

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 ALBANY RV

5 48 RENSSELAER AVENUE

6 APPLICATION FOR FINAL REVIEW

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8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on October 8, 2013 at 7:33 p.m. at
11 The Public Operations Center, 347 Old Niskayuna Road,
12 Latham, New York

12 BOARD MEMBERS:
13 PETER STUTO, CHAIRMAN
14 BRIAN AUSTIN
15 SUSAN MILSTEIN
16 KAREN GOMEZ
17 TIMOTHY LANE

18 ALSO PRESENT:
19 Joseph LaCivita, Director, Planning and Economic
20 Development

21 Michael Tengeler, Planning & Economic
22 Development

23 Chuck Voss, PE, Barton and Loguidice

24 Daniel Hershberg, PE, Hershberg & Hershberg

25 Mary Elizabeth Slevin, Esq., Albany RV

Don Strollo, Albany RV

1 CHAIRMAN STUTO: We'll call up the next item on the
2 agenda. This is Albany RV, 48 Rensselaer Avenue. This
3 is an application for final review. This is a three
4 story, 40,891 square foot RV sales and service.

5 Joe, do you have an introduction on this?

6 MR. LACIVITA: Yes, this project has been around
7 since February of 2007. It's changed a little bit in
8 design. Tonight we have before us the final design for
9 approval for the Albany RV. They came to this Board and
10 updated on March 26, 2013 and with the new design
11 received concept April 23, 2013.

12 Once again, we have Dan Hershberg here and Don
13 Strollo, Serena, Mr. DiVitro and Mary Beth Slevin to
14 represent Albany RV.

15 CHAIRMAN STUTO: We'll hear from the applicant, Mr.
16 Hershberg?

17 MR. HERSHBERG: Thank you, Mr. Chairman. I'm Dan
18 Hershberg from Hershberg and Hershberg, for the record.
19 As Joe LaCivita said, I've been around for quite a
20 while.

21 I will happily report that we have received the
22 wetland permit from the Army Corps of Engineers and DEC
23 after a long and difficult struggle. As a matter of
24 fact, the last outstanding element of that was the
25 archeological recovery plan. We think that they have

1 essentially gathered all the data and they have all the
2 items that they have. They'll probably take a little
3 bit to curate it, but I think that at the end, they
4 will satisfy everybody in regards to the fact that
5 there are no archeological finds on the site that will
6 require any further study.

7 We originally had a building done here
8 (Indicating). We moved it to the other side of the
9 road because of conflicts with wetlands and other
10 issues that were here.

11 I have a couple of boards here which I would like
12 to take the liberty of showing you up close. This is a
13 view from the Northway looking when you're heading
14 north (Indicating). This is what you see now and this
15 is what you will see. There is quite an area outside
16 the pavement there which has got wetland vegetation on
17 it and it's a natural area. They're not going to mow
18 it and they're not going to take anything down. This
19 is as it looks today.

20 CHAIRMAN STUTO: You're going to see a lot of RVs
21 parked there too, right?

22 MR. HERSHBERG: They took this grass here
23 (Indicating) and they assumed that's the way that it's
24 going to stay. I'll assume that after a couple of years
25 of growth, it's going to look a lot thicker than that.

1 The other view that we have rendered was actually
2 the other view from the Northway which actually is is
3 the rendering of what we think a pylon sign would look
4 like. Again, the view is of these buildings here and
5 this is from the other side (Indicating). It's behind
6 trees that have to stay there and the wetland areas.
7 Again, we tried to render it as truthfully as we can as
8 to how it looks today. We certainly don't think that
9 it looks objectionable. We think essentially we were
10 properly cautioned that this Board didn't want to see
11 something that they saw in the past on the Northway
12 going through Saratoga County where there was an RV
13 dealership right up to the Northway. That's not there
14 anymore because that got taken over by a health care
15 facility.

16 CHAIRMAN STUTO: Does the department have copies of
17 those and for our records?

18 MR. HERSHBERG: We can get you copies for the file.
19 I think that we had some made up that are available.

20 The other issue has to do with the wetlands and
21 the stormwater management and we have met with Barton
22 and Logudice in advance of this meeting to be sure that
23 we understood what the concerns were. Again, we do not
24 have a final comment letter regarding that. However,
25 we are well acquainted with the concerns. The concerns

1 primarily were the dry swales.

2 I think that Barton and Loguidice agree that this
3 is a good method of handling the stormwater from most
4 of the site. The pavement area, primarily discharges
5 through a dry swale which has a pretreatment and it
6 has -- all the water that's up in the dry swale gets
7 filtered through two and a half feet of sand before it
8 comes down to a discharge pipe. So, again, it's well
9 filtered material. We made them a little larger so
10 that we can also store the 100-year storm in these
11 swales. These handle both the treatment and the
12 storage required for these. They're still working out
13 some details. Barton and Loguidice mentioned that they
14 had some concerns. We also think essentially that the
15 applicant proposed to extend a water main from the end
16 of Rensselaer Avenue where it is now in front of the
17 motel all the way through the site and Avis Drive.
18 This is actually an improvement that we think will help
19 with the discharge of water in the area. It will
20 certainly provide adequate water for this side, but
21 also will improve the service to the motel. The motel
22 is on a dead-end section. Latham Water doesn't like to
23 have to maintain that when it's not looped any place.
24 By putting this water main in, it will loop that
25 portion of the water main.

1 The Town maintains a sewer line that goes right
2 through this area. As a matter of fact, you'll see
3 here an interesting thing.

4 Although we warrenteed to the Corp by filing deed
5 restrictions that these wetlands will be maintained, we
6 could not do that with a sewer easement. The sewer
7 easement - the Town had maintained the right to go in
8 there and take up the sewer main and restore it anytime
9 that they have to. We could not make that part of the
10 wetland. However, until they do that, we actually do
11 have a actual two acres worth of wetland that will
12 exist there between these areas here. We have very
13 significant wetland areas, but we've also established
14 buffer areas around them as part of our negotiations
15 with the Army Corps of Engineers and we ended up with a
16 very significant buffer area. We are doing a wetland
17 mitigation area at the end of Avis Drive. Fifty Avis
18 Drive is a site that has wetlands on it already. We're
19 expanding the wetlands and we're making that a wetland
20 mitigation area, as required by the Army Corp.

21 Although I quite often do landscape plans, they
22 weren't good enough for Don Strollo, so Don got the LA
23 Group. We'll be resubmitting our landscape plan. They
24 have a very thorough landscape plan here which we think
25 the Board will find it very attractive. They've got a

1 wide variety of materials. They went through and
2 designated materials where I normally put perennials
3 and annuals, they went through and designated
4 perennials. They have a very nice design and we
5 provided copies of that for the file.

6 What this demonstrates is the treatment for the
7 entrance area and this is the roadway into there
8 (Indicating) - all these areas have additional trees.
9 They have tree islands and again, this is near the
10 building. They have a very intensive planting plan
11 near the building.

12 The entrance at Rensselaer Avenue has a monument
13 sign identifying the entrance and it has heavily
14 landscaped area around that sign. In order to get both
15 of these signs approved, we actually have to go to the
16 Sign Review Board because we're only allowed one sign,
17 other than a building mounted sign. Although we have
18 demonstrated it, we've shown you where we want to put
19 these signs and we're still subject to a review by the
20 sign board. We want to add two remote signs rather
21 than one, which is permitted by Code.

22 If there are any questions by the Board -

23 MR. LANE: What do you mean by remote signs?

24 MR. HERSHBERG: We have a pylon sign visible from
25 the Northway and we have an identification sign at the

1 end of Rensselaer Avenue.

2 MR. LANE: And this is all on your property.

3 MR. HERSHBERG: This is all on our property. There
4 is nothing off site. There is no reason to have
5 billboards.

6 CHAIRMAN STUTO: Are you through with your
7 presentation?

8 MR. HERSHBERG: I'm done.

9 CHAIRMAN STUTO: Are there any members of the
10 public that would like to speak on this project?

11 (There was no response.)

12 CHAIRMAN STUTO: Okay, we'll open it up to the
13 Board.

14 Lou Mion has recused himself on this project.

15 MR. AUSTIN: I have no comments or questions. I'm
16 excited about this project.

17 CHAIRMAN STUTO: I'll ask because it was in one of
18 the memos. The properties are all combined?

19 MR. HERSHBERG: We consolidated all the properties.
20 As a matter of fact, the County tax map is now
21 reflecting as 48 Rensselaer Avenue and all one parcel.

22 CHAIRMAN STUTO: And it's all in one deed
23 somewhere?

24 MS. SLEVIN: It's all in one deed. It's just one
25 parcel now.

1 CHAIRMAN STUTO: Okay, thank you.

2 Tim?

3 MR. LANE: We've seen this project a couple of
4 times now and gone through quite a bit of it. I think
5 that it's an excellent project. I like that it
6 maintains a low profile, although there is still
7 visibility.

8 MR. HERSHBERG: Luckily, I have a client that would
9 stick to it otherwise this project would have been given
10 up a while ago.

11 MR. LANE: Yes, it's been six years.

12 MR. HERSHBERG: Actually, it's been seven since we
13 started our Army Corps investigation.

14 CHAIRMAN STUTO: Karen?

15 MS. GOMEZ: I think that this is a great project.
16 I think that RVs are a wave of the future.

17 CHAIRMAN STUTO: Susan?

18 MS. MILSTEIN: I just want to see as much
19 landscaping to keep it looking natural and obscure the
20 view of the RVs.

21 MR. HERSHBERG: I would invite you that once the
22 building is built to go in and look at how he intends to
23 decorate the inside. He's talking now about an
24 Adirondack theme of waterfalls and everything else in
25 there. I believe that he'll do it. He's put so much

1 heart into this project for so long, it's going to be
2 done right.

3 MR. LANE: So, there will be a grand opening and
4 we'll all be invited.

5 CHAIRMAN STUTO: We haven't heard yet from our Town
6 Designated Engineer.

7 Chuck Voss, you're representing us on this one?

8 MR. VOSS: Yes, Peter. Thank you.

9 Again, I won't reiterate all the points that Dan
10 raised. We met with the applicant yesterday and their
11 design team and we had a draft letter with some kind of
12 final technical comments. They were mostly related to
13 design and stormwater systems and asking for
14 clarification on certain treatment areas. It was
15 really just the details of some of their design plans.
16 Their initial sheets that they submitted were fairly
17 busy with detail, so we just needed some clarification.
18 We had our stormwater engineer with us as well as John
19 Dzialo from the Town. We pretty much walked through
20 all those issues that we had. Some were very minor in
21 nature. It was really just adding some details to the
22 sheets or getting some clarifications on the final
23 plans. The real outstanding questions that we
24 initially had before our meeting were just the design
25 of the dry swale areas. They appear to be consistent

1 with DEC regulations. They actually exceeded DEC
2 regulations once we started taking a look. We feel
3 that they will certainly handle the 100 year event and
4 will be more than adequate from what they have there.
5 Again, we were just looking for some clarification on
6 those design issues.

7 Other than that, I think that we were all set. As
8 I said, we have a draft final letter prepared that
9 would be a conditional letter, if the Board saw fit to
10 move forward. We are also awaiting final Town
11 Department comments. Their deadline to get comments to
12 us is tomorrow. So, any outstanding comments that they
13 have we have incorporated into our final letter that
14 the applicant will have to comply with. Certainly, I
15 would recommend, as we have done in the past, that it
16 become a condition of approval as well.

17 Other than that, we are very satisfied with this.
18 It's an excellent project. I think that it will
19 certainly fit the site very well. We've very pleased
20 to see the mitigation area that the applicant has set
21 up as well.

22 CHAIRMAN STUTO: Okay, a little discussion on the
23 environmental review. The departmental memo dated
24 October 2nd says that the concept acceptance of February
25 20, 2027 has expired and a new concept acceptance was

1 issued by the Planning Board on April 23, 2013 as noted
2 by the Town Attorney's office the negative declaration
3 issued by the Planning Board with the initial concept of
4 2007 is still valid, provided the scope of the project
5 has not increased and the project remains consistent
6 with the airport area GEIS statement of findings.

7 Can you comment on that? Our attorney can speak
8 to that, as well.

9 MR. VOSS: Certainly. I would certainly ask Mary
10 Beth, the applicant's attorney to step in.

11 In our opinion, there has been no significant
12 alterations or changes of the project that would
13 warrant or revisit the SEQRA issues. The concept,
14 although the initial concept that they approached the
15 Town with way back changed just slightly, the final
16 concept that this Board accepted has not changed in
17 terms of the design layout, the scale and density. All
18 of those issues remain the same.

19 CHAIRMAN STUTO: Has DEC scoped a review since that
20 time changed?

21 MR. VOSS: I do not believe that it has changed.

22 CHAIRMAN STUTO: Would the applicant like to speak
23 on the record to that?

24 MS. SLEVIN: The DEC issued a water quality
25 certification in June, based on the plan that was before

1 you now. The plans before you now have decreased in
2 scope than the original plan. There is less impervious
3 pavement because of the road that we have connected of
4 Rensselaer Avenue to Avis - based on the Army Corps and
5 the DEC requirements. Parking has been reduced from
6 what was originally proposed. All of those revisions
7 are a decrease in the impacts of the project, rather
8 than any type of increase. There hasn't been any
9 increase whatsoever, just decreases.

10 The water quality certification that was issued in
11 June was based on the plan that you have before you
12 now. The Army Corps permit was also based upon this
13 plan that you have before you now, as well.

14 CHAIRMAN STUTO: Can you say your name for the
15 record?

16 MS. SLEVIN: I'm sorry. Mary Beth Slevin.

17 CHAIRMAN STUTO: And you're the attorney for the
18 applicant.

19 MS. SLEVIN: That's correct; yes.

20 CHAIRMAN STUTO: Has the DEC scope of review
21 changed since 2007?

22 MS. SLEVIN: No.

23 MR. HERSHBERG: Actually, that's identical since
24 2007. They're talking about changing the form, but they
25 have not yet changed it. There is a draft going around,

1 but they have not yet changed it.

2 CHAIRMAN STUTO: Elena, did you want to add
3 anything?

4 MS. VAIDA: Just that in the packages is actually a
5 very in depth environmental assessment form.

6 CHAIRMAN STUTO: Yes, and I have reviewed that.
7 I'm sure that the rest of the Board has also.

8 MS. VAIDA: Then there is the negative declaration
9 and there is also written Part III where it talks about
10 the impacts and how they will be mitigated. It doesn't
11 seem like there have been any changes. It looks like it
12 was thoroughly reviewed and all the impacts considered.
13 So, since there hasn't been any changes, I don't see any
14 problems unless some of the Board Members have any
15 questions. It all looks in order.

16 CHAIRMAN STUTO: Okay, thank you. I agree with you
17 and I agree that the negative declaration that's in the
18 file is still valid, based upon what was said here
19 today.

20 Any other comments from the Board?

21 MR. AUSTIN: Regarding the pavement, can you just
22 refresh us as to how much pavement there will be? Will
23 it be gravel for storage or will all of the area be
24 paved?

25 MR. HERSHBERG: Actually, we've changed the detail

1 and we've made a portion of these - like the area where
2 the vehicles will overhang - we're doing that with
3 gravel. So, essentially we've reduced the hard surface
4 there. Again, I would have loved to use porous pavement
5 here, but the soil just wouldn't permit it. Essentially
6 the total volume of pavement on the site is less than
7 what it was before - of asphalt pavement. The total
8 volume of area of both asphalt and gravel is less than
9 it was in our original application.

10 MR. AUSTIN: Tim may have raised this issue last
11 time. How about snow removal?

12 MR. HERSHBERG: We verified with Don who operates
13 all these places and he says what they do primarily
14 during the winter when the inventory is reduced, they
15 take some of the pavement area and store their snow
16 right on the site. They don't intend to have to haul
17 anything off. Again, they'll take corners of the
18 pavement area and just use that to store their snow so
19 that any melt will go through our stormwater system.
20 That's sort of ideal. We would have had some concerns
21 by the Army Corps of Engineers if we said that we would
22 push it off adjoining one of these buffer areas. So,
23 our goal here would be to avoid going that and storing
24 it on the surface. There are a couple of areas here
25 which I did save for snow storage, but they're smaller

1 areas that we would really need for all the snow. What
2 Don tells me is that whenever there is a big snow, they
3 move all the vehicles and plow the entire area and clear
4 off all the vehicles. It generates quite a bit of snow.
5 They would probably store it at the end of the pavement
6 here and here (Indicating), some places where they would
7 reduce their inventory for the winter.

8 MR. AUSTIN: Are you going to be offering winter
9 storage?

10 MR. STROLLO: We don't do any paid storage or
11 anything like that.

12 CHAIRMAN STUTO: Anything else from the Board?

13 (There was no response.)

14 CHAIRMAN STUTO: Since SEQRA is already on file, do
15 we have a motion for final site plan approval contingent
16 upon compliance with the Town Designated Engineer
17 comments and the Town Department comments?

18 MR. AUSTIN: I'll make that motion.

19 MR. LACIVITA: Before we go forward, can I just get
20 on the record again that Lou Mion recused himself from
21 this?

22 CHAIRMAN STUTO: He won't be voting on this.

23 MR. LACIVITA: Okay, I just wanted to make sure
24 that the record reflected that.

25 MS. GOMEZ: I'll second that.

1 CHAIRMAN STUTO: Any discussion or comments?

2 (There was no response.)

3 CHAIRMAN STUTO: All those in favor say aye.

4 (Ayes were recited.)

5 CHAIRMAN STUTO: All those opposed say nay.

6 (there were none opposed.)

7 CHAIRMAN STUTO: The ayes have it.

8 MR. HERSHBERG: Thank you.

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11 (Whereas the above proceeding was concluded at

12 7:57 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.

NANCY STRANG-VANDEBOGART

Dated October 21, 2013

