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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

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CUMBERLAND FARMS  
211 TROY SCHENECTADY ROAD  
APPLICATION FOR FINAL REVIEW  
AND SEQR DETERMINATION

\*\*\*\*\*

THE STENOGRAPHIC MINUTES of the above entitled matter by  
NANCY STRANG-VANDEBOGART, a Shorthand Reporter, commencing on  
April 22, 2014 at 8:05 p.m. at The Public Operations Center,  
347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:  
PETER STUTO, CHAIRMAN  
TINA GOODWIN SEGAL  
SUSAN MILSTEIN  
BRIAN AUSTIN  
TIMOTHY LANE  
LOU MION

ALSO PRESENT:  
  
Kathleen Marinelli, Esq., Counsel to the Planning Board  
  
Joe LaCivita, Director, Planning and Economic Development  
Michael Tengeler, Planning and Economic Development  
Chris Boyea, PE, Bohler Enginrering  
Stephanie Bitter, Cumberland Farms

1           CHAIRMAN STUTO: The next item is Cumberland Farms,  
2           211 Troy Schenectady Road. This is an application for  
3           final review and SEQRA determination.

4           I would ask Joe LaCivita if he has any introductory  
5           remarks.

6           MR. LACIVITA: This project has actually been  
7           before the Planning Board a couple of times. We were  
8           here in May of 2013 for sketch plan and back again on  
9           concept on September 24, 2013.

10          We are here tonight to ask for a SEQRA determination.  
11          There are three design code waivers that we're asking for and  
12          final approval. It is in the COR zone and I'd like to turn it  
13          over to the developer's engineer and Stephanie, as well.

14          MS. BITTER: I'm Stephanie Bitter for the  
15          applicant. I'm here with Chris Boyea from Bohler  
16          Engineering and Jim Gillespie.

17          As was mentioned, we are on the corner of Troy  
18          Schenectady and Swatling Road. It's a 4,513 square foot  
19          convenient store with an eight gasoline pump island that is  
20          proposed as the canopy in the front. Because this 2.4 acre  
21          parcel was part of a subdivision that occurred in 2006, the  
22          accesses were defined as part of that subdivision. We kind of  
23          talked about this throughout the process. Because this is a  
24          public hearing I just want to mention that again. They are  
25          way back here on Swatling Road (Indicating) and shared with

1 the adjacent property owner on Troy Schenectady. This is in  
2 the COR zoning district.

3 As was mentioned there are three COR design standard  
4 waivers that we are seeking. Specifically, the first one is  
5 the building must present the main facade and entrance towards  
6 the street. The second is that the maximum front setback is  
7 20 feet and the last is relative to the parking being in the  
8 front as opposed to the rear as well as the canopy also being  
9 in the front.

10 As is demonstrated by the site plan, the canopy has about  
11 40 feet setback with the building being 41, due to the fact  
12 that this is a parcel that is nearby. There are residential  
13 uses in the back. We feel that these waivers will assist in  
14 protecting those residential uses. One would be with having  
15 the building act as a barrier to the noise and light  
16 pollution, putting the parking in the front as opposed to the  
17 rear. That will all assist with that, as well as having that  
18 canopy in the front. There is a developer on the adjacent  
19 parcel that will remain unnamed, but they also have a canopy  
20 in the front. So, it's similar to plans that already exist  
21 and they are there.

22 So, we feel that those wavers being granted will not have  
23 any negative impacts on it.

24 I'm going to turn it over to Chris now to go over one of  
25 those site details.

1           MR. BOYEA: Good evening. For the record, I'm  
2 Chris Boyea with Bohler Engineering. We're here tonight  
3 to review the planning both for the public hearing as  
4 well as the items that have been changed and enhanced in  
5 response to comments that have been received from Town  
6 staff, as well as this Board. I would also like to  
7 first acknowledge that Town staff and Barton and  
8 Loguidice have gone the extra mile in the last two  
9 months and worked very closely with us on this project;  
10 more so than other projects that we have worked on in  
11 the Town. We've had email writing campaigns back and  
12 forth and meetings back and forth, and we've covered a  
13 lot of ground. I think that what we have tonight is a  
14 very detailed well thought out proposal for all to  
15 review and comment on.

16           As Stephanie mentioned, we do have a 2.4 acre lot at the  
17 corner that is directly across from Stewarts. We appeared  
18 back before this Board in May for just concept. Actually, it  
19 wasn't even concept. It was a discussion item to make sure  
20 that we were on the right track with the layout. We have  
21 tweaked that layout and then came back and we were before this  
22 Board in September 24th and that's when we received concept to  
23 nail down the layout and that we had a comfort level on the  
24 waivers.

25           Since that time, we have now developed a fully

1           engineered, drainage, landscaped and lighting plan that  
2           complements that layout and works well with the area. The  
3           layout shows the gas canopy up front and then the building  
4           behind. We have 49 parking spaces here (Indicating) which is  
5           just about what Code requires. That number of parking spaces  
6           includes the parking spaces under the canopy, so there will be  
7           one at each gas pump or dispenser.

8           A key feature of this plan is that we share access points  
9           to any and all future development that is part of this overall  
10          subdivision that was approved many years ago. So, that's why  
11          our access drives are pushed as far away from the intersection  
12          as possible.

13          Stephanie forgot to take credit for probably the best  
14          part of this project which is Cumberland Farms is looking to  
15          continue to make a name for themselves in a higher end scale  
16          convenient store, and they provided some phenomenal  
17          architecture that we had provided to the Board previously.  
18          Now we have added color and it looks a little bit more  
19          shinier.

20          These are the elevations that Cumberland has provided.  
21          As you can see, the building has got a full gabled roof that's  
22          shingled, with the siding storm veneer. It has dormers built  
23          in. This is not an inexpensive design. The Board had asked  
24          some questions on it, too. So, we had a great working  
25          relationship. These are the elevations to be presented and

1 they are far and above anything else of the competition that's  
2 in the area. So, it does look great.

3 At the September 24th meeting there were some  
4 improvements that were requested and added. So, the plan that  
5 we are presenting tonight we have submitted includes the  
6 following items. We have added some street trees along both  
7 streets. There are Spruce trees along Swatling Road and then  
8 there are some Maple trees that line the street out on Troy  
9 Schenectady Road. We've added a substantial amount of  
10 sidewalk and pedestrian friendly amenities. That was both by  
11 this Board's request and then also with the CDTA and Town  
12 staff, as well. So, as you'll see on this rendering up here,  
13 there is sidewalk the full length of Swatling Road as well as  
14 on our frontage on Troy Schenectady Road.

15 CHAIRMAN STUTO: Would you trace that?

16 MR. BOYEA: Sure (Indicating). We have also  
17 provided connections from that sidewalk into our site  
18 from both streets and that would also lead to the  
19 outdoor patio area that has about three or four tables  
20 for customers to enjoy a beverage or anything else they  
21 may have purchased there.

22 There was a question and a request that we increase  
23 greenspace where possible. This site may have a record here.  
24 It's not very often that a commercial site comes into the Town  
25 and provides almost 50 percent greenspace. So, we've gotten

1 it close. It's 47.9 percent greenspace and we added onto that  
2 since the last time that you've seen this. It was right in  
3 this area here (Indicating). This used to be more pavement  
4 and we reduced that down and defined it better and added more  
5 green in there. So, we have increased the greenspace  
6 additionally there.

7 We have worked with the New York State DOT again with  
8 multiple emails along with Town staff to get them to have a  
9 conceptual approval on the access as you see it here presented  
10 to you tonight. Obviously, that being shared in the future.

11 We've added a bus stop pad and bench. That was to  
12 accommodate the CDTA and customers associated with that.

13 CHAIRMAN STUTO: Can you point that out?

14 MR. BOYEA: That's right up here in this area  
15 (Indicating), closer to the intersection. We have also  
16 added that bench and other pedestrian amenities like a  
17 bike rack and those types of things within our site.

18 We've gone through a substantial stormwater review at  
19 this location, both with Town staff and with our design  
20 engineers as well. We are using an infiltration system here  
21 (Indicating). Again, there is a large amount of greenspace  
22 behind our building. That's where the stormwater is proposed.

23 We've added deep sumps inside of every one of our catch  
24 basins so that siltation can form at the bottom and be cleaned  
25 out there. We've added an oil and debris hood to all of our

1 catch basins so that in case there is any spill or small oil  
2 that would drip on the pavement, it would be contained within  
3 the catch basin and not enter the soil. We've also added  
4 what's called a knife valve so that if there was ever a  
5 catastrophic event where gallons of spill would ever happen,  
6 the whole system could be shut off very quickly so that all of  
7 the spill is contained on-site in closed pipes and not into  
8 soil. That was added just as an extra precaution. It's not  
9 necessarily required, but it was suggested and we've gone  
10 ahead and done that.

11 This is also part of the mitigation overlay district.  
12 So, in addition to all of these pedestrian amenities, we're  
13 also going to be part of an overlay district where Cumberland  
14 will also pay mitigation fees on top of that. So, as you can  
15 see, this project has moved progressively over the last eight  
16 or ten months and very aggressively over the past two months,  
17 thanks again to all of the coordination. It provides almost  
18 everything that was requested of us in detail.

19 We have received a comment letter from Barton and  
20 Loguidice and the staff and we have reviewed that comment  
21 letter. There was nothing in that comment letter that we  
22 can't agree to or work with.

23 The only item that I would point out to focus on is  
24 street trees. Town staff has asked that we put street trees  
25 at incremental spots separated about 50 feet. We have more

1 than accomplished that on Swatling Road. On Troy Schenectady  
2 Road we have physical limitations that prevent us from doing  
3 so. We have provided enough street trees to meet the quantity  
4 and number, but we have altered the layout on the street trees  
5 there due to many underground utility easements and conflicts  
6 that we just need to stay away from. You will see that we  
7 have two street trees here (Indicating). We have placed a  
8 third one here and another one up here (Indicating). In this  
9 section right here we have many underground utility conflicts.  
10 That's the only one that I just don't see that we could  
11 probably overcome very easily. That would be about the only  
12 comment out of the ones provided that I just wanted to bring  
13 to the Board's attention.

14 We're here tonight to answer any questions, comments or  
15 concerns and look forward to moving forward with the building  
16 approvals and the building permit process.

17 CHAIRMAN STUTO: We're going to turn it over to the  
18 Town Designated Engineer and then open it up to the  
19 public.

20 Before that, I recall that the neighbors had concerns  
21 about the traffic and the impact of that intersection. Can  
22 you address that first? I would rather address that up front.  
23 It may answer some questions before they're asked.

24 MR. BOYEA: Sure. The traffic was talked about and  
25 that really led to our initial concept that was

1 presented to this Board back in May. It showed the  
2 access points closer to the intersection more in line  
3 with where Stewarts is across the street. There were  
4 some concerns both from New York State DOT as well as  
5 the Town and the Town staff and review engineers that  
6 there is a lot of stacking that happens on Swatling  
7 Road.

8 CHAIRMAN STUTO: Are you generating much traffic?  
9 Can you start with that?

10 MR. BOYEA: The traffic generation of this project  
11 is not great. This convenience store business is what  
12 we call pass by trips. So, we won't draw somebody  
13 across town to come to this Cumberland Farms unless we  
14 were having some incredible sale or give away, which I  
15 can't imagine. Most pass by trips are the traffic  
16 that's already on Troy Schenectady Road and Swatling -  
17 we're trying to get them on their way home or to work -  
18 quick in and out items. We might draw from two to three  
19 miles, but other than that there is plenty of other  
20 competition. They will use the most easiest and  
21 convenient facility to them. We are not drawing a lot  
22 of new traffic. We are not a traffic generator that  
23 would bring a lot of new trips to the area.

24 Just to go back and tell you what I was telling you about  
25 the entrances - there is stacking that happens when the lights

1 are red in this area (Indicating). That's why we worked with  
2 DOT to push those entrances as far back as possible so that  
3 people aren't looking at a wall of cars when they are trying  
4 to leave or enter the site.

5 MR. MION: If I'm not mistaken, when you're going  
6 west, you have your drive off of Route 2, right?

7 MR. BOYEA: Correct.

8 MR. MION: When it comes out, you can make a left  
9 and a right there?

10 MR. BOYEA: That's correct. It's a full access  
11 movement and it's designed for future, as well. Anybody  
12 else that is in there - there will not be another curb  
13 cut permitted.

14 MR. MION: Did you look at the possibly of just  
15 making it a right? The traffic does get thick there,  
16 especially when you're talking about the morning and  
17 evening traffic. It could be a hazard crossing and  
18 trying to make a left out of there.

19 MR. BOYEA: There were not any restrictions  
20 discussed or placed with discussions with New York State  
21 DOT. The site distances are very good at that proposed  
22 access. There is a lot of different sight distance.  
23 Also it will be self regulating a little bit. If  
24 someone is sitting there for 10 or 15 minutes, they can  
25 always meander back out to Swatling and wait for a light

1           there as well. So, I think that the full access does  
2           make sense and it is available for others as well. I  
3           think that the full access does make sense and it is  
4           available for others, as well.

5           MR. LACIVITA: The Department of Transportation  
6           controls the whole access to the whole corridor. I  
7           think that one of the reasons why they actually offered  
8           a full access was that they are doing a shared access  
9           between multiple parcels. Typically, they will shut  
10          down accesses but the fact that we're trying to do  
11          corridor management with them - that's why you're seeing  
12          the full access here.

13          CHAIRMAN STUTO: Okay, we will turn it over to our  
14          Ttown Designated Engineer which is Barton and Loguidice.  
15          They are personified by Chuck Voss.

16          Can you go through your comments?

17          MR. VOSS: Thank you Peter. As Chris mentioned  
18          early on and as Joe mentioned at the beginning, the  
19          project is really here for three things. There is the  
20          SEQRA determination. There is the wavier resolution and  
21          there is certainly the potential for final approval.  
22          Let me just go through our final comment letter dated  
23          April 12th. It's in your packets.

24          This letter is basically the culmination, as Chris said,  
25          of two or three months of very intense work with the

1 applicant. I have to say that they have been ideal to work  
2 with. They've been very responsive. We've had multiple  
3 meetings with them face to face and conference calls. We've  
4 involved all the Town departments very early on in this  
5 process and sought their comments which they have basically  
6 included in our first set of comments, and then this final  
7 set. Essentially, they have addressed all the issues that  
8 we've had concerns with.

9 I'll just go through some of these final things and again  
10 there is no critical elements here or fatal flaws that we're  
11 seeing - just a couple of minor details. As Chris mentioned  
12 at the beginning of his presentation. The applicant is  
13 obviously willing to comply with all of these, but let me just  
14 go through them quickly. They are primarily focused just on  
15 the stormwater system per se and how that is coming together.

16 We're looking for some grease traps to show. That was a  
17 Town comment. Not that they are going to be preparing a lot  
18 of foods on site, but if the eventuality is there, that  
19 facility is now in place. We're pleased with that.

20 The site is fairly conducive to good stormwater  
21 management. As Chris mentioned, the facilities for stormwater  
22 management are being placed at the back of the site or the  
23 green area which is heavily screened. It's really the ideal  
24 location for those facilities for a site like this. The soils  
25 are fairly decent over here to accommodate their system.

1           As Chris mentioned, one of the issues that we had asked  
2           for was that knife valve in the event that there was some kind  
3           of spill under the pumps. Someone backs into a pump and then  
4           something happens and the shut off valves don't work and you  
5           get a release of fuel. That fuel theoretically would flow  
6           into the stormwater management system. The knife valve allows  
7           them to shut that off instantaneously, keeping that fuel and  
8           potential spill out of the stormwater management system. I  
9           certainly don't want gasoline going into your basins because  
10          then it becomes a complete nightmare to clean out. That's an  
11          ideal addition and also because they're in the aquifer area,  
12          that will help further protect that.

13          Other than that, we just had a couple of questions about  
14          some modeling details which were fine. The landscaping issue  
15          as Chris mentioned - we don't have a concern with that. There  
16          are a lot of utilities out front as you can imagine along  
17          Route 2. We've got a gas main out front and there is electric  
18          and communication easements all in that narrow area up front.  
19          It would just be too difficult to plant larger species of  
20          trees. They would cause a problem with those easements. So,  
21          we really don't have an issue with that modification to the  
22          landscaping. I think that will work fine.

23          One of the things that we are very pleased to see is the  
24          addition of the sidewalks across the entire site, as well as  
25          the bus shelter. I can remember when the project first came

1 for concept or actually for the DCC review, I had gone out  
2 there one cold January or February day and there was a young  
3 couple with two young kids walking up the median on the site  
4 to try to get to the bus stop, which is just a sign post right  
5 now on the corner. There were no facilities and there were no  
6 benches. They were literally walking in the road because of  
7 the snow banks.

8 The sidewalk is going to be a great addition because if  
9 you all remember, there are several apartment complexes just  
10 behind the site to the north. Those people walk out to that  
11 bus stop. So, that's a great amenity to see and it will be  
12 very helpful. Again, we agree with the site layout as  
13 proposed in terms of access. Pushing the access points  
14 further away from the intersection certainly helps to  
15 alleviate the potential for conflicts when it comes to queuing  
16 issues from down Swatling Road and southbound, as well.

17 In working with Kevin Novak at DOT, they were very  
18 comfortable with that full access drive off of Route 2. As  
19 Joe mentioned, the adjacent parcel - it could potentially  
20 redevelop into something. It's vacant right now. Having that  
21 joint shared access point is very conducive to that and  
22 certainly DOT supported that. We did look at that initially  
23 in terms of that right-in and right-out issue. DOT was very  
24 comfortable with it and it's their roadway. If they don't see  
25 issues with it, you can be okay with it as well.

1 Other than that, I have to say that the project has  
2 really come along very quickly and nicely. We are comfortable  
3 at this point in recommending that the Board seek a favorable  
4 action.

5 CHAIRMAN STUTO: Do the neighbors have any  
6 comments? If you do, please sign in on the sign-in  
7 sheet.

8 I'll open it up to the Board. We've seen it a couple of  
9 times. It's greatly improved from my perspective. It's  
10 suitable for what supposed to be zoned for. I think that it's  
11 a good project.

12 MS. MILSTEIN: Now that we are going to have a new  
13 neighbor down the road of the Salvation Army, has all  
14 this traffic been taken into consideration? It was one  
15 thing when it was just Cumberland Farms, but now you're  
16 adding this other. Have they taken both projects into  
17 consideration and the traffic flows and everything?

18 MR. LACIVITA: I'll let Chuck answer too, but this  
19 is also in the Boght GEIS. What happens within that is  
20 they study all the potential build-outs of the parcels.  
21 Each one of those goes through and pays a mitigation fee  
22 as this one is going to do. It also designs for traffic  
23 and the potential maximum build-out of that parcel. So,  
24 you do look at what the potential traffic is and also  
25 with that potential build-out and what are the needs and

1 the changes that the traffic has to provide for, such as  
2 access lanes and different types of things. So, we do  
3 look at that and actually the Boght area GIS has been  
4 updated recently. Over this specific area we did look  
5 at it.

6 MS. MILSTEIN: So, basically no, you didn't look at  
7 it to take into consideration these projects?

8 MR. LACIVITA: No. You always look at potential  
9 build-out and what it could potentially be. Whether it  
10 be commercial, residential -- you don't look at it as is  
11 it a Salvation Army versus what is the potential. I  
12 think that you can look at it as a Salvation Army and if  
13 you look at it at this site, it could have been a bigger  
14 build-out. They have provided for maximum traffic that  
15 would flow.

16 MS. MILSTEIN: But you're looking at it  
17 theoretically as compared to actual.

18 MR. VOSS: The GIS took the worse case scenario and  
19 studied that for this area and said if all these parcels  
20 were to build out in the most worst case, most intense  
21 scenario, what would those traffic impacts be? That's  
22 how they came up with a very complicated formula for  
23 assessing fees to people who then go and develop those  
24 parcels, based on that. Some people could say well,  
25 that's not the fairest way to do it for the landowners,

1 but it's an effective way for the Town to be able to say  
2 we have assessed the traffic impacts in this general  
3 area as each individual parcel develops they're going to  
4 be required to pay a share of that potential mitigation  
5 issue. That helps. I think that the other thing that's  
6 important to note though --

7 CHAIRMAN STUTO: Another way of saying that, if I  
8 could, is they are collecting money in this thing. If  
9 it comes to a point where they need a new traffic light  
10 or a new something, the money is there when it reaches  
11 that cumulative point. I'm not directly answering what  
12 your question was about the cumulative impact of those  
13 two projects, but there is some considerations for the  
14 cumulative impact.

15 MR. VOSS: The Board did discuss early on that the  
16 fact that this section of Route 2 -- the traffic counts  
17 are actually historically down from what they were 10 or  
18 15 or 20 years ago because there are less businesses now  
19 and the road. It's now less heavily traveled now with  
20 the new Alternate Route 7 corridor being open. Remember  
21 this used to be the only way to go through Colonie to  
22 Troy or Watervliet. The new Route 7 has substantially  
23 changed the traffic pattern and the GIS reflects that.  
24 It's one of those things that they look at.  
25 Historically traffic counts are down in this section of

1 roadway compared to what they used to be. Theoretically  
2 you're seeing less volumes but you still maybe seeing  
3 queuing issues because there are other developments  
4 going on.

5 MS. MILSTEIN: The double light -- I remember the  
6 major concern then. The major concern is that there  
7 were two lights. Is anything being done about those?

8 MR. VOSS: Not that I'm aware of. I don't think  
9 that DOT has any plans at this point to modify that  
10 unless something major changes at this point.

11 MS. MILSTEIN: I know that was a major concern  
12 about taking left hand turns. I don't know what can be  
13 done about that.

14 MR. LACIVITA: I think that they could ask DOT to  
15 take a look at that from the perspective that you're  
16 going to see another Stewarts coming on the corner of  
17 Delatour and Route 2. I think that there could be an  
18 answer down the road as to what the plan is there for  
19 any stack up due to the lights.

20 CHAIRMAN STUTO: Any other comments or questions  
21 from the Board?

22 (There was no response.)

23 CHAIRMAN STUTO: Chuck, do you want to walk us  
24 through the environmental review?

25 MR. VOSS: Sure. I believe that you have in your

1 packet the SEQRA recommendation from the Town Attorney's  
2 office. The first page is basically the recommendation  
3 which I'll read very quickly.

4 "The requested approval is an unlisted SEQRA action. We  
5 recommend based upon the attached EAF, environmental  
6 assessment form, that the Board determine that the action will  
7 not have a significant effect on the environment."

8 That was signed by Rebekah Nellis Kennedy from the Town  
9 Attorney's office.

10 Attached to that is Part II of the EAF. I'll just walk  
11 you through those five parts very quickly.

12 Part A - does the action exceed any Type I threshold; no.  
13 Will the action receive coordinated review as provided for  
14 unlisted actions? The answer is no. A coordinated review is  
15 not necessary. This Board is the only Board who has approval  
16 authority over this project. There is no need to coordinate  
17 review there.

18 Will action result in any adverse effects associated with  
19 the following: existing air quality, surface or ground water  
20 quality, noise levels, existing traffic patterns, solid waste  
21 production or disposal, potential for erosion, drainage or  
22 flooding problems? The answer is no, based on the information  
23 provided.

24 Aesthetic, agricultural, archeological, historic or other  
25 natural cultural resources or community or neighborhood

1 character? The answer is no.

2 Vegetation, fauna, fish or shellfish or wildlife species,  
3 significant habitats, threatened or endangered species?

4 Again, the answer is no.

5 Community's existing plans or goals as officially adopted  
6 or a change in use or intensity of use of land other than  
7 natural resources? Again, the answer is no.

8 Growth, subsequent development or related activities  
9 likely to be induced by the proposed action? The answer is  
10 no.

11 Long-term/short-term cumulative or other effects not  
12 identified? The answer is no.

13 Any other impacts or changes in use of either quality or  
14 type of energy. Again, there is none.

15 Will the project have an impact on the environmental  
16 characteristics that cause the establishment of critical  
17 environmental area? No, there are no CEAs here.

18 Is there or is there likely to be controversy related to  
19 potential adverse impacts? Again, the answer is no.

20 CHAIRMAN STUTO: So, we have a negative declaration  
21 in front of us?

22 MR. VOSS: We do. The last part attached is the  
23 negative declaration. If you'd like, I can read it.

24 CHAIRMAN STUTO: Can you read the important parts?

25 MR. VOSS: Yes. Basically what it says is that the

1 Town of Colonie Planning Board is lead agency, which we  
2 know. Rebekah Nellis Kennedy is the Town Attorney for  
3 contact. The reasons for determination of  
4 non-significance - the lead agency has reviewed the  
5 application, site plans, project description and all  
6 supporting documentation and conducted such further  
7 investigation of the project and its environmental  
8 effect as the lead agency has deemed appropriate. Based  
9 on this review, the lead agency has determined that the  
10 action will have no significant effects on the  
11 environment. An environmental impact statement is  
12 therefore not required.

13 CHAIRMAN STUTO: Do we have a motion on that  
14 negative declaration?

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

16 CHAIRMAN STUTO: Do we have a second?

17 MS. GOODWIN SEGAL: Second.

18 CHAIRMAN STUTO: Second by Tina. Any discussion on  
19 that?

20 (There was no response.)

21 CHAIRMAN STUTO: All those in favor say aye.

22 (Aye were recited.)

23 CHAIRMAN STUTO: All those opposed say nay.

24 (There were none opposed.)

25 CHAIRMAN STUTO: The ayes have it.

1           We have a Resolution in front of us for the three waivers  
2           that are requested and we have waiver findings. I'll ask our  
3           Board Attorney, Kathy Marinelli - can you walk us through the  
4           bottom part of that - the resolved?

5           I'll ask that the stenographer put the entire resolution  
6           in the record.

7           If you can read the now therefores?

8           MS. MARINELLI: Now therefore be it resolved that  
9           the Board hereby finds that the extent of the requests  
10          waiver is not considered substantial and be it further  
11          resolved that the Board finds that the applicant has  
12          established that there are no practical alternatives to  
13          the proposed waiver that will conform to the standard  
14          and that the waver is necessary in order to secure  
15          reasonable development for the project site, and be it  
16          further resolved that the Board hereby approves a waiver  
17          from the prohibition of parking within the front yard,  
18          and be it further resolved that the Board hereby issues  
19          the waiver from the maximum front building setback of 20  
20          feet, and be it further resolved that the Board hereby  
21          issues a waiver from the maximum placement of a canopy  
22          in the front setback, and be it further resolved that  
23          these waiver findings be a condition of site plan  
24          approval of the application and be kept in the project  
25          file in the he office of the Planning and Economic

1 Development Department.

2 CHAIRMAN STUTO: Do we have a motion on that  
3 resolution?

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

5 MR. AUSTIN: Second.

6 CHAIRMAN STUTO: Any comments or 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 was no response.)

12 CHAIRMAN STUTO: And the main question before us is  
13 for final site plan approval contingent upon Town  
14 Designated Engineer comments and all department  
15 comments.

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

17 MR. MION: I'll second.

18 CHAIRMAN STUTO: Any comments or discussion?  
19 (There was no response.)

20 CHAIRMAN STUTO: All those in favor say aye.

21 MR. MION: Aye.

22 MR. AUSTIN: Aye.

23 MR. LANE: Aye.

24 MS. GOODWIN SEGAL: Aye.

25 CHAIRMAN STUTO: All those opposed say nay.

1 MS. MILSTEIN: Nay.

2 CHAIRMAN STUTO: We have one nay.

3 MS. MILSTEIN: I think that it's an phenomenal  
4 project. You did a great job with it. My concern is  
5 the traffic. I love the project.

6 CHAIRMAN STUTO: Anyone else?

7 (There was no response.)

8 CHAIRMAN STUTO: Thank you.

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11 (Whereas the proceeding was concluded at 8:40 p.m.)

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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 May 8, 2014

