asked, too.

14 Could you talk about screening and what  
15 this is going to look like from the road and  
16 plantings and so forth?

17 MR. MAFRICI: The actual finished  
18 part of the building is about 11 feet  
19 lower than the existing grade of  
20 Albany-Shaker Road. We're proposing  
21 landscaping in the front. There is  
22 landscaping along Buckman Drive and  
23 landscaping along the parking area to the  
24 west.

25 CHAIRMAN STUTO: What type of

1 plantings are going to be there?

2 MR. MAFRICI: I believe that there  
3 are evergreens in the rear, and deciduous  
4 evergreens on the balance of the site.

5 CHAIRMAN STUTO: Does the Board want  
6 to hear from the public before we go to  
7 our comments?

8 (The Board Members agreed.)

9 CHAIRMAN STUTO: Anyone here from the  
10 public want to be heard on this  
11 application?

12 (There was no response.)

13 CHAIRMAN STUTO: Okay, I guess we'll  
14 start with the Board then.

15 Mike, do you have anything on this?

16 MR. SULLIVAN: No.

17 CHAIRMAN STUTO: Tim?

18 MR. LANE: The only comment that I  
19 had was I thought that it was interesting  
20 that there is a lot of questions about  
21 hydrology.

22 I guess this would be directed to Joe.  
23 There was disagreements about the  
24 computations. That's all resolved?

25 MR. GRASSO: I'll speak to that.



1                   One of the new stormwater management  
2                   techniques and one that is favored by the  
3                   applicant's consultant is the use of porous  
4                   pavement. We've reviewed those designs for  
5                   many other sites within the Town with good  
6                   success. This site is a little bit unique in  
7                   that it's not large expansive areas of  
8                   pavement. The site also has extensive grades  
9                   within it. Like Bill was describing, the  
10                  building sits lower from Albany-Shaker Road  
11                  and as you try to design porous pavements -  
12                  the intent of porous pavement is that it  
13                  allows the stormwater to drain through the  
14                  pavement and hit the natural subgrade and  
15                  infiltrate the ground. As soon as you start  
16                  to do that on a slope subgrade, you run the  
17                  risk of that water not getting a chance to  
18                  infiltrate and migrate through the stone.

19                 MR. LANE: So, it makes the porous  
20                 pavement kind of pointless?

21                 MR. GRASSO: It doesn't make it  
22                 pointless, but it could lead to your  
23                 stormwater then flowing down to the lowest  
24                 part of the site and not infiltrating but  
25                 then coming back to the surface. Most of

1 our comments are related to working  
2 through the appropriate design  
3 calculations to make sure that the  
4 stormwater is appropriately accounted for,  
5 and making sure that the particulars of  
6 the design are such that water will get a  
7 chance to infiltrate. We're kind of  
8 working in somewhat uncharted  
9 territories regarding application of  
10 porous pavement to sites like this. We're  
11 extremely supportive and we're  
12 appreciative that the applicant is willing  
13 to work on a design that includes porous  
14 pavement for the site. We do think that  
15 it will work. The applicant's consultant  
16 obviously thinks that it will work. It's  
17 a great alternative to more conventional  
18 means of stormwater management. That's  
19 where our comments are from and like I  
20 said, since we issued our letter, the  
21 applicant has responded back with  
22 additional information including revised  
23 designs. Our engineers have taken a look  
24 at that and found that it was going to be  
25 acceptable.

1 MR. LANE: And that we're all on the  
2 same page?

3 MR. GRASSO: Yes, we're comfortable.

4 MR. LANE: While I was reading it, I  
5 was trying to figure out what it all  
6 meant, to be honest with you.

7 MR. GRASSO: Yes, it's really new  
8 territory for us as reviewing it. There  
9 isn't a lot of design documentation out  
10 there for us to rely on as the basis for  
11 these. So, we're relying on what we feel  
12 is good engineering judgment, what the  
13 state gives us and guidance regarding  
14 porous pavement design, as well as  
15 Hershberg's experience with porous  
16 pavements.

17 In furtherance of this project, we are  
18 going to get together with Dan's office, the  
19 Town's Stormwater Management Coordinator, John  
20 Dzialo, and our office to make sure that what  
21 we are applying for this project is something  
22 that is carried through on other projects as  
23 we review this and other projects in the  
24 Town. We do think that porous pavements are  
25 here to stay and we want to make sure that we

1 continue to learn from these different  
2 applications.

3 CHAIRMAN STUTO: Brian, do you have  
4 anything?

5 MR. AUSTIN: Nothing.

6 CHAIRMAN STUTO: Lou?

7 MR. MION: Nothing.

8 CHAIRMAN STUTO: Kathy?

9 MS. DALTON: Tim got mine.

10 CHAIRMAN STUTO: I don't have any  
11 questions or comments.

12 I see the full environmental assessment  
13 forms; Part I and Part II - do you want to  
14 talk about those briefly and walk us through  
15 whatever resolution we have to make?

16 MR. GRASSO: Sure. Like I said before  
17 Part I of the form goes through a  
18 description of the project and the  
19 environmental setting. A full EAF was  
20 requested of the project by the Town  
21 Attorney's office because it does provide  
22 a lot more additional detail that would  
23 normally be provided on a short EAF.  
24 Because of the design of the project, we  
25 go through and do an assessment regarding

1           whether or not there is a potential for  
2           environmental impacts and that's where  
3           there is a series of questions in Part II  
4           of the form that basically sets up a  
5           series of questions that you respond to  
6           with answers. Based on your answers to  
7           those questions, it determines whether or  
8           not additional environmental assessment is  
9           required of the project. As you'll see,  
10          the answers to all of those issues were  
11          no. It covers impacts on land, water,  
12          threatened and endangered species, air  
13          quality, plants and animals, traffic,  
14          aesthetic resources and archeological  
15          resources, energy, noise and odors and a  
16          series of other issues. So, based on our  
17          answers for those questions, that leads  
18          into whether or not we would require an  
19          EIS or a more in depth environmental  
20          review of the project, or if we could  
21          issue what's known as a negative  
22          declaration, which basically says that we  
23          do not believe that the project is going  
24          to result in significant environmental  
25          impacts and the project is able to be

1 approved by the Planning Board. So,  
2 within the packet is a draft negative  
3 declaration. It's a notice of  
4 determination of nonsignificance. In it  
5 it says that the Town of Colonie Planning  
6 Board as lead agency has determined that  
7 the proposed action described below will  
8 not have a significant adverse impact on  
9 the environment and a draft environmental  
10 impact statement will not be prepared.

11 MR. MION: I have a question on 16  
12 and 17. Is there a reason why there is no  
13 answer there?

14 MR. GRASSO: No. We forgot to check  
15 the no box; that's why. The final copy  
16 will have the no box checked.

17 CHAIRMAN STUTO: I'll just note for  
18 the record that on the draft negative  
19 declaration it says.

20 "Reasons supporting this determination:  
21 The proposed project is an expansion of an  
22 existing use. There will be very minimal  
23 site changes. The site does not contain any  
24 significant environmental features. No  
25 significant environmental impacts are expected

1 to occur.

2 Does anybody else question any other  
3 parts of the review that's been done?

4 (There was no response.)

5 CHAIRMAN STUTO: So, we'll entertain  
6 a motion on a negative declaration?

7 MR. GRASSO: You can do that all in  
8 one motion that the Planning Board would  
9 accept lead agency status and issue a  
10 negative declaration pursuant to SEQRA.

11 CHAIRMAN STUTO: Do we have a motion?

12 MS. DALTON: I'll make a motion.

13 MR. LANE: Second.

14 CHAIRMAN STUTO: Any discussion?

15 (There was no response.)

16 CHAIRMAN STUTO: All those in favor?

17 (Ayes were recited.)

18 CHAIRMAN STUTO: All those opposed?

19 (There were none opposed.)

20 CHAIRMAN STUTO: The ayes have it.

21 With respect to the main question before  
22 the body which is for final site plan  
23 approval on the application before us, do we  
24 have a motion?

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

1 MR. AUSTIN: Second.

2 CHAIRMAN STUTO: Any discussion on  
3 that?

4 I will suggest that we condition upon  
5 compliance with all Town Designated Engineer  
6 and Town departmental comments.

7 MR. GRASSO: That's included in  
8 there.

9 CHAIRMAN STUTO: So, with that  
10 amended motion, do we have another motion  
11 with that amendment?

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

13 MR. AUSTIN: Second.

14 CHAIRMAN STUTO: All those in favor  
15 of adding that amendment to the motion?

16 (Ayes were recited.)

17 CHAIRMAN STUTO: All those opposed?

18 (There were none opposed.)

19 CHAIRMAN STUTO: The ayes have it.

20 Okay, we have the full motion before us.

21 All those in favor?

22 (Ayes were recited.)

23 CHAIRMAN STUTO: All those opposed?

24 (There were none opposed.)

25 CHAIRMAN STUTO: The ayes have it.



1                   (Whereas the above entitled proceeding was  
2                               concluded at 7:18 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.

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NANCY STRANG-VANDEBOGART

Dated September 26, 2012

