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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

MILL ROAD APARTMENTS
1 MILL ROAD
APPLICATION FOR FINAL SITE PLAN APPROVAL

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY STRANG-VANDEBOGART, a Shorthand Reporter, commencing on September 24, 2013 at 7:11 p.m. at The Public Operations Center, 347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
BRIAN AUSTIN
SUSAN MILSTEIN
KATHY DALTON
LOUIS MION
TIMOTHY LANE

ALSO PRESENT:
Joseph LaCivita, Director, Planning and Economic Development

Michael Tengeler, Planning & Economic Development

Joseph Grasso, PE, CHA

Frank Fazio, PE, Mill Road Apartments

1 CHAIRMAN STUTO: Next is Mill Road Apartments, 1
2 Mill Road. This is a two-story, six-unit apartment
3 building application for final site plan approval. I
4 think that we've seen this a couple of times.

5 Joe LaCivita, do you want to give us an
6 introduction?

7 MR. LACIVITA: Sure. Frank Fazio is at the
8 microphone.

9 This project is before the Board as a two-story
10 six unit apartment building. It is in a COR zoning
11 district that has received zoning verification. It's
12 been before the Board on March 26th of this year and
13 also again on May 21st of this year. Tonight we're
14 here for final approval from the Board. We have Frank
15 Fazio, Chris Connors and Joe Grasso is our TDE for the
16 project.

17 CHAIRMAN STUTO: Okay, we'll turn it over to the
18 applicant.

19 MR. FAZIO: Thank you. Again, my name is Frank
20 Fazio. I'm not sure how much detail you want me to get
21 into. You've seen this several times. I'll just give
22 you a real quick run-down of it.

23 CHAIRMAN STUTO: Anybody from the public intending
24 to comment on this?

25 (There was no response.)

1 CHAIRMAN STUTO: Okay, is the Board already
2 familiar with this?

3 MS. DALTON: I am.

4 MR. MION: Yes.

5 CHAIRMAN STUTO: Okay, so you don't have to give us
6 the full run-down.

7 MR. FAZIO: Okay, basically since you've seen it
8 last there have been some comments coming from CHA and
9 the Town. We've addressed all of those. We've even
10 received today some other ones and I've already done the
11 mark up on those, and those are the ones that are
12 getting redone too. Everything was pretty minor. Since
13 you've seen it last we did make an adjustment to the
14 sidewalk. This was coming out to Route 7 over here
15 (Indicating), but again we had to change it because of
16 grading and we've brought it over a little bit to the
17 side more to bring it out to that location. We had to
18 jockey around a pole there a little bit. That was one
19 change there. The other one, again, was very minor.

20 We had quite a bit of landscaping plan to it. We
21 have a lot of perennials around the site. We did
22 provide a location where the outdoor units will be. It
23 will be properly screened with landscaping, also. We
24 did get more information about the sewer system; the
25 grinder pumps, the details for that and that was added.

1 We did some minor tweaking on our stormwater
2 management. We did do an actual perk test out there
3 and got the rates and refined that. Again, it didn't
4 change the major design. It would just be the
5 technical part of it. There is some information about
6 labeling the banked parking and things like that. We
7 acknowledge, again, that part of this project is that
8 we need two waivers; one is for the banked parking that
9 we have for nine spaces and for the front of the
10 building facade not facing Route 7. It's turned at an
11 angle and I think that we've brought all of those
12 previously. Just to give you a color rendition of the
13 site plan here, we've got new buildings over here; we
14 have the two-story buildings over here (Indicating).
15 These are six-unit apartments and the existing office
16 building is over in this location and the existing barn
17 and we're having parking over here (Indicating).

18 Again, there will be a stone surface parking lot.

19 We've added a screen wall over here which is very
20 similar to the one that's there that will be landscaped
21 similar to that.

22 Just to refresh your memory, this is what the
23 building will look like. The only difference is that
24 we did not take off the staircase. It is coming off.
25 We just need to change the rendering on that.

1 Basically it will look just like that. There aren't a
2 any major changes.

3 CHAIRMAN STUTO: Okay, if the Board has no
4 objection we'll have Joe Grasso as our Town Designated
5 Engineer go through his comments. We do have waivers to
6 consider. We have environmental to do all prior to the
7 vote on final.

8 MR. GRASSO: And there is a letter in your packet
9 dated September 3rd from our office. Before we get
10 going, there was one issue regarding the water main and
11 the need for the easement across the front. Can you
12 just speak to that?

13 MR. FAZIO: Yes, there is a water main connection
14 basically in this location (Indicating). The water main
15 is probably within a foot or so of the right of way in
16 that location. It was mentioned that if the Town has to
17 come in, they will own it up to the valve. They're
18 requesting an easement. I'm not sure how much we need
19 to get. We can verify that, but we have no issues
20 grading an easement for the Town to be able to do work
21 on the water main in that location. I think that the
22 request was that we put a 10-foot water easement across
23 the entire frontage and we need to verify with Latham
24 Water of how much they want.

25 CHAIRMAN STUTO: That's a water line that's already

1 in there?

2 MR. FAZIO: The waterline is already there.

3 MR. GRASSO: There is an existing public water main
4 that runs across the frontage of the site continually.
5 It's a 12-inch water main. Through the review of the
6 project I don't think Latham Water could locate an
7 easement covering that water main. The water main,
8 itself, like Frank described, is actually in a public
9 right of way but the Town only grants and accepts a
10 30-foot easement or 50 feet off the center line of the
11 main so that they can get in there and do maintenance
12 and prepare the line, if needed. In this his case
13 they've asked for 10 feet across the frontage although
14 it looks like toward the west side, the water main
15 swings away from the property line enough so that it may
16 not be required at all or maybe be as little as five
17 feet wide. Just to clarify, is it your contention that
18 you're willing to grant an easement over that area
19 across the frontage?

20 MR. FAZIO: Yes, we'll work it out with them so
21 that they have what they need.

22 MR. GRASSO: Okay, so there is no contesting that.

23 Going through our review letter dated September
24 3rd, the first one is regarding the required waivers
25 and these were spoken at length during the concept

1 review of the application. There are two waivers that
2 are required.

3 The first one is the main facade at the entrance
4 of the building does not face towards the
5 street towards Route 7.

6 The second waiver is the parking reduction of 9
7 proposed land banked parking spaces. The application
8 has provided justification for each of the waivers.
9 Based on our review it appears that the waivers are
10 justified since the building visually ties in with
11 existing structures on the site, so it appears as one
12 complex. The site disturbance is minimized and the
13 natural back yard will be maintained with a proposed
14 building orientation. Adequate parking will be
15 provided for the proposed apartment building use and
16 reduced parking by banked spaces will be for the
17 existing office building use as already previously
18 approved by the Planning Board. CHA has prepared a
19 draft resolution for consideration by the Board and all
20 waivers requested should be listed on future plan
21 submissions.

22 So, in your packet -, it may be the fourth or
23 fifth page there -- is a Resolution regarding the
24 waivers that we drafted for the Planning Board's
25 consideration. I just want to point that out. It's

1 not right behind our letter, as you would expect. That
2 covers those two waivers.

3 Regarding the SEQRA review, the Town Attorney's
4 office determined it to be an unlisted action, pursuant
5 to SEQRA.

6 One of the issues that still needs to be completed
7 prior to a SEQRA determination was an archeological
8 investigation, so we noted that in our letter. That
9 report and that investigation has been completed and
10 there were no findings of significance there that
11 require any changes to the project site.

12 Understanding that, we had prepared a draft
13 negative declaration for consideration by the Planning
14 Board and that is also in your packet. It was right in
15 front of the Resolution.

16 Going though our letter -- one other item that
17 came up during the concept review from the adjacent
18 neighbor was the request for a timer being on the
19 exterior lights. Is that something that you're able to
20 accommodate?

21 MR. FAZIO: Yes. I don't know if we'll do motion
22 detectors or timers with motion detectors. I'm not sure
23 which one.

24 MR. GRASSO: We'll just get a note to that effect
25 on the plans.

1 All the technical comments have been communicated
2 with the applicant and they're being worked on and will
3 be a part of the final plans. We don't see any reason
4 why it can't move forward.

5 CHAIRMAN STUTO: Any comments or questions by the
6 Board?

7 (There was no response.)

8 CHAIRMAN STUTO: Can we do the environmental first?

9 MR. GRASSO: There is a short environmental
10 assessment form included in the packet. Part I of the
11 form is completed by the applicant and describes the
12 proposed project and the environmental setting.

13 Part II is the actual impact assessment and that's
14 completed by our office on behalf of the lead agent
15 which is the Planning Board.

16 Does the project exceed any Type I threshold in
17 the SEQRA regulations? The answer is no, so no
18 coordinated review is required and a short EAF is
19 acceptable for description of the project.

20 Will action receive coordinated review as required
21 for unlisted actions? The answer to that is no, it was
22 not required for the project or deemed required.

23 Could the action result in any adverse effects as
24 listed in the following; air quality, ground water
25 quality or quantity, noise levels, existing traffic

1 patterns, solid waste, erosion, drainage or flooding
2 problems? No.

3 The next one is regarding aesthetic, agricultural,
4 archeological, historical or other natural or cultural
5 resources, community or neighborhood impacts. For
6 that, the answer is no.

7 The next one is regarding vegetation, fauna, fish,
8 shellfish or wildlife species. The answer to that one
9 is no.

10 The fourth one being in conformance with the
11 communities' existing plans or goals as officially
12 adopted or change in use or intensity of land use of
13 land or other natural resources. We've determined that
14 this is going to be no significant impact.

15 Will the level of growth, subsequent development
16 or related activities likely to be induced by the
17 proposed action? There will be none associated with
18 this project.

19 The sixth is long-term/short-term cumulative or
20 other effects not identified in the above. There is
21 nothing else identified.

22 Is any other impacts and to that? There is none.

23 Will the project have an impact on any
24 environmental characteristics that cause the
25 establishment of a critical environmental area. There

1 are no critical environmental areas established in the
2 Town of Colonie. So, the answer to that is no.

3 Is there or is there likely to be controversy
4 leading to the potential adverse environmental impacts?
5 The answer to that one is no.

6 Based on that, we are confident in completing Part
7 III which is the actual determination of significance
8 and it is based on the information and the analysis
9 above and the supporting documentation, the proposed
10 action will not result in any significant adverse
11 environmental impacts. The reasons supporting this
12 determination is included in the project record. That
13 basically makes up the negative declaration before the
14 Planning Board.

15 CHAIRMAN STUTO: Okay, I've read this and I don't
16 disagree with any of it.

17 Does the Board have any comments or questions?

18 (There was no response.)

19 CHAIRMAN STUTO: Does someone want to move the
20 negative declaration?

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

22 MR. AUSTIN: I'll second it.

23 CHAIRMAN STUTO: Any discussion?

24 (There was no response.)

25 CHAIRMAN STUTO: All those in favor say aye.

1 (Ayes were recited.)

2 CHAIRMAN STUTO: All those opposed, say nay.

3 (There were none opposed.)

4 CHAIRMAN STUTO: The ayes have it.

5 Joe, do you want to walk us briefly through the
6 Resolution on the Land Use Law waiver findings?

7 I'd ask the Stenographer to submit the whole
8 resolution into the record.

9 MR. GRASSO: The two waivers once again -- these
10 are waivers from the design standards associated with
11 the COR zoning district.

12 The first relates to the main facade and the
13 entrance of the building facing toward the street and
14 the second is the reduction in parking. The reason
15 supporting the two waivers is that the building
16 visually ties in with the existing structures on-site
17 so it appears as one complex.

18 Whereas a natural backyard will mature trees will
19 be maintained with a proposed building orientation; and

20 Whereas the site disturbance and tree clearing is
21 minimized with the proposed building orientation; and

22 Whereas adequate parking will be provided for the
23 proposed apartment use; and

24 Whereas the proposed reduction of nine parking
25 spaces will be for the existing office building that

1 was previously approved.

2 Based on those findings be it resolved that the
3 Board finds that the extent of the requested waivers
4 are not considered substantial and that the Board finds
5 that the applicant has established that there are no
6 practical alternatives for the proposed waivers that
7 would conform to the standard and that the waiver is
8 necessary in order to secure reasonable development of
9 the site.

10 Be it further resolved that the Board hereby
11 issues a waiver from the main facade and entrance of
12 the building facing towards the street; and be it
13 further resolved that the board hereby issues a waiver
14 for reduction in parking of nine banked parking spaces;
15 be it further resolved that these waiver findings be a
16 condition of the site plan approval application and be
17 kept in the project file in the office of the Planning
18 and Economic Development Department.

19 CHAIRMAN STUTO: Do the Board Members have any
20 comments or questions?

21 MR. LANE: I'll make a motion on the waiver, based
22 on the Resolution.

23 MS. DALTON: I'll second it.

24 CHAIRMAN STUTO: Comments?

25 (There were no comments.)

1 CHAIRMAN STUTO: All those in favor say aye.

2 (Ayes were recited.)

3 CHAIRMAN STUTO: All those opposed?

4 (There were none opposed.)

5 CHAIRMAN STUTO: The ayes have it.

6 On the main question for us, the final site plan
7 approval. Based upon the conditions set forth in the
8 record, set forth in the Town Designated Engineer's
9 letter and all conditions put forth by the Town
10 Departments, do we have a motion on that?

11 MR. LANE: I'll make a motion to approve the action
12 on final site plan.

13 MS. DALTON: I'll second.

14 CHAIRMAN STUTO: Comments?

15 (There were no comments.)

16 CHAIRMAN STUTO: All those in favor say aye.

17 (Ayes were recited.)

18 CHAIRMAN STUTO: All those opposed?

19 (There were none opposed.)

20 CHAIRMAN STUTO: The ayes have it.

21 Thank you.

22 MR. FAZIO: Thank you, very much.

23

24 (Whereas the above proceeding was concluded at

25 7:33 p.m.)

CERTIFICATION

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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.

NANCY STRANG-VANDEBOGART

Dated October 3, 2013

