

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 THE SALVATION ARMY
5 190 TROY SCHENECTADY ROAD
6 APPLICATION FOR FINAL REVIEW
AND SEQR DETERMINATION

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8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
Reporter, commencing on April 22, 2014 at 7:03 p.m. at
10 The Public Operations Center, 347 Old Niskayuna Road,
Latham, New York

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 TINA GOODWIN SEGAL
14 SUSAN MILSTEIN
15 BRIAN AUSTIN
16 TIMOTHY LANE
17 LOU MION

18 ALSO PRESENT:
19 Kathleen Marinelli, Esq., Counsel to the Planning Board
20 Joe LaCivita, Director, Planning and Economic Development
21 Michael Tengeler, Planning and Economic Development
22 Major Charles Deitrick, Salvation Army
23 Mark Pearson, Schopfer Architects
24 Dominick Errico, Boswell Engineering
25 Brad Grant, PE, Barton and Loguidice
Ken Wersted, Creighton Manning Engineering
Carol Miller

1 CHAIRMAN STUTO: Welcome everybody to the Town of
2 Colonie Planning Board. There are four items on the agenda
3 and three fairly substantial ones. Hopefully, we'll go
4 through them expeditious and in a fair way.

5 Joe, on the first one, we're calling for public
6 hearing. We're going to table that; is that right?

7 MR. LACIVITA: We're not going to table it, Peter.
8 We're actually pulling it. We were going to call this public
9 hearing tonight for May 6th, but the building actually came
10 into disrepair and it actually had fallen down, so the
11 Department of Public Works actually called an order to remedy
12 and immediately take it down.

13 CHAIRMAN STUTO: Okay. So, the next item on the agenda
14 is the Salvation Army, 190 Troy Schenectady Road. This is an
15 application for final review and SEQR which is the
16 environmental determination. It's a 23,004 square foot
17 retail store and we've seen this.

18 It's been awhile now, but I remember that we saw it
19 a couple of times and we had a lot of comments from
20 neighbors. There were a number of accommodations made
21 and hopefully this is a good product that we're going to
22 see tonight. I'd like to remind the neighbors that if
23 they want to speak, they can sign in on the sign-in
24 sheet over near the front door. That would be helpful.

25 Joe, do you have any introductory remarks before we

1 turn it over to the applicant?

2 MR. LACIVITA: No, I think that you've said it, Peter.
3 This has been around for a couple of years. I know that
4 there has been some changes with the Salvation Army
5 leadership and that's how this was taken in a different
6 direction. They've answered a number of questions of this
7 Planning Board and of the neighbors that have been around.

8 We are here tonight to ask for final approval on
9 the project and there will be a SEQRA determination
10 needed for it.

11 With that, I'd like to turn it over to Schopfer
12 Architects and the Salvation Army to present.

13 CHAIRMAN STUTO: Okay.

14 MR. DEITRICK: I'm Major Charles Deitrick from the
15 Salvation Army. I represent the adult rehabilitation
16 command. We are happy to be back in front of you to get this
17 family store approved. As you would know, the Salvation Army
18 is here to be a part of the community. We want to support
19 the community the best way that we can. This store helps to
20 fund our drug and alcohol rehabilitation program in the
21 capital region.

22 We have three stores in this particular area. We
23 will employ approximately 40 employees at this location.
24 We have over 200 employees that are hired by the
25 Salvation Army in the Capital Region just for our

1 services and what we are trying to accomplish. It's
2 important for us to have this move ahead. So, we
3 appreciate all of your consideration.

4 I'll turn it over to the architect.

5 MR. PEARSON: I'm Mark Pearson from Schopfer Architects.
6 We've have been before the Board with this in the past. I'll
7 take a quick run through.

8 As you have stated it's a 23,004 square foot family
9 store retail facility for the Salvation Army. We have
10 abandoned the notion of a drive from Semons Avenue
11 because of the neighbors. We have put parking in front
12 again.

13 I believe that there was a waiver put together for
14 that because that is in conflict with the ordinance.

15 We have developed a traffic light. We have gotten
16 it all the way through DOT. It's final and approved.
17 We have gotten the final concept letter from them.

18 With regard to the elevations, we have made
19 accommodations there due to concerns from the Board and
20 these were presented to the Board about a year ago. As
21 I understand it, the Board gave final approval on these
22 elevations.

23 CHAIRMAN STUTO: I didn't hear what you said. The Board
24 gave final approval on what?

25 MR. PEARSON: On these elevations.

1 CHAIRMAN STUTO: Well, we really haven't technically
2 voted on anything, yet.

3 MR. LACIVITA: It was more of a reassurance that they
4 were headed in the right direction.

5 MR. PEARSON: We had sent through color renderings about
6 a year ago. With the elevations, we added parapets and
7 cornis details. There were originally two color schemes that
8 were considered. They are bright blue, red and brick tones.
9 It was decided that the Board favored the brick tones.

10 The landscaping that was developed, per the
11 Board's direction, is a landscaping that screens the
12 parking from Troy Schenectady Road. There is a series
13 of very large trees and in between them a series of
14 bushes with a metal fence which borders the property on
15 both Troy Schenectady Road and Semons Avenue.

16 I don't think that it has ever been an issue but we
17 have produced full lighting and photometrics. What we
18 like to do is sort of two-tiered. We have pole lights
19 that are on a timer and photocell so that their
20 operation ends at 9:00 or 9:30 at night. By 10:00 those
21 lights are off. Only what is left is the security
22 lighting on the building itself which is required by the
23 New York State Building Code. There shouldn't be any
24 kind of light pollution to the neighboring properties.

25 CHAIRMAN STUTO: Do you want to describe a little bit

1 more in detail the landscaping? Also, is there shared
2 parking with the All Star Baseball facility?

3 MR. PEARSON: No.

4 CHAIRMAN STUTO: I seem to recall that was part of the
5 discussion.

6 MR. PEARSON: It was discussed previously, but there is
7 no access from Semons Avenue so there is no shared parking.

8 CHAIRMAN STUTO: Joe, do you remember that?

9 MR. LACIVITA: When this first came through they talked
10 about some 20 spots that they had initially planned on this
11 site, and the neighborhood didn't really care for it.
12 Although they were concerned about the parking on the street,
13 they didn't want to have that access going back and forth.

14 CHAIRMAN STUTO: Okay, thank you.

15 MR. PEARSON: The major trees are called Littleleaf
16 Lindens. They have somewhat of a pear shape. They're very
17 tolerable street trees. We initially had Pyramidal Hornbeams
18 in there, but that was deemed by someone to be not within the
19 recommended planting so we swapped those out for a more
20 horizontal Honey Locust. Instead of two very vertical, you
21 have one more horizontal. In between those you have a series
22 of Euonymus. There are a number of red twig and yellow twig
23 dogwood bushes, so even in wintertime when a lot of the
24 deciduous trees will lose their leaves it will still have
25 some color from the nature of the branches.

1 CHAIRMAN STUTO: Can you go over stormwater again a
2 little bit?

3 MR. ERRICO: I'm Dominick Errico with Boswell
4 Engineering. We have dealt with the stormwater management.
5 We have gone through a lot of iterations on this with Brad
6 and as far as controlling one of the features that we were
7 trying to establish is that there is no standing water. All
8 the water would be released. We have all the pavement areas
9 all being collected through stormwater basins on site and
10 discharging to this front corner where this control structure
11 discharges into the storm sewer at the corner. We have
12 confirmation from DOT that they do not require anything
13 further from us.

14 CHAIRMAN STUTO: Is that an open pond or is that
15 underground?

16 MR. ERRICO: It's open. It's an open grassed area. It
17 will not hold water. All the water will be released. For
18 water quality purposes, there will be a water quality chamber
19 that will have physical filters.

20 CHAIRMAN STUTO: And that's underground.

21 MR. ERRICO: That's underground and located right in
22 this area (Indicating).

23 CHAIRMAN STUTO: So, it will go into the pond and will
24 seep into the underground filtering system.

25 MR. ERRICO: No, it goes into the filtering system

1 first. That's the water quality part. The pond is there
2 more for the quantity control for the higher storms. The way
3 that this was designed through the recommendation of the Town
4 is that the water shouldn't overflow over the top of the
5 structure. Everything should go through the structure. It
6 will be a very slow release into the system.

7 CHAIRMAN STUTO: But if there is a major storm then the
8 pond will filter the water.

9 MR. ERRICO: Yes, and if it overflowed it would not
10 overflow into the street or overflow into the structure that
11 is there.

12 CHAIRMAN STUTO: The reason that I'm asking is because
13 there are some new Board Members and I'm sure that the
14 neighbors want to know with some of the major systems that
15 are part of this project.

16 MR. GRANT: Just one point Peter, the pond detention
17 area is supplemented by a series of underground pipes under
18 the paved area. That's a good part of the volume when we get
19 large storms. It stores the excess temporarily.

20 CHAIRMAN STUTO: Okay, any questions on the stormwater?

21 (There was no response.)

22 CHAIRMAN STUTO: Can you talk about the traffic either
23 both generation, egress and ingress onto the main road and
24 also the circulation on the property?

25 MR. WERSTED: I'm Ken Wersted from Creighton Manning

1 Engineering and we're the traffic consultants and traffic
2 signal designers on the project.

3 We took a look at one of the other Salvation Armys
4 and got a trip generation count from that and we had
5 used that to apply to this project. So, based on this
6 proposed square footage, we were estimating about 40
7 cars, basically in and out. Forty would leave and 40
8 would come in during the weekday afternoon peek hour.
9 Given the traffic volumes on Route 2, about half of them
10 -

11 CHAIRMAN STUTO: Is your peek hour the same as the
12 general peek hour where everyone is leaving work?

13 MR. WERSTED: Correct. During the commuter peek hour on
14 Route 2, about 40 of the cars would turn left to go towards
15 Latham. About 40 turn right to go down to Watervliet and
16 visa versa. With that we had looked at the traffic signal
17 timings and how the system is already set up today. The
18 addition of the fourth leg to this intersection would
19 basically complement or fit into the existing signal, so
20 you'll see some changes out there relative to what lights are
21 available. Obviously, you'll be able to turn left and come
22 out of the Salvation Army, but for the most part the signal
23 timings and the operations of the light won't change at all
24 without upgrades today. Right now the traffic signal extends
25 over to the far side of the K-Mart property and we won't be

1 able to keep that traffic signal. DOT was requiring us to
2 replace it. So, we will be putting out a new traffic signal
3 there. What you see today is a typical stand wire system.
4 What you'll see after the project is a mast arm version of
5 the traffic signal.

6 CHAIRMAN STUTO: Anybody have questions on that?

7 MR. LACIVITA: I think that this project does some
8 extensive off-site work for the DOT component. As you can
9 see, the dark gray towards the bottom - they're envisioning
10 that there are two other pad sites that are available to the
11 east of this site. One is already in predevelopment stages
12 which is the corner of Delatour and Route 2, and there will
13 be one additional site in between that. This will all be
14 connecting coming out to the light in the future. That's why
15 there is an extensive light reconfiguration on this project.

16 MR. WERSTED: DOT was certainly concerned with having
17 another driveway in between this signal and Delatour Road and
18 obviously any development that would come there wouldn't be
19 able to necessarily get another traffic signal between these
20 two. It was a requirement to have a cross-access easement
21 from this property down to the properties to the south.

22 The other addition to it right now is this traffic
23 signal on Delatour Road operates off of the same traffic
24 controller. So, it's doing a lot of work for two
25 different intersections and one of the requirements from

1 DOT was to separate the two and put in a brand new
2 controller here so that the two can operate together,
3 but also somewhat independently.

4 CHAIRMAN STUTO: Should be a net improvement to the
5 Route 2 corridor.

6 MR. LACIVITA: Yes.

7 CHAIRMAN STUTO: You want to talk about internal
8 circulation a little bit?

9 MR. WERSTED: Certainly. It's pretty straight forward.
10 You're obviously coming into the site driveway. You have
11 some parking on the east side, but the main parking field -

12 CHAIRMAN STUTO: Why don't you point to it so that
13 everybody can see it?

14 MR. WERSTED: You're coming into the main driveway here
15 (Indicating). Here is where the cross-access would go over
16 to the properties to the east, and then there is an access
17 aisle that continues down to the east side of the store.
18 This area is more of a heavy duty pavement obviously to
19 accommodate any deliveries and trucks that the Salvation Army
20 is going to be using. The main parking field is out here in
21 front (Indicating). You're turning in across the front of
22 the store and then it's a simple kind of two-aisle parking
23 lot that you would be seeing. That is relative to site
24 circulation, but also pedestrian improvements. There is a
25 sidewalk proposed down along the frontage and when you get to

1 about the center of the site, there is a cross walk and a cut
2 through to go through the parking lot to go to the front of
3 the store. As you come down to the traffic signal there will
4 be full pedestrian accommodations, crosswalks, push buttons,
5 pedestrian count down timers and walk/don't walk signals.

6 CHAIRMAN STUTO: And there is a sidewalk running the
7 length of the property on Route 2?

8 MR. WERSTED: Correct. Right from the corner here all
9 the way down past the door and through the traffic signal and
10 then it will roughly end about where the property line is.

11 CHAIRMAN STUTO: You want to talk about greenspace? Or
12 do you want to talk about the parking spaces and where that
13 fits into our Code - and then talk about greenspace?

14 MR. PEARSON: The number of parking spaces required is
15 115 and we've got 117. We're a little bit over.

16 CHAIRMAN STUTO: You think that is more than enough? I
17 don't mean to ask a leading question. Where do you think
18 that fits in?

19 MR. PEARSON: Typically the Salvation Army wants as many
20 as they can get, but the number that they are always telling
21 us is between 100 and 120.

22 CHAIRMAN STUTO: And greenspace?

23 MR. PEARSON: The site is 3.25 acres and our total
24 greenspace at the end of this is 49 percent.

25 CHAIRMAN STUTO: What is the Code requirement?

1 MR. LACIVITA: It's 35 percent.

2 CHAIRMAN STUTO: So, you're exceeding the code
3 requirement by a very substantial margin.

4 We'll hear from the Town Designated Engineer and
5 then we'll open it up to the public. The Town
6 Designated Engineer has reviewed this on behalf of the
7 Town and that would be Brad Grant from Barton and
8 Loguidice.

9 MR. GRANT: Thank you, Peter.

10 We authored a review comment letter dated March
11 27th of this year which is in your packets. I'm going
12 to go through what I deem some highlights, but we
13 certainly can discuss any other items. I'm not going to
14 go through each item.

15 The first page under general - we have prepared a
16 Resolution for the waiver for the building setback which
17 I believe is on the last page of your packets. It's
18 fairly straight forward there.

19 Number two is some advice or request for some
20 consideration of some additional landscaping and two
21 parking islands near the heavy duty pavement that comes
22 in near the building. As it's shown I think that it
23 would be just grass.

24 CHAIRMAN STUTO: Do you want to point to where he is
25 referring to?

1 MR. PEARSON: This island and this island (Indicating).

2 MR. GRANT: They're small islands. Perhaps some
3 additional interest with some shallow rooted plants could be
4 had.

5 CHAIRMAN STUTO: Is the applicant okay with that?

6 MR. PEARSON: Yes.

7 MR. GRANT: We had a few minor comments on the sanitary
8 sewer. The profile was significantly revised and addressed
9 virtually all comments. It was basically an invert there
10 that we wanted to be crystal clear for the contractor that
11 builds it.

12 With the stormwater, we had a few comments on it
13 and many have been addressed as we worked through this.
14 I sent Mark an email with the Town Stormwater office
15 comments that came recently and summarized those and
16 suggest that we have a telephone conference or perhaps
17 the local guys could have a meeting and we could talk it
18 out in the next day or two and hash out what is still
19 left. Pretty much as we have said, there is a storage
20 component for the water quantity controls using a
21 proprietary device. Jellyfishes are the brand name of
22 the vaulted system. Particularly in the write-up and in
23 the NOI, there needs to be particularly for a new
24 project, significant discussion and justification for
25 not using some of their standard practices and their

1 design manuals. This site has limitations of soils,
2 permeability, very flat slope and ability to get a
3 standard device to work and still be able to drain out
4 to the corner which is the discharge point. So, I think
5 that there are legitimate discussion points.

6 CHAIRMAN STUTO: I'm going to ask you to say that again.
7 I'm having a hard time following it a little bit. I'm
8 catching onto about 50 percent of it. You're saying that
9 he's using a non-standard system and you need some kind of
10 data to verify.

11 MR. GRANT: It's a proprietary system. There is
12 recognition that the pond is not going to work on every site.
13 Many of the practices that are in the New York State DEC
14 design manual either take up a significant quantity of land,
15 but they have certain site requirements to be able to work.
16 When you have type clay soils that won't infiltrate,
17 infiltration practices are basically scratched off the list.
18 There is a requirement to go through those practices first
19 and have good reasons for not using them and going to what is
20 essentially a man made device that will clean the water and
21 it's an accepted means of cleaning it, but you have to prove
22 in you SWPPP discussion and in your NOI that you have done
23 those planning --

24 CHAIRMAN STUTO: What does NOI stand for again?

25 MR. GRANT: Notice of intent. That's basically the

1 official document that gets sent into DEC when you're all
2 done.

3 CHAIRMAN STUTO: For stormwater management.

4 MR. GRANT: Yes, for stormwater management. We have a
5 little bit left to do on that.

6 CHAIRMAN STUTO: What does that mean? They have to
7 prove to you that the system works?

8 MR. GRANT: With the system that they have, it will
9 work. It's the consideration of other types of practices
10 that were not utilized. You have to have good justification.
11 Basically the DEC can pick any NOI that comes in. It's kind
12 of like the IRS. They don't audit everybody, but everyone
13 once in a while, they pick one out of the pile and you have
14 to have your ducks in a row.

15 CHAIRMAN STUTO: Can the applicant address that now so
16 that we can understand it? Why did you end up with this
17 system?

18 MR. PEARSON: We engineered the site, but initially the
19 building was in the front corner and we were parking towards
20 the rear. We have this 100 foot buffer next to a
21 residential, so we would lose all of that land if we can't
22 utilize that land for stormwater or anything. We have, as
23 Brad said, tight soils. There is very little infiltration on
24 this site, so we can't use any of the infiltration methods.
25 We end up covering most of the site either with building or

1 asphalt that's left. The result is that we've gone down that
2 list and we chose to use a proprietary system. I understand
3 that the DEC wants to avoid that. They want a natural system
4 so that it doesn't need a lot of maintenance and will
5 continue to work. This one will require maintenance. We
6 have to clean it out and change the filters periodically.

7 CHAIRMAN STUTO: Who is going to own it?

8 MR. PEARSON: The Salvation Army does.

9 CHAIRMAN STUTO: I think that I have a better
10 understanding of it.

11 MR. ERRICO: The Jellyfish fish is only for the
12 stormwater quality control. It has nothing to do with the
13 quantity control. That meets all the DEC requirements.

14 CHAIRMAN STUTO: It's the filtering o f the water.

15 MR. ERRICO: It's the filtering of the water which is
16 only a small volume of the emissions. It's what they used to
17 call the first flush 20 years ago. One of the reasons why we
18 had to use this also is that the Town has a requirement in
19 this area that there is no surface water. If we could do
20 surface water, we wouldn't have to do this system with
21 filtering. We could have done it with ponds where the pond
22 would have filtered the water out because it was a small
23 amount of water. So, we are following DEC, but the Town
24 overrides some of those so that there would be no standing
25 water. That's the other reason why we had to use this

1 system.

2 MR. LACIVITA: This Jellyfish is actually being used on
3 a couple of other sites that we'll see. I know that John
4 Dzialo in Stormwater has been talking about that. In fact,
5 they're actually going to be using that on one of the Town
6 projects that we are doing. So, even though it's
7 proprietary, it's still a practice that's going to start
8 being used.

9 CHAIRMAN STUTO: Okay, thank you.

10 MR. GRANT: I think that we just covered the Jellyfish
11 which was comment 6. Basically we want the O & M manual to
12 reference the manufactures O & M Manuel. All systems need
13 maintenance whether it's in the DEC manual or somewhere else.
14 Some are just a little more detailed.

15 We talked about some of the grading and the
16 stormwater plan. Basically, there are some minor
17 details to take care of. There are details for the
18 Jellyfish in one area. It's a 15 inch pipe in another.
19 The storage area - there is detail for. There are going
20 to be 10 pipes, 200 feet long. I want the detail and
21 the plan to be one and the same. The detail shows six.
22 You just put brake lines in the center of that and the
23 note says that there is 10, but I want that crystal
24 clear and that the contractor isn't calling back after
25 he's paved the site and says, well, you're six pipes are

1 in there and now we want 10.

2 Some minor details going to the back -- again, we
3 reiterated the shallow rooted perennials for possibly
4 those two curbed islands.

5 Last but not least we're talking about the sewer
6 profile again on those inverts. The water connection -
7 there really hasn't been many discussion points on the
8 water, but use of the Anchor T per Town standards for
9 the connection to the existing main on Route 2. That's
10 generally it.

11 CHAIRMAN STUTO: We'll open it up to the neighbors and
12 then we'll let the Planning Board have their questions and
13 comments.

14 Carol Miller.

15 MS. MILLER: I just had a couple of questions. The last
16 time that we were here for this project we had a lot more
17 discussion. We live on Semons. There was a discussion about
18 what was going to border the actual street of Semons Avenue
19 and I believe at the time it was either going to be wrought
20 iron fencing or metal fencing and some plantings as well as
21 berms, and some kind of landscaping in the back. Can you
22 just confirm that's all still happening?

23 MR. PEARSON: Yes. The berm in the back here is six
24 feet high (Indicating). We have all evergreens on there.
25 Some are fast growing and tall and some are shorter growing

1 so that they will fill in and pretty much shield the whole
2 building.

3 The fencing detail is a series of masonry piers
4 about 25 feet on center. That masonry will match the
5 masonry on the building and in between it is a series of
6 three panels of wrought iron fence. They are four feet
7 high and run the full length from Semons Avenue to the
8 property corner all the way around to the entrance
9 drive.

10 CHAIRMAN STUTO: That's on top of the berm?

11 MR. PEARSON: No, that's at the perimeter of the
12 property.

13 MS. MILLER: So, that will run all the way to 8 Semons'
14 property line?

15 MR. PEARSON: Yes.

16 MS. MILLER: My other questions actually have to do with
17 the stormwater portion of things. I'll be honest that I
18 don't necessarily understand your system, but what I can say
19 living there right now is that any good thunderstorm in the
20 summer - the water comes down through the existing storm
21 sewers that are there. I live at 10. There is a storm sewer
22 on the east side of Semons between our house and 12. So,
23 between 10 and 12 - we're on the lower side of the street.
24 There is one directly opposite on the corner of Semons and
25 Sunrise. Both of those overflow every storm. Most of it

1 ends up on our side because we're on the low side. So,
2 between our side and 12 we can have a 40 foot path of water
3 that goes from the street to about 40 feet back. That could
4 be anywhere from eight to 12 inches deep and it brings up
5 everything in the storm sewer. My concern is - I don't know
6 how it's going to work, but you've taken the 3.25 acres and
7 50 percent of it is either pavement or building, where now
8 it's all greenspace that absorbs some water. If that is all
9 going to funnel back into that corner drain, there is one
10 sewer at the end of Semons on the east side and I think
11 that's where yours is funneling back into. I know that it's
12 maybe not all going in at one time, but anything more going
13 into there is just going to keep backing it up the street.
14 I'm wondering how that gets rectified.

15 MR. PEARSON: The process is that the water is collected
16 and brought around to this Jellyfish where the quality is
17 treated. The water is then diverted into those series of 10
18 pipes that he was talking about. The outflow structure just
19 has a narrow slit in it about four inches wide and about 12
20 inches tall, I believe. As the water gets into this area, it
21 backs up because it will all let out that water.

22 MS. MILLER: So, your property has its own storm sewers
23 that go into those pipes and that's that the holding area.

24 MR. PEARSON: It holds it and then it releases it
25 slowly.

1 MS. MILLER: So, it's not going to add volume.

2 MR. PEARSON: It's actually reducing. When we are done
3 with this, it's measured in cubic feet per second of water.
4 When we get done with this entire development, we will be
5 releasing less cubic footage of water per second than the
6 bare land does now.

7 CHAIRMAN STUTO: Do you agree with that Brad?

8 MR. GRANT: Yes.

9 MR. LACIVITA: I was just going to say that whenever
10 anything gets developed within the Town, whether it be raw
11 land or whatever, they cannot put any more water in any
12 quicker in the stormwater system. So, that's what his
13 practice is that they are doing.

14 MS. MILLER: The question came because I know when All
15 Star put their retention pond in, it was supposed to be a
16 stormwater overflow but it's never ever had water out of it.
17 It's now a water feature. It's not fenced, which is an
18 interesting water feature on a kid-friendly property. That
19 was never supposed to hold water, either. It was just
20 concerning to me that we were going to add more water to a
21 system that doesn't actually drain now very well.

22 CHAIRMAN STUTO: Anybody else from the public?

23 (There was no response.)

24 CHAIRMAN STUTO: Okay, I'll just open it up to the
25 Board. Some of us have seen this a number of times and some

1 not.

2 MS. MILSTEIN: I have some questions about the parking.
3 According to what you are saying, there was a maximum number
4 of cars or at peak hours there are 40 cars and there are
5 about 16 employees and most of the time you'll have 12, but
6 maybe 16. Why do you need so many parking spots?

7 MR. DEITRICK: We have special days like family day on
8 Wednesdays where it will be a little more crowded than on a
9 normal every day and we want to make sure that there is
10 adequate coverage for the folks so that they have plenty of
11 room to park on our property.

12 MS. MILSTEIN: So, how many people would you have on
13 family day?

14 MR. DEITRICK: At any given time, we could have 60 to 70
15 at any hour of the day - 60 or 70 cars. But then you have
16 some coming and some leaving on an on-going basis. At the
17 peak part of the day, you could be at 1:00 in the afternoon
18 and all the spaces could be filled, especially on Wednesdays
19 and Saturdays when there are a lot of people that are
20 shopping.

21 MR. LACIVITA: Our Land Use Law Code Section 190 Section
22 47 talks specifically about parking. Each one of these
23 regulations when you start looking at the uses, calculates it
24 on square footage. I think that the Town of Colonie and I
25 think that Mr. Bette would always agree that the Town tends

1 to over park sites, but I think that these guys are end-users
2 and they know what they need. So, actually two over is not
3 really a bad thing in comparison to what you see on other
4 sites.

5 MR. GRANT: There are some parking issues that exist at
6 the facility a couple of miles up the road where people
7 sometimes on a Saturday park out on the road and police have
8 issued some tickets.

9 CHAIRMAN STUTO: I know that we have seen the neighbors
10 a lot of times at the baseball facility. They're all parked
11 on the street and the neighbors aren't happy about that.
12 They don't have enough parking spaces.

13 I listen to the engineers. We do have facilities
14 where we do have too much parking, probably. This seems
15 to be the right fit.

16 MR. GRANT: The office areas where you're coming to
17 work, you're generally not going all at the end of the day,
18 the way that the American work force is now we do more with
19 computers and less people. Some of the rules on that seem a
20 little archaic to come up with greater than needed parking
21 lots, and if you drive around some of the office parks and
22 look around, you kind of see that. This is somewhat
23 different. You have those peak days.

24 MR. AUSTIN: With the lack of parking at the neighboring
25 facility, the All Stars facility, I am not sure if I was even

1 on the Board when they suggested the shared parking. There
2 are times that with the All Stars, they are obviously parked
3 way up on Semons Avenue and it's dangerous. I'm trying to
4 figure out why that was taken out.

5 MS. MILLER: I remember why. I think that it came from
6 the people that live on our street. If you have kids and
7 families running from that parking lot across the street to
8 baseball, the way that people come into that baseball
9 facility, you have to remember that there are a lot of
10 teenagers that come in there - somebody will get run over.
11 We specifically asked not to have a specific shared parking
12 lot so there wasn't more foot traffic crossing Semons,
13 because somebody will get hurt.

14 MR. AUSTIN: I think that there is foot traffic coming
15 when they are parking on the street.

16 MS. MILLER: The difference now is that they cross with
17 their parents because they're walking down the street
18 together, as opposed to kids darting directly across the
19 street from a parking space right there across from the
20 entrance.

21 MR. AUSTIN: I guess that the neighbors are okay with
22 having the parking in the street?

23 CHAIRMAN STUTO: It's the lesser of two evils.

24 MS. MILLER: I guarantee that people will park in their
25 lot anyway. They'll be hopping their fence and I feel bad

1 for that. I think that it deters some of the natural
2 inclination to dart across the street.

3 CHAIRMAN STUTO: Any other comments from the Board?

4 MS. MILSTEIN: I have a question. Do you think that
5 this is the best stormwater management system for this site,
6 or are there alternatives that might be better.

7 MR. GRANT: I believe that they have met the intent of
8 the design manual. This is a tough site with both soils and
9 slope. I think that the solutions provided will be a little
10 tweaked in the back for that swale. Yes, in general, I do.

11 MS. MILSTEIN: What I'm hearing is that it meets the
12 intent, but my question is there something better that could
13 be put in place?

14 MR. GRANT: Not really with the soil conditions. If we
15 had a deep strata of sand here, I would be preaching
16 infiltration. That's usually where I would go first. The
17 site has soils of gummy clays that don't react well to water
18 at all. Insofar as deep well attenuation with water
19 quantities, we have dug in deep for the storage system that
20 we have and storage is king. That's one of my mottos insofar
21 as peak flow control.

22 MS. MILSTEIN: So, other than tweaking it, you don't see
23 anything else that would help improve the system?

24 MR. GRANT: Right.

25 MR. AUSTIN: I wanted to make a comment about the

1 elevations and how nicely they were changed. We were
2 concerned about that. I know that there was a specific
3 concern with a number of us about the big box store look and
4 the warehouse look, and you've done some nice things with the
5 gables and some of the signage and some of the cornis work.
6 It looks really good.

7 MS. MILLER: Mr. Stuto, can I ask another question?

8 CHAIRMAN STUTO: Sure.

9 MS. MILLER: I understood that you were going to put
10 crosswalks across your driveway. I know that K-mart is
11 obviously going out of business and something will inevitably
12 end up over there. Will there be crosswalks with push
13 buttons and the pedestrian lights going across Route 2 as
14 well? There isn't actually a cross walk at that light right
15 now.

16 CHAIRMAN STUTO: I believe that he talked about that,
17 but it bears repeating.

18 MR. PEARSON: We will have a crosswalk in front of our
19 property, across Route 2 and across the front of the K-Mart.

20 CHAIRMAN STUTO: Brad, can you walk us through the
21 environmental so that we can address the environmental
22 review?

23 MR. GRANT: In the packets is the EAF which is the full
24 environmental assessment form, which has been filled out.
25 Part II and III were done by the Attorney's office, and those

1 have been filled out. The second page in is the negative
2 declaration sheet. The lead agency is the Town of Colonie
3 Planning Board. I've been through his document and am in
4 agreement with the answers provided. There is a signature
5 spot for you, Pete.

6 CHAIRMAN STUTO: Can you walk us through some of the
7 headings of the major potential impacts and whether it has an
8 impact that can't be mitigated? We need to discuss that and
9 get it on the record.

10 MR. GRANT: On the front sheet, a determination of
11 significance Type I is an unlisted action. The A box is
12 checked there. The project will not result in any large or
13 important impacts and therefore is one which will not have a
14 significant impact to the environment, therefore a negative
15 declaration will be prepared which is the next sheet over.

16 Lead agency is the item A, which is the Town of
17 Colonie Planning Board. The person to contact for
18 further information is Rebekah Nellis Kennedy at the
19 Town Attorney's office.

20 C is the reason for determination of non
21 significance. The lead agency has reviewed the
22 application site plans, project description and all
23 supporting documentation and conducted further
24 investigation of the project and its environmental
25 effects as the lead agency has deemed appropriate.

1 Based on this review, the lead agency has determined
2 that the action will have no significant impacts on the
3 environment. An environmental impact statement
4 therefore will not be required.

5 CHAIRMAN STUTO: Part II talks about all the potential
6 impacts. If somebody could go through that, I think that we
7 should at least think about that as a group and for the
8 record.

9 MR. GRANT: Part II -- does action exceed any Type I
10 threshold in New York Part 617-4? The answer is no. B, will
11 action receive any coordinated review as provided for
12 unlisted actions; and the answer is no. No negative
13 declaration may be superseded by another involved agency,
14 which I don't anticipate.

15 C, Could an action result in any adverse affects
16 associated with the following: existing air quality,
17 surface ground water quality, quantity noise levels,
18 existing traffic patterns, solid waste production,
19 disposal, potential for erosion, drainage or water
20 problems? The answer to that is no. It's being
21 managed.

22 Aesthetic and agricultural archeological historic
23 or other natural quantity sources, community or
24 neighborhood character - could the action result in
25 adverse impacts? The answer on that is no.

1 Vegetation or fauna - fish, shellfish or wildlife
2 species, significant habitats or threatened or
3 endangered species - and the answer to that is no.

4 Community's existing plans or goals as officially
5 adopted are a change of use in intensity, a use of land
6 or other natural resources - the answer to that is no.

7 Will Subsequent development of related activities
8 likely to be induced by proposed action? The answer
9 would be no.

10 The long-term/short-term cumulative or other
11 effects not identified in C-1 through C-5 - the answer
12 is no.

13 Other impacts including changes in either quantity
14 or type of energy -- there is a recognition that there
15 will be some energy use on the site.

16 Will the project have an impact on the
17 environmental characteristics that cause the
18 establishment of a CEA? The answer is no.

19 Is there or is there likely to be controversy
20 related to the potential adverse environmental impacts?
21 The answer is no.

22 CHAIRMAN STUTO: We have a resolution in front of us
23 which says negative declaration and basically we're going to
24 be asked to make a determination as lead agency, that we have
25 received an environmental assessment form in connection with

1 the action described. The lead agency has determined that
2 the proposed action will result in no major impacts and
3 therefore will not have a significant effect on the
4 environment and therefore an environmental impact statement
5 is not required to be prepared with respect to this action.
6 The reason for this determination of the nonsignificance is
7 the lead agency has reviewed the application site plans,
8 project description and all supporting documentation and has
9 conducted such further investigation of the project and its
10 environmental effects as the lead agency has deemed
11 appropriate. Based on the review, the lead agency has
12 determined that the action will have no significant effects
13 on the environment. An environmental impact statement,
14 therefore, will not be required.

15 Do we have a motion for that?

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

17 MR. AUSTIN: I'll second that.

18 CHAIRMAN STUTO: Any discussion?

19 (There was no response.)

20 CHAIRMAN STUTO: All those in favor of this negative
21 declaration say aye.

22 (Ayes were recited.)

23 CHAIRMAN STUTO: All those opposed say nay.

24 (There were none opposed.)

25 CHAIRMAN STUTO: The ayes have it.

1 You want to talk about the waivers and the waiver
2 requests?

3 MR. GRANT: The Resolution in your packets -- Whereas
4 the Salvation Army, the applicant, has proposed a development
5 of 23,004 square foot retail store and donation collection
6 facility on 3.25 acres, a parcel of land at 190 Troy
7 Schenectady Road in the Town of Colonie. The project will
8 involve the construction of a Salvation Army retail store and
9 117 space parking lot. Whereas the applicant is requesting a
10 waiver from the Town of Colonie Land Use Law, Article 9
11 Chapter 190-9 design standards for the commercial office
12 residential COR zone related to parking being prohibited
13 within the front yard, the maximum front building set-back of
14 20 feet. Whereas the Town of Colonie Planning Board may
15 waive this standard to the extent that it deems necessary in
16 order to secure reasonable development of the site. In such
17 case the applicant must establish that there are no practical
18 alternatives to the proposed waiver that would conform to the
19 standard and the Board shall issue a written finding stating
20 the extent of the justification of the waiver. Whereas the
21 use of the store of the site is unique requiring donor
22 drop-off access, truck docking areas and parking for the
23 retail store. Whereas the building setback is consistent
24 with the setback of other commercial properties, and now
25 therefore be it resolved that the Board hereby finds that the

1 extent of the requested waiver is not considered substantial,
2 and be it further resolved that the Board finds the applicant
3 has established that there are no practical alternatives to
4 the proposed waiver that would conform to the standard that
5 the waiver is necessary in order to secure reasonable
6 development of the project site. Be it further resolved that
7 the Board hereby issues a waiver for the proposed addition of
8 new parking within the front yard, and be it further resolved
9 that the Board hereby issues a waiver in the maximum front
10 building set-back of 20 feet, and be it further resolved that
11 the waiver of findings be a condition of the site plan
12 approval and that the application be kept in the project file
13 in the Office of Planning and Economic Development
14 Department.

15 CHAIRMAN STUTO: Does anybody move that Resolution?

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

17 MS. GOODWIN SEGAL: I'll second it.

18 CHAIRMAN STUTO: Any discussion?

19 (There was no response.)

20 CHAIRMAN STUTO: All those in favor say aye.

21 (Ayes were recited.)

22 CHAIRMAN STUTO: All those opposed say nay.

23 (There were none opposed.)

24 CHAIRMAN STUTO: The ayes have it.

25 On the main matter before the Board, which would be

1 for final site plan approval subject to all the
2 conditions in the Town Designated Engineer's letter and
3 all of the departmental recommendations.

4 MR. AUSTIN: I'd like to make that motion.

5 MR. MION: Second.

6 CHAIRMAN STUTO: Any 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. Thank you.

13

14 (Whereas the proceeding was concluded at 8:02 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 May 8, 2014

