

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 LIFE COVENANT CHURCH

5 685 WATERVLIET SHAKER ROAD

6 SKETCH PLAN REVIEW

7 \*\*\*\*\*

8 THE STENOGRAPHIC MINUTES of the above entitled

9 matter by NANCY STRANG-VANDEBOGART, a Shorthand

10 Reporter, commencing on September 10, 2013 at 7:09 p.m.

11 at The Public Operations Center, 347 Old Niskayuna

12 Road, Latham, New York

13 BOARD MEMBERS:

14 PETER STUTO, CHAIRMAN

15 BRIAN AUSTIN

16 SUSAN MILSTEIN

17 KATHY DALTON

18 KAREN GOMEZ

19 LOU MION

20

21 ALSO PRESENT:

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

23 Michael Tengeler, Planning & Economic

24 Development

25 Joesph Grasso, PE, CHA

Donald Zee, Esq.

Lynn Sipperly, PE, Sipperly and Associates

Mark Allen, Life Covenant Church

1           CHAIRMAN STUTO: We'll go right into the second  
2 project on the agenda. This is the Life Covenant  
3 Church, 685 Watervliet Shaker Road and this is a sketch  
4 plan review.

5           Mike would you like to give us an introduction on  
6 this? This is to be presented by Lynn Sipperly.

7           MR. TENGELER: This is a sketch plan review which  
8 is just a basic presentation that Lynn is going to  
9 present to the Board and to the members of the audience.

10           The property is 685 Watervliet Shaker Road and it  
11 borders the U.S. Post Office and the Northway on-ramp.

12           I'll give it to Lynn from here.

13           MR. SIPPERLY: Good evening, Mr. Chairman. Thank  
14 you for allowing me to come before you for sketch plan  
15 review for Life Covenant Church.

16           With me this evening is Mark Allen, architect and  
17 project leader for the Life Covenant Church and Don Zee  
18 also assisting in this application.

19           Life Covenant Church has purchased property at 685  
20 Watervliet Shaker Road which is a vacant parcel of land  
21 kind of adjacent to the west of the Latham post office  
22 at this location here (Indicating). The property is  
23 bounded by Watervliet Shaker Road on the south and the  
24 Northway on the west, there is a Niagara Mohawk  
25 transmission line on the east and some vacant land to

1 the north. The property lies principally in an OR  
2 zone, which is an office/residential zone and it does  
3 have a three-acre parcel at this location here which  
4 lies in a single family zone (Indicating)

5 CHAIRMAN STUTO: Where is the single family?

6 MR. SIPPERLY: This parcel right here (Indicating).  
7 Actually, this parcel here, the post office and the  
8 properties on the southside of Watervliet Shaker Road  
9 are all single family residential. To our west is the  
10 Northway and that is in the Albany business area zone,  
11 and to our north are some apartments. To our east is  
12 single family residential, also. To our east we can see  
13 a little bit of Brookwood Drive which is the subdivision  
14 that has access to Watervliet Shaker Road.

15 The property in total is 24.4 acres. We've had  
16 wetland delineation performed on the property. There  
17 is about 7.8 acres of wetlands on the property. It's  
18 all federal wetlands. We asked DEC if they had any  
19 jurisdiction and they don't.

20 CHAIRMAN STUTO: That's on the back of the  
21 property?

22 MR. SIPPERLY: The wetland area is really here  
23 (Indicating) and some right in here (Indicating).

24 CHAIRMAN STUTO: It's on the single family parcel?

25 MR. SIPPERLY: Yes, it's on a single family

1 parcel. It's toward the back of the site. Most of  
2 northerly part of the site is undevelopable because of  
3 the wetlands. There are some pockets but in order to  
4 get to those pockets, you have to cross the potential  
5 wetlands. It really makes it difficult and impossible.

6 MR. MION: There is a little shack in the back.

7 Are those the wetlands?

8 MR. SIPPERLY: I'm not sure, but I could perhaps  
9 show that better on the next plan. The wetlands start  
10 at about this location here (Indicating) and they go  
11 north of that. To be honest with you, I'm not familiar  
12 with that building. I have been on the property but I  
13 guess I haven't ventured back in that area.

14 Some notable other features are Watervliet Shaker  
15 Road -- this is the northbound entrance and exit ramp  
16 to the Northway. There is a traffic light at the  
17 intersection of the ramp and Watervliet Shaker Road.  
18 Also notable is here which is a driveway which is  
19 presently used by the Post Office -- the sign out there  
20 is called Moffat Lane. It's a street that was  
21 developed by the Post Office. It was constructed in  
22 2000. The deed makes reference that Moffat Lane was to  
23 be constructed to the Town of Colonie standards and at  
24 such time as the Town of Colonie would wish to take it  
25 over, that it would be dedicated to the Town by the

1 Post Office. When I say Post Office, it's a U.S. Post  
2 Office facility ownership, also.

3 CHAIRMAN STUTO: Who has title to the roadway?

4 MR. SIPPERLY: The Post Office.

5 The deed to this particular property does have  
6 egress/ingress and utility right of way and easement  
7 across that Moffat Lane to access their property.

8 CHAIRMAN STUTO: Is that designated specifically by  
9 meets and bounds?

10 MR. SIPPERLY: Yes, it is. It's a separate land  
11 parcel and separate from the post office itself. In  
12 that particular deed, it does have the covenant that it  
13 would be constructed by a certain date to Town standards  
14 and to be offered to the Town at such time that the Town  
15 would like to take it over. The right of way is 60 feet  
16 wide and the pavement was constructed to the old  
17 standard of the Town; 36 feet wide. I believe that it's  
18 subbase and pavement. The thicknesses are all in  
19 accordance with the Town of Colonie standards.

20 CHAIRMAN STUTO: Do you know if the Town is  
21 interested in taking the road or not?

22 MR. SIPPERLY: No, they're not. At one time there  
23 was a thought that they might take the road over and we  
24 would construct a cul-de-sac at the end of the road and  
25 then the Town would then take it over at that point.

1           Since then, there has been a decision by the Public  
2           Works Commissioner that there is no benefit to the Town  
3           to take the road over and accept the maintenance, so it  
4           would still remain as a private road.

5           The property has frontage - about 500 foot  
6           frontage on Watervliet Shaker Road. Of that frontage,  
7           about 140 feet is right of way with access. That's  
8           this area right in here (Indicating). The remainder of  
9           the frontage was acquired by the state as right of way  
10          without access. No driveway is going to be constructed  
11          onto Watervliet Shaker Road from here to here  
12          (Indicating).

13          CHAIRMAN STUTO: Or within the current right of  
14          way.

15          MR. SIPPERLY: The right of way with access -

16          CHAIRMAN STUTO: I thought that the right of way  
17          was the shared driveway with the Post Office.

18          MR. SIPPERLY: That's an easement and a right of  
19          way on it. DOT put restrictions on it that they would  
20          not allow any driveway within a certain -- it's a  
21          similar situation along the Northway for particular  
22          reasons - there are very obvious reasons that there is  
23          no right of way with access to the Northway. It's kind  
24          of the same situation caveat.

25          In the drawings here I can show you what has been

1 proposed. This was our concept site plan for the  
2 project. What is proposed is to construct a single  
3 story 36,000 square foot building at this location here  
4 (Indicating), about the center of the site. It's more  
5 toward the northerly end of the developable area of the  
6 site.

7 The areas in the darker green are really areas  
8 that are impacted by wetlands and are areas that are  
9 set aside as open space areas. The lighter green is  
10 actually developable lands and greenspace that we're  
11 proposing to incorporate within this development.

12 What is proposed is to divide the property into  
13 two lots. Lot one would be this location here  
14 (Indicating) and Lot 2 would be the remainder of the  
15 part of the property. Access to the property is  
16 proposed to use Moffat Lane because of our right of way  
17 and easement to use that to get into the property, and  
18 access the parking area around the building. What is  
19 proposed for the site is 450 to 460 parking spaces in  
20 various lots. That is in excess of what the Town  
21 requirement is for church. The Town requirement is one  
22 space for two and a half seats which would bring that  
23 total to about 342 spaces. Plus we would have seven  
24 employees, so that would be about 349 spaces by Town  
25 Code. We have proposed in excess of that. The reason

1 for that is because Life Covenant Church through many  
2 sites that they have constructed know that the demand  
3 for parking is higher than one for two and a half  
4 seats. That is a waiver that we would be requesting of  
5 this board, once we get into concept site approval.  
6 The building is set back from Watervliet Shaker Road -  
7 approximately 1060 feet. It sits way back on the site.  
8 It's about 50-feet at this location and 51 feet from  
9 the Northway at this location (Indicating) and 210 feet  
10 at this location (Indicating). It's about 360 feet to  
11 the property line, which is the Niagara Mohawk right of  
12 way. It's about 540 feet to the nearest residence that  
13 occurs over here in Brookwood Drive.

14 Utilities for the development are located on  
15 Watervliet Shaker Road. There is water and sewer  
16 presently along the frontage of the property and they  
17 would just be extended back to service the property.  
18 It would be private service at this point. They would  
19 be like laterals, but they're not laterals.

20 Again, we're proposing two lots and we've  
21 approached the Town Board to consider an open  
22 development area for this property for two reasons;  
23 just for the access to Watervliet Shaker Road. The  
24 proximity of our driveway or our potential driveway on  
25 Moffat Lane to the off-ramp to the Northway - it's



1 approximately 500 feet. Moffat Lane - probably  
2 everyone is familiar with it - it's presently a  
3 driveway to the Post Office. It's large. With regard  
4 to the construction, it's overbuilt for a driveway but  
5 again, it was built in accordance for the Town  
6 standards and for potential dedication to the Town.

7 Stormwater on the property would be the use of  
8 green infrastructure. We'd be using porous pavement.  
9 Also, there would be some stormwater detention basins  
10 that would discharge to a natural stream that runs  
11 through the property and adjacent to the property, just  
12 east of the Niagara Mohawk power line.

13 CHAIRMAN STUTO: You already know that porous  
14 pavement will work?

15 MR. SIPPERLY: Yes, we have great sandy soils out  
16 here which is super for porous pavement. The  
17 groundwater is down probably eight feet. We've done  
18 some test borings to determine that also.

19 I've mentioned that the wetland delineation has  
20 been performed. We've also done our archeology  
21 investigation and they have not found any significant  
22 cultural resources on the property, especially the area  
23 proposed for development. There was an old farmhouse  
24 and barn in the front of the property, but they had no  
25 real historic value. They tore it out back in 1999

1 when the property was sold to the post office.

2 The operation of the church is really only a  
3 weekend function. They have two services on Saturday  
4 evening; one at 6:00 and one at 7:00. They have four  
5 services on Sunday starting at 9:00 a.m. and going up  
6 to about 12:00 or 12:30 p.m. Each service is an hour  
7 long. It's really best described as a church. People  
8 arrive a few minutes before service and everybody tries  
9 to get out within 10 minutes after service. Those are  
10 the busy times for the site. During the week there  
11 would be approximately seven to 12 employees at the  
12 building and that would be the extent. There also is a  
13 service on Wednesday evening and it's a youth service  
14 and Mark Allen can answer more questions with regard to  
15 the operation of the services that the church provides.  
16 The one thing that is unique about this is that we have  
17 a lot of parking and we have a lot of attendees to  
18 services, but they all occur in an off-beat hour of  
19 adjacent highway traffic. The Post Office on Saturday  
20 operates until about 2:00 p.m. and then I understand  
21 that the windows close. So, after 2:00 p.m. there is  
22 very little activity at the Post Office with the  
23 exception of people just dropping off mail and not  
24 going inside for service.

25 CHAIRMAN STUTO: If you don't mind, since we're

1 running late and since this is sketch plan, I'd like to  
2 get the comments from CHA.

3 MR. SIPPERLY: Certainly.

4 CHAIRMAN STUTO: Did you want to wrap it up?

5 MR. SIPPERLY: I think that this is pretty much a  
6 wrap up of what we did. We have off-beat traffic. We  
7 have proximity to the Northway ramp system that we would  
8 request and hope that the Town supports us in our open  
9 space development petition.

10 CHAIRMAN STUTO: This is a permitted use, correct?

11 MR. SIPPERLY: It is a permitted use in a multi  
12 residential zone and in the office residential zone.

13 CHAIRMAN STUTO: We've engaged the Town Designated  
14 Engineer to review this on behalf of the Town and that  
15 would be CHA.

16 Joe Grasso, can you offer any comment you might  
17 have on this?

18 MR. GRASSO: I have just a few initial comments.

19 One of the issues that was brought up at the DCC  
20 was the need for a variance by the Building Department  
21 because of the building footprint. Is that still  
22 required?

23 MR. SIPPERLY: We have applied for a variance with  
24 the Zoning Board of Appeals. By right this only allows  
25 a building to 30,000 square feet. We are proposing a

1 building of 36,000 square feet. We are presently  
2 adjourned at the Zoning Board of Appeals. We haven't  
3 been heard yet because if we move forward with the ODA  
4 with the Town Board, the Town Board I believe has the  
5 authority also to allow a 36,000 square foot building as  
6 part of the ODA conditions which would then make our  
7 application to the ZBA -

8 CHAIRMAN STUTO: Can you explain how that works? I  
9 don't understand that. Maybe your counsel may. I  
10 didn't know that the ODA came with allowing to expand  
11 the size of the building beyond the Code.

12 MR. SIPPERLY: That's what we have been told by the  
13 Code Enforcement Officer, Bob Cordell. He indicated  
14 that an ODA is kind of like a quasi-zone change where a  
15 couple of things could happen. This is my understanding  
16 from -

17 CHAIRMAN STUTO: Mr. Zee, do you know?

18 MR. ZEE: In just reading the Code, it does not  
19 specifically say limitations to the Town Board's rights.  
20 It does indicate that subject to limitations placed by  
21 the Planning Board.

22 CHAIRMAN STUTO: Okay, well, we don't have to  
23 address that issue now. Something sounds not correct  
24 about that to me. I could be wrong about that.

25 MR. SIPPERLY: We still have our application before

1 the Zoning Board of Appeals. If in fact, the ODA is not  
2 addressed -

3 CHAIRMAN STUTO: So, you may have a variance  
4 pending to increase the square footage.

5 MR. SIPPERLY: That's correct.

6 MR. GRASSO: In terms of an access arrangement, we  
7 support the use of Moffat Lane to provide access to the  
8 back parcel, as well as if there is additional  
9 development on the front of Lot 1 as it's currently a  
10 two-lot subdivision as well - we would recommend that  
11 Moffat Lane be the only access to the project. If they  
12 continue with a two-lot subdivision, it looks like the  
13 ODA would be required.

14 Lynn, have you considered not going the ODA route  
15 and not doing the subdivision and taking over Moffat  
16 Lane from the Post Office as an option? Or do you need  
17 Lot 1 to be developed?

18 MR. SIPPERLY: It's surplus land actually for the  
19 church operation. Lot 1 could then be sold off and be a  
20 developable parcel with full tax benefits to the Town.

21 MR. GRASSO: So, Lot 1 would be taxable and Lot 2  
22 would not be.

23 MR. SIPPERLY: That's correct. We did also  
24 consider though that, in fact, if we aren't successful  
25 in moving forward with the ODA, that Lot 1 would be

1 dropped off the plans and our frontage for the church  
2 parcel would be the whole parcel and take it right out  
3 to Watervliet Shaker Road.

4 MR. GRASSO: Could it include Moffatt Lane as part  
5 of your project site thereby totally eliminating the  
6 need for an ODA, if the ODA was not supported?

7 MR. SIPPERLY: Yes, we would propose to have our  
8 legal frontage for Lot 1 to be the frontage for  
9 Watervliet Shaker Road, but in fact we would use Moffatt  
10 Lane as our means of egress and ingress, because we have  
11 the easement.

12 MR. GRASSO: Based on precedence in the Town I  
13 think that they interpret that if you don't use your  
14 frontage for access, it does trigger a need for the ODA.  
15 So, just understand that if you decide to eliminate the  
16 two-lot subdivision, you might also need to incorporate  
17 Moffatt Lane into you project site to avoid that ODA  
18 requirement. It's just something that we can talk more  
19 about. I just wanted to mention it.

20 MR. SIPPERLY: We did approach the Post Office and  
21 they may want to sell Moffat Lane and take the easement  
22 back onto it.

23 MR. GRASSO: Right, and I think that if you're in  
24 front of the Town Board presenting the ODA, it's good to  
25 talk about that as another option that you may be wiling

1 to consider.

2 MR. ZEE: Joe, our concern about that is that we  
3 will approach the Post Office. However dealing with the  
4 Post Office -- my experience is that they'll get back to  
5 us with a decision in probably a year or a year and a  
6 half from now.

7 MR. SIPPERLY: I understand.

8 MR. ZEE: Our time line is substantially different.

9 MR. GRASSO: The reasons why I bring it up is  
10 because it's important for the Town - especially the  
11 Town Board to consider the desirability of Lot 1 being a  
12 separate developable taxable parcel, as opposed to the  
13 whole property.

14 We do recommend that a traffic study be done that  
15 looks at the traffic impacts out there onto the Moffatt  
16 Lane access. The scope of the traffic study can be a  
17 little bit limited, so we recommend that you work with  
18 us in terms of developing that scope. If Lot 1 is  
19 going to be a developable property, we do recommend  
20 that be included in the evaluation just so that all the  
21 impacts associated with that access can be looked at.  
22 From a SEQRA perspective we would like to see any  
23 impacts of Lot 1 looked at together with the church.

24 The Planning Department has identified some  
25 waivers that are going to be referred. Obviously the

1 whole property development is set back from Watervliet  
2 Shaker Road, so there is some common waivers that the  
3 Planning Board would grant there. The parking, as Lynn  
4 had mentioned, is over the maximum allowed by the Town  
5 so that would be another waiver. It's good that you  
6 got the archeological report done with some findings as  
7 well as the wetland delineation report. That was a  
8 good job. Again, that's information that often times  
9 gets drags out a project.

10 In terms of SEQRA, it's an unlisted action  
11 pursuant to SEQRA. A coordinated review is optional.  
12 If it requires an ODA, the Town Board may be lead agent  
13 on the application and address the SEQRA then. If they  
14 don't, then the Planning board could be lead agent.  
15 It's not a Type I action, so a coordinated review is  
16 not required, so we can wait on that decision until  
17 later on.

18 We do recommend that a full EAF be provided. I  
19 think that will provide a lot of information regarding  
20 the environmental setting and the various impacts  
21 associated with the project and give us better  
22 information to make a SEQRA determination.

23 We applaud the use of looking at using pervious  
24 pavement. That was raised by the Town departments at  
25 DCC. Because we're along the Northway corridor, we



1 would like you to look at the visibili.

2 Of the project with full build-out from the  
3 Northway corridor to see if there is any impacts there.

4 The location of the site is somewhat unique  
5 because it's along the on-ramp. So, it's not just  
6 straight along the Northway three-lane corridor.

7 In terms of just some site plan issues, we can  
8 work through them as we go through the site plan review  
9 but we would like to see the access drive widened to at  
10 least 26 feet and look at the consideration of a drop  
11 off zone being in close proximity to the building which  
12 is common to these types of facilities.

13 That's about all we got for now.

14 CHAIRMAN STUTO: Okay, we'll open it up for  
15 comments or questions from the Board.

16 MS. GOMEZ: I was just concerned about where that  
17 it in relation to the Northway and the back-up when  
18 people are coming out from church - how you're going to  
19 get up and down the road and how much time that takes  
20 and how long it takes the police officers to stand there  
21 to get people in and out. I know that Joe said that you  
22 were going to try to take a look at that and see what  
23 that impact is.

24 MR. SIPPERLY: We will do a traffic study and  
25 identify the traffic on Watervliet Shaker Road.

1           Mr. Allen says that they do use police officers to  
2 help out traffic control.

3           MR. AUSTIN: Is that at the present location right  
4 now?

5           MR. ALLEN: Right now we don't because there is no  
6 need for it where it's at. We do have an officer  
7 on-site.

8           MR. GRASSO: Is that private traffic control or  
9 Town service?

10          MR. ALLEN: It's actually a policeman from the  
11 Town, normally.

12          MR. AUSTIN: Will there be an option of putting an  
13 on demand light for Sunday service?

14          MS. DALTON: That's pretty close.

15          MR. AUSTIN: I know that it's close, but for the  
16 Sunday service -

17          MR. GRASSO: It could be looked at. I would assume  
18 that it wouldn't be supported by the county or by DOT.

19          CHAIRMAN STUTO: Any other comments or questions?

20          MR. MION: I don't have any at this time.

21          MS. DALTON: Me either.

22          MR. AUSTIN: Now is the elevation that you gave us  
23 in the packet? Is this the elevation that you can see  
24 from the Northway?

25          MR. SIPPERLY: That's a prototype that's being used

1 in the southern climates.

2 MR. ALLEN: That's the same one.

3 MR. SIPPERLY: That's the same one; I'm sorry.

4 CHAIRMAN STUTO: But that doesn't face the  
5 Northway, right?

6 MR. SIPPERLY: Right.

7 CHAIRMAN STUTO: Where is the front of the  
8 building?

9 MR. SIPPERLY: The front of the building is this  
10 side here (Indicating). There are quite a bit of trees  
11 in the state right of way between the ramps that provide  
12 a short window visible accessibility to the site.

13 CHAIRMAN STUTO: Is it only going to be seen from  
14 Albany Shaker?

15 MR. SIPPERLY: I wouldn't think so.

16 CHAIRMAN STUTO: It's that far back?

17 MR. SIPPERLY: It is far back and it's only going  
18 to be one-story.

19 MR. GRASSO: There is a wetland complex that is  
20 heavily wooded. It cuts across the front.

21 CHAIRMAN STUTO: You said that it's a traditional  
22 church, but the architecture is not traditional - at  
23 least having a traditional look to it. If you could  
24 comment on that?

25 It also has the word TV depiction in the picture.

1 Are these telecast?

2 MR. ALLEN: I'm Mark Allen, the team leader from  
3 Construction Design Life Church.

4 The dot TV is actually a European extension, kind  
5 of like a dot com. That's really all that means. We  
6 actually don't do TV, but we do the satellite to all of  
7 our churches in the churches themselves. The  
8 architecture that we do is modern and it is  
9 contemporary architecture. What you see right there is  
10 actually in West Palm Beach Florida and we're actually  
11 in several different states and we have a prototype  
12 building because we have 16 campuses and we'll have 22  
13 by the end of next year. We want people when they see  
14 us to know that it's us.

15 CHAIRMAN STUTO: We'll talk about that later, I  
16 suppose.

17 MR. AUSTIN: I was reading on the website while you  
18 were presenting - so the senior pastor -- he presents  
19 the message?

20 MR. ALLEN: Right, it's not televised. It's sent  
21 by a satellite uplink and it's delivered instantly to  
22 all of our campuses so there is no lag time. That's one  
23 of our cultural goals which is to make sure that  
24 everybody is getting the same message at the same  
25 moment. It's a little different in that most churches

1           actually do it a week later on a DVD.

2           CHAIRMAN STUTO: It seems like there are a few  
3           issues, but perhaps not insurmountable. I personally  
4           think that it's a good use of the property.

5           Would you like to finish?

6           MR. SIPPERLY: I think that we are all set. We  
7           appreciate the opportunity to be before the Board.  
8           We're looking forward to the Town Board action to  
9           recommend the ODA to this Board for consideration. If  
10          that doesn't happen, there are other alternatives for  
11          this access. Thank you, very much.

12          CHAIRMAN STUTO: We look forward to seeing you next  
13          time.

14  
15          (Whereas the above proceeding was concluded at  
16          7:37 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 16, 2013

