

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 MABEY'S STORAGE
5 910 LOUDON ROAD
6 APPLICATION FOR FINAL REVIEW
7 AND SEQRA DETERMINATION

8 *****

9 THE STENOGRAPHIC MINUTES of the above
10 entitled matter by NANCY STRANG-VANDEBOGART, a
11 Shorthand Reporter, commencing on October 22, 2013
12 at 7:10 p.m. at The Public Operations Center, 347
13 Old Niskayuna Road, Latham, New York

14 BOARD MEMBERS:
15 PETER STUTO, CHAIRMAN
16 LOU MION
17 KATHY DALTON
18 TIMOTHY LANE

19 ALSO PRESENT:
20 Elena Vaida, Esq., Counsel to the Planning Board
21 Joe LaCivita, Director, Planning and Economic Development
22 Frank Palumbo, CT Male Associates
23 Joseph Grasso, PE, CHA

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1 CHAIRMAN STUTO: Next on the agenda is Mabey's
2 Storage, 910 Loudon Road. This is an application for
3 final review and SEQRA determination.

4 Joe, do you have an introductory on this?

5 MR. LACIVITA: Yes, this project is before the
6 Board and is in the HCOR district that does not allow
7 special use such as storage. That's why it's here
8 asking for the special use permit which will be
9 reaffirmed tonight.

10 The project received concept March 12, 2013.
11 It has been before the Board for both the DCC and
12 sketch plan review. So, tonight we'll be talking
13 and discussing the waivers that are requested
14 under this project along with reaffirming the
15 special use permit and adopting SEQRA.

16 So, those are the actions that we'll be
17 looking for tonight.

18 CHAIRMAN STUTO: Okay, is the applicant here?

19 It's usually better if the owners and
20 applicant and everyone get near the microphone.
21 I'll give you a minute to get set up.

22 MR. PALUMBO: We are here hopefully for our final
23 site plan approval and special use permit approval on
24 the Mabey's climate control warehouse. This is on the
25 corner of Sparrowbush Road.

1 CHAIRMAN STUTO: Can you identify yourself?

2 MR. PALUMBO: Yes, I'm Frank Palumbo with CT Male
3 Associates.

4 It's on the corner of Sparrowbush Road and
5 Route 9. This is the former site where most will
6 remember there was a Kiskis Tire and Midas.

7 The site has been cleared, environmentally
8 remediated and cleaned up by the applicant. We
9 have been here before on a number of occasions and
10 have shown continued progress. I think that we've
11 reached the agreement that there were three
12 buildings on the site before. There are three
13 buildings on the site now. It will be operated by
14 the same owner, Mabey's, that is next door.

15 I believe that we've met all the site
16 conditions and we also have building elevations as
17 well. There was a lot of concern and questions on
18 building in the past.

19 Mr. Chairman, I'll only go as far as you need
20 me to go with the detail.

21 CHAIRMAN STUTO: I'll turn it over to Joe Grasso
22 first. Joe is our representative from CHA, our Town
23 Designated Engineer, reviewing this project on our
24 behalf.

25 MR. GRASSO: Included in your packet is a letter

1 that we issued on the project that is dated October
2 10th. I've passed out another copy only because our
3 comment letter was two pages and only the first page
4 was included in your packet.

5 There are still some minor technical comments
6 that we've brought up in this letter. For the
7 most part, all the substantial comments and those
8 that relate to the review of the Planning Board
9 have been satisfactorily addressed or responded to
10 by the applicant.

11 I'll go through our comment letter dated
12 October 10th.

13 The first comment - the subject parcel is
14 located within the HCOR zoning district and the
15 self-storage use is permitted within the zone by a
16 special use permit. You may recall that a public
17 hearing was held on the special use permit this
18 past spring and there was no one in the public in
19 attendance that spoke for the project, or against
20 the project.

21 In support of the special use permit there is
22 a series of findings that the Planning Board needs
23 to confirm that the project is conforming.

24 Included within your packet is a draft of the
25 findings which we have prepared for the Planning

1 Board's consideration based on the current status
2 of the project proposed. It says "Mabey's Self
3 Storage Special Permit Review and Findings."
4 There are 11 items taken directly out of the
5 zoning and we go through each of those items and
6 describe how the project conforms with those
7 special use permit requirements. That's included.

8 The project is going to require a few minor
9 waivers due to noncompliance with the design
10 standards of the HCOR zoning district and our
11 comment letter identifies what those are. The
12 first one being the main facade and the entrance
13 of the buildings must face toward the street.

14 The second is the pavement within the front
15 yard on Loudon Road in front of building two;
16 there is a minor encroachment there.

17 CHAIRMAN STUTO: Frank, can you point to the one?

18 MR. GRASSO: That's the one that has pavement in
19 the front yard of Route 9/Loudon Road in front of
20 building two.

21 MR. PALUMBO: That's right here (Indicating).

22 The third one being the pavement within 15
23 feet of the front property line. It's the same
24 issue.

25 Those waivers have been discussed throughout

1 the review of the project and have been deemed to
2 be generally acceptable to the Planning Board
3 during the concept review in support of each of
4 those waivers, we have prepared a draft Resolution
5 which is also included in your packet for Planning
6 Board consideration.

7 The third comment touches on one of the more
8 substantive comments that was discussed during the
9 concept review and that was regarding the
10 architectural design of the buildings. The design
11 of the building has been substantively revised
12 since the first submission to the Town. Many of
13 our own comments as well as those that were raised
14 by the Planning Board have been incorporated into
15 the design of the current building. We believe
16 that the current proposal presents pleasing
17 architecture that picks up some of the design
18 vocabulary included within the design standards.
19 Then, we had just asked that the applicant bring
20 any kind of material samples or revised renderings
21 regarding the current architecture of the
22 building.

23 CHAIRMAN STUTO: Do we have the elevations in our
24 packet? I'm not finding them.

25 MR. GRASSO: They were included in the submission

1 package. I don't think that they're included in the
2 packet themselves.

3 Frank, if you want to go through with the
4 samples and renderings?

5 MR. PALUMBO: Yes, I'll leave this up with the
6 Board Members to pass on. This is the split phased
7 block that will be used. This is a trim and the board
8 that would be used (Indicating). It's a metal. Then,
9 there will be flagstone right here. This is the color
10 that I pointed out on here (Indicating).

11 The color of this will be this flagstone.
12 This trim is in your hand and this block, which
13 actually looks a little bit more brown - but that
14 is the actual color. Printers never give the
15 actual colors, so that's why we bring the actual
16 samples.

17 MR. GRASSO: Some of the architectural comments
18 that were raised during conceptual review that you can
19 look to in the renderings before us - we wanted some
20 relief to the buildings and some verticality so that
21 you can see how they added that in the corner. We
22 wanted some glazing brought in and then a different mix
23 of the materials and different textures and that's what
24 you see in the information that Frank has presented
25 before us tonight.

1 MR. PALUMBO: Again, printers are always a little
2 bit different from office to office.

3 CHAIRMAN STUTO: It looks very nice.

4 MR. GRASSO: So, going down through our letter, we
5 get into some more of the minor technical comments.
6 The lighting that was proposed wasn't the Town standard
7 full cut-off lighting style fixtures. That's something
8 that we raised in our comment letter. There were some
9 details regarding the fence and the sanitary sewer
10 building drain. Then, we have some other technical
11 comments on some of the grading and the utility design
12 through the site.

13 If the Planning Board is ready to make a
14 determination tonight and move the project
15 forward, there is a number of things that have to
16 be considered. A SEQRA determination needs to be
17 made. The special use permit findings need to be
18 adopted. The waiver findings need to be adopted
19 and the final can be up for consideration for
20 final site plan approval.

21 CHAIRMAN STUTO: Any members of the public like to
22 speak on this?

23 (There was no response.)

24 CHAIRMAN STUTO: Members of the Board?

25 MS. DALTON: I think that it looks great. Thank

1 you. You did a nice job.

2 CHAIRMAN STUTO: Thank you for working with us on
3 that. I think that you've taken our comments to heart.
4 I think that it will be a vast improvement to that
5 corner.

6 MR. PALUMBO: I'll take your thanks, but it really
7 goes to the Mabey's owner for working with the
8 architects to bring it to fruition and make a
9 commitment on the site.

10 CHAIRMAN STUTO: Fair enough.

11 You want to walk us through the environmental
12 review?

13 MR. GRASSO: Sure. Included in your packet is a
14 draft negative declaration. This was an unlisted
15 action, but we had requested a completion of a full
16 environmental assessment form. Part I of that form was
17 completed by the project sponsor. Part II and parts
18 III were completed by our office on behalf of the
19 Planning Board which is the lead agent for the project.

20 Based on our review, the project is not going
21 to result in a significant impact on the
22 environment, so we drafted a negative declaration
23 for the Planning Board's consideration and I'll
24 just go through that. I'll read portions of it
25 supporting the determination.

1 The Town of Colonie Planning Board as lead
2 agency has determined that the proposed action
3 described below will not have a significant impact
4 and a draft impact statement will not be prepared.

5 Under reasons supporting this determination
6 it states:

7 "The redevelopment of the site represents an
8 overall enhancement to the parcel as well as
9 adjacent parcels. The proposed project, while a
10 special permitted use in the
11 highway/commercial/office/residential district
12 meets the intent of the HCOR zone is in context
13 with the character of the neighboring parcels and
14 will not result in adverse impacts on adjoining
15 properties. The Planning Board has reviewed each
16 special use permit requirement in making its
17 determination. The project represents a lower
18 intensity use than the previous uses on the site.
19 There will be fewer vehicle trips and fewer
20 employees allowing the removal of two of the
21 existing curb cuts. Noise from daily operations
22 will be minimal. The proposed structures and
23 landscaping will be compliant with the HCOR
24 standards and the project will be connected to
25 public sewer and water and will include a

1 stormwater pollution prevention plan prepared in
2 accordance with DEC guidelines will be
3 implemented."

4 Those are the reasons supporting the negative
5 declaration. That should be up for a motion.

6 CHAIRMAN STUTO: Someone want to make a motion on
7 the negative declaration?

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

9 MR. MION: Second.

10 CHAIRMAN STUTO: Any discussion?

11 (There was no response.)

12 CHAIRMAN STUTO: All those in favor say aye.

13 (Ayes were recited.)

14 CHAIRMAN STUTO: All those opposed say nay.

15 (There were none opposed.)

16 CHAIRMAN STUTO: The ayes have it.

17 On the special use permit findings.

18 MR. GRASSO: We have prepared a special permit
19 review and findings for the Planning Board's
20 consideration in granting or denying special use
21 permits. The Board should take into consideration the
22 scale of the proposed project and the possible impact
23 of the project on neighboring properties. Before
24 granting a special use permit the Planning Board shall
25 determine the following: 1. That the use conforms with

1 the specific special use permit standards found in the
2 use regulations. 2. That the use is consistent with the
3 Town's current planning documents including the
4 Comprehensive Plan. 3. That the use is consistent with
5 the purposes of the land use district in which it is
6 located and with the applicable provisions of this
7 chapter including any other details, special use permit
8 or criteria provided herein. 4. That the use will be
9 suitable for the property on which it is proposed
10 considering the property size, location, topography,
11 vegetation, soils, natural habitat and hydrology and if
12 appropriate, its ability if desirable to be buffered or
13 screened from neighboring properties and public roads.
14 5. That the use will be compatible with adjoining
15 properties and with natural and man-made environment. 6.
16 That the use will not adversely affect surrounding land
17 uses by creating excessive noise, dust odors, water
18 pollution or other nuisances. 7. That the use will not
19 cause undue traffic congestion, unduly impair
20 pedestrian safety or overloading existing roads
21 considering their current width surface and condition.
22 8. That the use will have appropriate parking and be
23 accessible to fire, police and other emergency
24 vehicles. 9. That the use will not overload any public
25 water, drainage or sewer system or any other municipal

1 facility of service including schools. 10. That the use
2 will not degrade any natural resource ecosystem or
3 historic resource 11. That all relevant site planning
4 criteria can be satisfied and the site plan approval
5 can be granted under this chapter.

6 Under each of those requirements we have
7 elaborated to how the project conforms with each
8 of those items.

9 CHAIRMAN STUTO: Okay, the Board has had this
10 Mabey's Self Storage special permit review and
11 findings. I've read it and I agree with what is in
12 here.

13 Does anybody have any questions or comments?

14 MR. LANE: I have one question. It's kind of a
15 procedural nature. Can we be in conformance for the
16 special use permit before we grant waivers that are
17 being requested?

18 MR. GRASSO: That's a great question. There is an
19 inconsistency there with the language. Within the
20 special use permit findings, we actually go through and
21 describe the waivers that are being requested. It also
22 provides the justification for each of the waivers,
23 too. So, you should take that into consideration as
24 part of the special use permit. If there are any
25 concerns regarding the waivers that are being

1 requested, we can bring it up now before you take
2 action on this special use permit.

3 CHAIRMAN STUTO: I'll ask that we include all of
4 this in the steno record.

5 Would somebody like to make a motion on
6 adopting the findings and granting the special use
7 permit?

8 MR. LANE: I'll make a motion.

9 MR. MION: I'll second.

10 CHAIRMAN STUTO: Discussion?

11 (There was no response.)

12 CHAIRMAN STUTO: All those in favor say aye.

13 (Ayes were recited.)

14 CHAIRMAN STUTO: All those opposed say nay.

15 (There were none opposed.)

16 CHAIRMAN STUTO: The ayes have it.

17 A special use permit is granted and the
18 findings are adopted.

19 Now we have the waivers.

20 So, you want to walk us through the waivers?

21 MR. GRASSO: Sure. Included in your packet is a
22 draft resolution regarding the Land Use Law waiver
23 findings. I'll paraphrase out of the document.

24 Whereas the applicant is requesting three
25 waivers from the Town of Colonie Land Use Law,

1 Article IX Chapter 109-9B, design standards for
2 the HCOR zone related to the placement of the
3 facade and entrance, the pavement within the front
4 yard of Building 2 and pavement within 15 feet of
5 the front property line of Loudon Road.

6 Whereas the Planning Board may waive these
7 standards to the extent it deems necessary in
8 order to secure reasonable development of the
9 site. In such case, the applicant must establish
10 that there are no practical alternative to the
11 proposed waiver that would conform to the standard
12 and that the Board shall issue a written finding
13 stating the extent and justification of the
14 waiver; and

15 Whereas the nature of the proposed building
16 and site layout requires the main facade of the
17 building to face the interior of the site and
18 whereas the planned ingress and egress and site
19 circulation patterns require vehicle access on the
20 eastern side of Building 2; and

21 Whereas this planned ingress and egress and
22 site circulation patterns and overall site plan
23 require vehicle access on the eastern side of
24 Building 2 that is within 15 feet of the front
25 property line.

1 Now therefore be it resolved that the Board
2 hereby finds that the extent of the requested
3 waivers are not considered substantial; and be it
4 further

5 Resolved that the Board finds the applicant
6 has established that there are no practical
7 alternatives to the proposed waivers that would
8 conform to the standard and that the waivers are
9 necessary in order to secure reasonable
10 development of the project site; and be it further

11 Resolved hereby issues the waiver from the
12 requirements that the main facade must face
13 towards the street; and.

14 Be it resolved that the Board hereby issues a
15 waiver from the requirement that there be no
16 pavement in the front yard to accommodate the
17 paved access drive; and be it further

18 Resolved that the Board hereby issues a
19 waiver from the requirement that pavement must be
20 a minimum of 15 feet from the property line.

21 Be it further resolved that these waiver
22 findings be a condition of site plan approval of
23 the application and be kept in the project file in
24 the Office of the Planning and Economic
25 Development Department.

1 CHAIRMAN STUTO: I ask that this Resolution be
2 submitted to the stenographer and included in its
3 entirety in that record.

4 Does anybody have any comments or questions?

5 (There was no response.)

6 CHAIRMAN STUTO: Do we have a motion?

7 MR. MION: I'll make the motion.

8 MR. LANE: Second.

9 CHAIRMAN STUTO: Discussion?

10 (There was no response.)

11 CHAIRMAN STUTO: All those in favor of the
12 waivers, findings resolution say aye.

13 (Ayes were recited.)

14 CHAIRMAN STUTO: All those opposed say nay.

15 (There were none opposed.)

16 CHAIRMAN STUTO: The ayes have it.

17 On the main question before the Board which
18 would be for final site plan approval. We have a
19 complete record that we have reviewed and we also
20 have a comment letter from Clough Harbour and we
21 have departmental comments.

22 Do the Board Members have any comments or
23 questions on that?

24 (There was no response.)

25 CHAIRMAN STUTO: Do we have a motion for final

1 site plan approval contingent upon compliance with the
2 Town Designated Engineer recommendation letter
3 recommendations and the Town Department comments?

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

5 MR. LANE: Second.

6 CHAIRMAN STUTO: Discussion?

7 (There was no response.)

8 CHAIRMAN STUTO: All those in favor say aye.

9 (Ayes were recited.)

10 CHAIRMAN STUTO: All those opposed say nay.

11 (There were none opposed.)

12 CHAIRMAN STUTO: The ayes have it.

13 Congratulations on your project.

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16 (Whereas the proceeding was concluded at

17 7:27 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 November 1, 2013

