

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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MURRAY MANOR SENIOR APARTMENTS

616 BOGHT ROAD

APPLICATION FOR FINAL REVIEW

SEQRA DETERMINATION AND WAIVER REQUEST

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THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY STRANG-VANDEBOGART, a Shorthand
Reporter, commencing on June 17, 2014 at 7:08 p.m.
8 at The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

9

10 BOARD MEMBERS:
PETER STUTO, CHAIRMAN
11 LOU MION
TIMOTHY LANE
12 TINA GOODWIN SEGAL
SUSAN MILSTEIN
13 TIMOTHY LANE

14 ALSO PRESENT:

15 Kathleen Marinelli, Esq., Counsel to the Planning Board
16 Joe LaCivita, Director, Planning and Economic Development
17 Victor Caponera, Esq.
18 Chuck Voss, PE, Barton and Loguidice
19 Donald Zee, Esq.
20 Nick Costa, PE, Advanced Engineering
21 Charles Guptil
22 Eric Tanski

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1 CHAIRMAN STUTO: Next item on the agenda is Murray
2 Manors Senior Apartments, 616 Boght Road. This is an
3 application for final review, SEQRA determination and
4 waiver request.

5 We've seen this a couple of times before.

6 Joe, do you want to give an introduction?

7 MR. LACIVITA: We have. We have seen this project
8 three times. We had several internal meetings on this
9 project with the Town Designated Engineer and the Town
10 Departments. The project has made several changes as
11 requested with elevations and other site plan changes.
12 The site of this project is ready for final approval and
13 that's what we are here for this evening.

14 CHAIRMAN STUTO: We'll turn it over to the
15 applicant.

16 MR. CAPONERA: Mr. Chairman and members of the
17 Board, I'm Vic Caponera representing the applicant and
18 owner of the property.

19 For those of you that were here in the previous
20 times that I have been here with my clients, the
21 property is at 616 Boght Road, which is west of the
22 intersection of Boght and Route 9. It's about one
23 and a quarter acre parcel and it was formerly used
24 as AL Murray Lumber Company and Luke Lumber Company.

25 On that property existed about 10 or 11

1 structures. They were all commercial structures
2 used in concert with the lumber company that was
3 going on there. Currently, there are still a couple
4 of buildings on it. One that is notable is about a
5 4,000 square foot warehouse that is located just
6 about here on the site plan (Indicating). Of
7 course, that will be removed as well as the other
8 out-structures that are on the property in order to
9 construct our proposed 12-unit apartment.

10 As you know, Mr. Chairman, and other members
11 who have been here before -- this is not our maiden
12 voyage here. We've been here on several occasions.
13 The bottom line is that we are looking for final
14 approval. We have worked tirelessly with your TDE,
15 Mr. Voss and he has also worked tirelessly with Mr.
16 Costa who is with us tonight and he is our engineer
17 and would be happy to answer any questions that the
18 Board may have regarding this.

19 There are a couple of waivers that we have
20 already talked about.

21 CHAIRMAN STUTO: Why don't you go through the
22 waivers?

23 MR. CAPONERA: Certainly. One of them is in this
24 zone and you can't have a building that is any more or
25 less than 20 feet from the front property line. So,

1 obviously if you look at the configuration of this
2 property you can see that is virtually impossible.
3 There is no way that you can put a building 20 feet on
4 the property, so we are looking for that waiver.

5 The other waiver is under our law and you can't
6 have parking in front. You're supposed to either
7 have parking either on the side or behind the
8 building. The way that this lot is configured, I
9 also respectfully submit that this is the most
10 proper way to do this in terms of development and
11 design and the size. It's quite a way off the road.
12 In the meantime, my clients already own this lot
13 right here and they require the other lot from the
14 gentleman who spoke here the last time that he was
15 here that spoke in favor of this project. So, those
16 are really the waivers.

17 That's pretty much it.

18 CHAIRMAN STUTO: Okay, we'll turn it over to our
19 Town Designated Engineer, Chuck Voss.

20 Chuck can you give us your review of the
21 project?

22 MR. VOSS: As Mr. Caponera said we spent a lot of
23 time. Unfortunately, I say that because it did take a
24 lot of time with looking through some of the earlier
25 details of the project over the past year.

1 Recently the applicants have made a really
2 wholehearted effort to bring things into compliance
3 and they should definitely be commended as well as
4 their engineer for really taking a hard look at the
5 project and virtually redesigning most of the site -
6 not necessarily the layout of the site, but the
7 engineering of the site from prior plans and we have
8 gone through that.

9 The Board will remember that this is actually
10 our fourth review letter on this project. Again,
11 the applicant's engineer is to be commended.
12 They've done just a fantastic job. They're pulling
13 the details together that we were missing over the
14 prior letters and getting all the information that
15 we needed and basically design the site so that it
16 actually worked. It's kind of a tight site with the
17 building there but from a standpoint of stormwater
18 management, the latest redesigns including some of
19 the basins, the facilities are much more than what
20 we expected and are much more conservative than I
21 think some of their earlier iterations. They have
22 proven that they will work.

23 The site access issues have all been addressed.
24 The landscaping issues have all been certainly
25 addressed.

1 I know that the Board had some concerns early
2 on about the facade of the building and the look of
3 the building and I think that this was handed out
4 tonight to the Board. The newest configuration as
5 we see, certainly incorporates all the Board's
6 comments about design, breaking up the facades of
7 the building, breaking up the roof line to the
8 building. Those were some of the earlier issues.

9 CHAIRMAN STUTO: I think that it looks nice.

10 MR. VOSS: We did ask Fire Services again on the
11 re-engineered plans - to take a look at the site and
12 they were comfortable now. One of the comments that we
13 added into our letter was that the applicants were
14 willing to expand their access road from 22 feet to
15 roughly 23 or 24 feet to suit Fire Services concerns
16 about getting a vehicle in and out easily. So, we have
17 that covered.

18 Again, it's something that the Board has seen
19 for quite some time. I think that we're at a point
20 where we're very happy. There are a few minor
21 details that are still left to be addressed that the
22 applicant has expressed a willingness to take care
23 of. It's not uncommon from what we have gotten with
24 other prior final plans. So, again from a technical
25 standpoint, I think that they are all set to go.

1 As Mr. Caponera suggested, there is a waiver.
2 We have a waiver request. We have a SEQRA form here
3 as well and we can certainly go through that when
4 the Board is ready.

5 CHAIRMAN STUTO: Does the Board have any questions
6 or comments before we open it up to the public?

7 (There was no response.)

8 CHAIRMAN STUTO: Is there anybody from the public
9 that would like to be heard on this?

10 Mr. Zee?

11 MR. ZEE: I'm Donald Zee, attorney for Charles
12 Guptil and the Guptil family who own property adjacent
13 to this project.

14 First, I want to point out that I was here at
15 the last meeting when they granted conceptual
16 approval. At that point in time we had discussions
17 about my client's concerns about stormwater
18 management. At that time the applicant specifically
19 indicated in the public record that they would
20 supply us with a copy of the stormwater reports when
21 they were submitted to the Town. We never received
22 them. As a result, I went to the Town this morning
23 about the meeting and the public hearing tonight to
24 review the Town's records.

25 So, I first went to the Planning staff and

1 reviewed all the documents there. Obviously, having
2 just received them, I could not have copies made.
3 At the same time, in the Town's planning staff file
4 they did have stormwater reports. They then told me
5 that I had to go to the Engineering Department.

6 When I went to the Engineering Department the
7 receptionist at the Engineering Department said you
8 can't look at the stormwater report. You have to
9 submit a foil. The Town Engineering staff said once
10 we hear from the Attorney's office, then we can get
11 a copy for you. Fortunately for me, the
12 Commissioner, Mr. Cunningham, just happened to walk
13 in and said "Let Don read it." So, I was able to
14 quickly review it at the end of the day. So, I was
15 not able to thoroughly review it and I'm not an
16 engineer. I'm just an attorney.

17 I did note some things that raised some
18 concerns from me from my quick review of the
19 stormwater report.

20 For example, there is a table in the report -
21 it's table 2 and it's labeled as pre-development
22 versus post development peak flow comparison. In
23 the narrative underneath the table it says "one
24 year, ten year and 100 year storm events for
25 subcatchments 1, 2 and 3 are less than pre

1 development." However, if you look at the one-year
2 storm events, the pre-storm even shows a .29. The
3 post shows a .30 which means that there is an
4 increase and not a decrease in the report.

5 I spoke to Mr. Voss just a few moments ago. He
6 said, oh, they caught that. There is nothing in the
7 records that I saw in the Town Hall that indicates
8 that there is something that was done to address
9 that issue.

10 In addition, I looked at the engineering report
11 and if you look at page 3 of 14, question 7 is not
12 answered. So, it's an incomplete document.

13 Also, on page 8 of 14 it says "Identify all
14 site planning practices that were used in preparing
15 final site plan/layout for the project." There is a
16 check-list of items that are saying this is what you
17 look at. In that document it says that the building
18 footprints were reduced. If you look at the site
19 plan as it currently exists there are two
20 structures. As I think that Mr. Caponera said,
21 there is one structure that is 4,000 square feet and
22 then there is a shed that I think is maybe 150
23 square feet. So, it's under 4,200 square feet. The
24 building as it's proposed now is over 7,000 square
25 feet.

1 So, I think that there is an incorrect
2 statement in the document again and as I said, I'm
3 just reading this in the course of 20 minutes and
4 it's a 100-page document.

5 In addition, there is information about the
6 soils and this is why my client is gravely concerned
7 about stormwater management. The soils are labeled
8 by A, B, C, or D. C and D are the porous soils for
9 infiltration. In fact, C soil groups are defined as
10 slow infiltration rates and D are very slow
11 infiltration rates. On this plan 83 percent of the
12 site qualifies as D soils. They are in this area
13 here (Indicating), which is immediately adjacent to
14 my client's property. I know that because there is
15 a map in the stormwater report that specifically
16 shows it. So, once again, I have grave concerns on
17 behalf of my client.

18 Just to make sure that I didn't misread the
19 documents, I asked Bob Higgins who is the gentleman
20 who ultimately gave me the Engineer's report. I
21 said to him, please review these items here. Am I
22 missing something? Isn't this incorrect with regard
23 to calculations? Isn't this what it says? He said
24 to me, I haven't had a chance to review it yet.
25 Department staff just got this report today and I

1 have to say, yes, you are correct.

2 It's an incomplete submittal and there are
3 errors in it. So, for these reasons, I would
4 respectfully submit and believe that it is premature
5 to talk about issuing a negative declaration under
6 SEQRA. I would like to have an opportunity to foil
7 the entire report, have my client be able to submit
8 it to his engineer for his technical review as I was
9 able to find these contradictions or problems in the
10 course of 20 minutes. Thank you.

11 CHAIRMAN STUTO: Chuck, would you recommend that I
12 turn this over to the applicant's engineers?

13 MR. VOSS: Yes, I think that Nick can certainly
14 address this. Between Nick and Vic, they can answer
15 those concerns.

16 MR. COSTA: With regard to the stormwater report,
17 we did prepare the stormwater report. We looked at the
18 predevelopment flows and we also analyzed and designed
19 the retention basin. They're going to mitigate the
20 increase in run-off from the proposed development.

21 With regard to the the soils classification -
22 those are put out by the U.S. Soil Service. They're
23 not intended to be site specific as if you go out
24 there and do testing. That's what they did. They
25 went out there and did the testing of the soils to

1 establish a recharge rate of the soils. So, the
2 design was based upon the actual site soils, not the
3 soils that are presented in the soil conservation
4 services. Again, those usually get you close to the
5 type of soils that may be on the site.

6 CHAIRMAN STUTO: And you did the field testing?

7 MR. COSTA: Yes. There was field testing done.
8 The stormwater office participated in that testing.
9 They were done several times.

10 CHAIRMAN STUTO: How about the calculation that
11 said pre and post; the pre one was .29 and the post one
12 was .30? Can you explain that one to us?

13 MR. COSTA: Sure. When you do modeling, it's a
14 computer iteration. From a .29 to a .30 - that could
15 occur just in modeling. It's very difficult to get
16 everything to come out exactly to the hundredth. It's a
17 modeling -- you can't synchronize the number to come out
18 to -

19 CHAIRMAN STUTO: Are you saying that it's an
20 insignificant difference?

21 MR. COSTA: That's correct. The .29 CFS is an
22 insignificant number as it is. It's a very small amount
23 of flow.

24 CHAIRMAN STUTO: What does CFS stand for?

25 MR. COSTA: Cubic feet per second.

1 CHAIRMAN STUTO: So, .29 is less than one cubic
2 foot.

3 MR. COSTA: That's correct. In the report it shows
4 .29 and .30.

5 CHAIRMAN STUTO: Is your stormwater management plan
6 in compliance with the current SWPPP regulations?

7 MR. COSTA: That's correct.

8 CHAIRMAN STUTO: Do you agree with that, Chuck?

9 MR. VOSS: Yes.

10 CHAIRMAN STUTO: So, the overall water impact is
11 not going to be any worse than it currently is.

12 MR. VOSS: Right. It will actually improve the
13 overall site from what it is now.

14 CHAIRMAN STUTO: Do you want to elaborate on that
15 at all?

16 MR. COSTA: Yes, one thing that I want to point out
17 is that we did design the system per the current New
18 York State DEC Stormwater Regulations. We went beyond
19 that and I think that Chuck mentioned that when he did
20 the summary. We actually had modeled the systems
21 without any recharge. The basins can actually hold the
22 100-year storm without any discharge. What we currently
23 have now at the site is -- the site does run-off and
24 because the soils are C and D, it may run-off quite
25 heavily. What we are doing is we are capturing all that

1 water and we're bringing it into a holding area.

2 CHAIRMAN STUTO: Show us where the holding area is.

3 MR. COSTA: There are two infiltration basins. One
4 is located right here in front of this building
5 (Indicating) and one is located right here where there
6 is currently a large garage with a metal roof on it that
7 actually runs off -- that roof runs off towards the
8 adjacent properties without any detention.

9 The other part that I would like to point out
10 is that this aerial photo shows the existing ditch
11 that currently exists at the site that picks up the
12 flow from the southerly side of the area, and that's
13 where the majority of the flow comes from. We have
14 no impact to those areas.

15 CHAIRMAN STUTO: Any questions from the Board on
16 that?

17 (There was no response.)

18 MR. ZEE: Can I follow-up with a question?

19 CHAIRMAN STUTO: Is there anyone else from the
20 audience that would like to speak on this project?

21 (There was no response.)

22 CHAIRMAN STUTO: Go ahead, Mr. Zee.

23 MR. ZEE: As I said, the narrative specifically
24 said that the post construction flows are less than
25 preconstruction, be it .01 or not. That's what the

1 narrative specifically says.

2 CHAIRMAN STUTO: That's what the engineer just
3 said, too.

4 MR. ZEE: But why doesn't the narrative say
5 specifically that post construction is less than
6 preconstruction?

7 CHAIRMAN STUTO: Do you agree that it's less than,
8 Mr. Costas?

9 MR. COSTA: Yes.

10 MR. ZEE: But the report doesn't say that.

11 CHAIRMAN STUTO: Can you explain that again so that
12 we can all understand it?

13 MR. COSTA: Sure. That's correct. That's the only
14 one out of that table that is equal to or a little bit
15 more. The rest of those values in that table are
16 substantially less.

17 CHAIRMAN STUTO: So, the overall is substantially
18 less and complies.

19 MR. COSTA: That's correct. Like I said, that is
20 based on recharge. If there is no recharge, there is no
21 run-off on the site.

22 CHAIRMAN STUTO: And you're only talking about
23 under the statistical model; one-hundredth of a cubic
24 foot.

25 MR. COSTA: That's correct.

1 CHAIRMAN STUTO: That's like a teaspoon or
2 something. I'm not being funny. That's a very small
3 amount.

4 MR. ZEE: Remember, my client's property is
5 directly impacted. Just so you know how the stormwater
6 is designed, yes there are detention basins here and
7 here, but all the water is directed to flow here
8 (Indicating). Is that correct?

9 MR. COSTA: There are overflow pipes that in case
10 there is an emergency there is a way out, which would be
11 historically where it has gone.

12 MR. ZEE: Which is to my client's property.

13 CHAIRMAN STUTO: Can you point to your client's
14 property?

15 MR. ZEE: Right here (Indicating).

16 CHAIRMAN STUTO: Can you outline it, as best you
17 can?

18 MR. ZEE: I believe it's immediately right here and
19 right here (Indicating).

20 CHAIRMAN STUTO: Does it have frontage on Route 9?

21 MR. ZEE: Here and here (indicating). These two
22 properties.

23 Just so you understand from the design
24 standpoints, I believe that the way that the swales
25 are being designed there is a break point in the

1 rear of the building right in this area here
2 (Indicating). The stormwater from here is the flow
3 that will make a 90 degree turn here and another 90
4 degree turn here (Indicating) then go into this
5 detention basin and go in this direction. You're
6 asking the stormwater to be designed to flow and two
7 90 degree turns to get -- and this is not height but
8 in a swale. The depth of the swale, I believe, is
9 somewhere in the nature of two to three feet in
10 depth. So, they're asking the water that's coming
11 down from this direction here --

12 MR. COSTA: This doesn't come this way. This right
13 here is where it stops.

14 MR. ZEE: The other aspect -- I had ask to comment
15 with regard to the fact that in the document itself it
16 says because they are reducing the footprints of the
17 buildings. There is an increase in there. There is an
18 error, I believe, in that regard with regard to the
19 number of square feet in the technical report. As I
20 said, I have only picked up these three questions in the
21 course of 20 minutes and those are just the ones that
22 jumped out to me. I didn't want to get into the QR
23 values, etcetera, because I don't know that. There are
24 things of concern there. So, that's why I would request
25 that you not make a SEQRA determination or a final

1 determination until my client has an opportunity to
2 fully examine the report which was promised at the last
3 meeting that we would get an opportunity to do.

4 CHAIRMAN STUTO: Who promised they would give you
5 the report?

6 MR. ZEE: The applicant did in the public meeting.

7 CHAIRMAN STUTO: Can you address that - him not
8 getting a report?

9 MR. CAPONERA: First of all, the last time I was
10 here was when we received concept approval, I spoke with
11 Mr. Zee. Then I received an email from Andrew Meyer who
12 either was or is with his office on May 27, 2013 to
13 discuss this. I indicated to him that the stormwater
14 wasn't complete yet and that it was still being worked
15 on and there were iterations going back and forth
16 between the Town Designated Engineer. At that time, it
17 was being worked on by S.Y. Kim's office. Since that
18 time and most recently - this is why he hasn't seen it -
19 my client decided to hire Nick to handle this and to do
20 a full and complete job on the stormwater. That's why
21 this wasn't handed in anytime sooner. I have had
22 communication with his office and I do know that Mr.
23 Guptil was served with this documents on June 7th --
24 personally served.

25 CHAIRMAN STUTO: Which documents?

1 MR. CAPONERA: The notice of the public hearing and
2 when it was going to happen. My point is that I hear
3 what Mr. Zee is saying, but with all due respect what he
4 is saying is diminimous in terms of the whole picture.

5 I mentioned to you when I first got up, there
6 was about 10 or 11 buildings on this property.
7 That's where the square footage came from.
8 Currently there are two or three buildings on the
9 property. There is the larger 4,000 square foot
10 building that is right down there (Indicating) where
11 it sheet flows right onto the adjacent property.
12 That's going to be gone. There is a couple of
13 smaller buildings and they're probably in the square
14 footage of the likeness of what Mr. Zee said, but
15 there are also other structures on the property. If
16 you total them all up that's what we base it on, not
17 what's currently there right now. So, what Mr. Zee
18 is bringing up is just, as far as I'm concerned, not
19 that significant. It's not that significant at all.

20 You have heard from our engineer and you've
21 heard from the Town's engineer. All he is trying to
22 adhere is further delay this project that has been
23 going on for years now. We've done everything in
24 our power to do this.

25 For the record, it's interesting to note that

1 Mr. Guptil sought to buy this property from my
2 clients. When they couldn't agree on a price -- my
3 clients obviously are here and looking at this.
4 Sometimes you have to question someone's motive for
5 opposing something.

6 CHAIRMAN STUTO: Chuck, I'm going to ask you. Do
7 you think that this is ready for our consideration for
8 final approval?

9 MR. VOSS: Yes, completely ready.

10 CHAIRMAN STUTO: Without a doubt.

11 MR. VOSS: Without a doubt.

12 CHAIRMAN STUTO: Any other comments from the
13 public?

14 MR. GUPTIL: I was approached by Mrs. Murray to buy
15 the property. She wanted an awful lot of money for it.
16 I declined it and Mr. Harding and Mr. Tanski bought the
17 property.

18 CHAIRMAN STUTO: Thank you.

19 MR. TANSKI: My name is Eric Tanski and I swear to
20 God on the love for my kids that he offered to buy the
21 property and he gave us a price and we rejected it.

22 CHAIRMAN STUTO: Okay, you're partner with the
23 applicant, right?

24 MR. TANSKI: Right.

25 CHAIRMAN STUTO: Okay, any comments or questions

1 from the Board?

2 (There was no response.)

3 CHAIRMAN STUTO: I think that we are ready to at
4 least consider the SEQRA review on this now?

5 MR. VOSS: I'll go through the SEQRA Resolution.

6 This was from the Town Attorney's office
7 regarding the project.

8 Murray Manor Apartments, 616 Boght Road was
9 recommended to the Planning Board to make the
10 following determination regarding the referenced
11 application. The requested approval is an unlisted
12 SEQRA action. We recommend based on the attached
13 EAF that the Board determine that the above action
14 will not have a significant effect on the
15 environment. This was submitted by Rebekah Kennedy
16 from the Town Attorney's office.

17 Will the proposed action create a material
18 conflict with an adopted land use plan or zoning
19 regulations? The answer is no.

20 Will the proposed action result in a change in
21 the use or intensity of the use of the land? The
22 answer is no.

23 Will the proposed action impair the character
24 or the quality of the existing community? The
25 answer is no.

1 Will the proposed action have an impact on the
2 environmental characteristics that cause the
3 establishment of a critical environmental area? The
4 answer is no.

5 Will the proposed action result in an adverse
6 change in the existing level of traffic or effect
7 existing infrastructure for mass transit, biking or
8 walkway? The answer is no.

9 Will the proposed action cause an increase in
10 the use of energy and fails to incorporate
11 reasonably available energy conservation or
12 renewable energy opportunities? The answer is no.

13 Will the proposed action impact existing: A.
14 public or private water supplies? No. B. public or
15 private wastewater treatment facilities? The answer
16 is no.

17 Will the proposed action impair the character
18 or quality of important historic archeological
19 architectural or aesthetic resources? The answer is
20 no.

21 Will the proposed action result in an adverse
22 change to natural resources such as wetlands, water
23 bodies, groundwater, air quality, flora, fauna? The
24 answer is no.

25 Will the proposed action result in an increase

1 in the potential for erosion, flooding and drainage
2 problems? The answer is no.

3 Will the proposed action create a hazard to
4 environmental resources or human health? The answer
5 is no.

6 This project involves demolition of a current
7 warehouse building and construction of an apartment
8 building with 12 units for proposed residential use
9 and is consistent with permitted uses in the
10 neighborhood/commercial/office/residential zoning
11 district and is permitted via a use variance. The
12 project will cause a change in the density of land
13 use and because the low intensity of use, no
14 significant impact is expected. The project will
15 create a minor demand for emergency services.
16 Property taxes are expected to offset any additional
17 increase associated with community services. The
18 project is expected to create construction related
19 jobs and can be considered a positive impact because
20 of the low intensity of the use and direct access
21 onto a local road. No significant impact of
22 transportation systems is expected. Although the
23 project will result in a change to the site, given
24 the size of the project no significant impact on
25 land resources is expected.

1 Check this box if you have determined, based on
2 the information analysis above and any supporting
3 documentation that the proposed action will not
4 result in any significant adverse environmental
5 impacts.

6 With that is the actual declaration and I will
7 go through the actual notice.

8 This notice is a negative declaration for the
9 purposes of the act which is SEQRA. The lead agency
10 is the Town of Colonie Planning Board. The contact
11 person is Rebekah Nellis Kennedy of the Town
12 Attorney's office. Reasons for determination of
13 non-significance.

14 The lead agency has reviewed the application,
15 site plan, project description and also supporting
16 documentation and conducted such further
17 investigation of the project and its environmental
18 effects as the lead agency has deemed appropriate.

19 Based on this review, the lead agency has
20 determined that the action will have no significant
21 effect on the impact. An environmental impact
22 statement therefore will not be required.

23 And Peter, that is for your signature.

24 CHAIRMAN STUTO: Any questions or comments on that
25 environmental review?

1 (There was no response.)

2 CHAIRMAN STUTO: We all have the documents in front
3 of us and we've had them for a while.

4 Do we have a motion to adopt a negative
5 declaration determining that the action will have no
6 significant effects on the environment?

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

8 MR. AUSTIN: Second.

9 CHAIRMAN STUTO: Any discussion?

10 (There was no response.)

11 CHAIRMAN STUTO: All those in favor say aye.

12 MR. MION: Aye.

13 MR. AUSTIN: Aye.

14 MR. LANE: Aye.

15 MS. GOODWIN SEGAL: Aye.

16 CHAIRMAN STUTO: All those opposed say nay.

17 MS. MILSTEIN: Nay.

18 CHAIRMAN STUTO: The motion is adopted with one
19 negative vote.

20 Waivers - who is handling the waivers?

21 MS. MARINELLI: Yes, I'll take care of that.

22 This is a Resolution for Boght Apartments a/k/a
23 Murray Manor Apartments, 616 Boght Road, Land Use
24 Law waiver findings.

25 Whereas, Boght Apartments (the applicant), has

1 proposed the development of a 7,212 square foot
2 two-story, 12-unit residential apartment building on
3 a 1.24 acre parcel of land at 616 Boght Road, Town
4 of Colonie, Albany County, New York. The project
5 will involve the construction of the apartment
6 building total net increase of 24 parking spaces and
7 associated utilities; and

8 Whereas, the applicant is requesting a waiver
9 from the Town of Colonie Land Use Law, Article IX,
10 Chapter 1090-9, Design standards, for the
11 neighborhood/commercial/office/residential (NCOR)
12 zone related to:

13 1. 190-42A3(a) New Parking in the front yard
14 shall be prohibited.

15 2. 190-42A1(c) (1) The maximum front setback
16 shall be 20 feet.

17 CHAIRMAN STUTO: Can you go straight to the
18 resolves?

19 MS. MARINELLI: Sure.

20 CHAIRMAN STUTO: And we'll enter the whole
21 Resolution into the record.

22 MS. MARINELLI: Resolve, that the Board hereby
23 finds that the extent of the requested waiver is not
24 considered substantial; and be if further

25 Resolved, that the Board finds the applicant

1 has established that there are no practical
2 alternatives to the proposed waiver that would
3 conform to the standard and that the waiver is
4 necessary in order to secure reasonable development
5 of the project site; and be it further

6 Resolved, that the Board hereby issues a wavier
7 from the prohibition of new parking within the front
8 yard; and be it further.

9 Resolved, that the Board hereby issues a waiver
10 from the maximum front building setback of 20 feet,
11 and be it further

12 Resolved, that these waiver findings be a
13 condition of site plan approval of the application
14 and be kept in the project file in the Office of the
15 Planning and Economic Development Department.

16 And this needs your signature, Peter.

17 CHAIRMAN STUTO: Any questions or comments from the
18 Board Members?

19 (There was no response.)

20 CHAIRMAN STUTO: Do we have a motion on this
21 Resolution?

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

23 MR. LANE: Second.

24 CHAIRMAN STUTO: Any discussion?

25 (There was no response.)

1 CHAIRMAN STUTO: All those in favor say aye.
2 MR. MION: Aye.
3 MR. AUSTIN: Aye.
4 MR. LANE: Aye.
5 MS. GOODWIN SEGAL: Aye.
6 CHAIRMAN STUTO: All those opposed say nay.
7 MS. MILSTEIN: Nay.
8 CHAIRMAN STUTO: One recorded nay.
9 Now for the main question before us which is
10 the determination of final approval of the project.
11 MR. AUSTIN: I'll make that motion.
12 MR. MION: I'll second it.
13 CHAIRMAN STUTO: Any comments or questions?
14 (There was no response.)
15 CHAIRMAN STUTO: All those in favor say aye.
16 MR. MION: Aye.
17 MR. AUSTIN: Aye.
18 MR. LANE: Aye.
19 MS. GOODWIN SEGAL: Aye.
20 CHAIRMAN STUTO: All those opposed say nay.
21 MS. MILSTEIN: Nay.
22 CHAIRMAN STUTO: One nay recorded.
23 Thank you.
24 MR. CAPONERA: Thank you, very much.
25

1 (Whereas the above entitled proceedings were
2 concluded at 7:37 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 July 1, 2014

