

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 RIVERHILL CENTER BUILDING 1207  
5 1201 TROY SCHENECTADY ROAD  
6 APPLICATION FOR FINAL REVIEW  
7 WAIVER REQUESTS & SEQRA DETERMINATION  
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9 THE STENOGRAPHIC MINUTES of the above entitled  
10 matter by NANCY STRANG-VANDEBOGART, a Shorthand  
11 Reporter, commencing on July 29, 2014 at 7:50 p.m.  
12 at The Public Operations Center, 347 Old Niskayuna  
13 Road, Latham, New York

14 BOARD MEMBERS:  
15 PETER STUTO, CHAIRMAN  
16 LOU MION  
17 KATHY DALTON  
18 TIMOTHY LANE  
19 TINA GOODWIN SEGAL  
20 SUSAN MILSTEIN  
21 BRIAN AUSTIN

22 ALSO PRESENT:  
23 Kathleen Marinelli, Esq., Counsel to the Planning Board  
24 Joe LaCivita, Director, Planning and Economic Development  
25 Chris Bette, Columbia Development  
Noah Brownsey  
Bill Neeley, Division of Highway

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1           CHAIRMAN STUTO: We'll call up the next project on  
2 the agenda. This is Riverhill Center Building 1207,  
3 1201 Troy Schenectady Road. This is an application for  
4 final review, waiver requests and SEQRA determination.

5           Joe LaCivita, do you have any introductory  
6 remarks?

7           MR. LACIVITA: Peter, this is in for final. We got  
8 a few waiver requests and SEQRA here.

9           Is Nick Costa going to be staying here this  
10 evening with you?

11          MR. BETTE: Yes, he said he'd be back.

12          MR. LACIVITA: Okay, and Chris Bette is here  
13 tonight.

14          The project has been before us and DCC, sketch  
15 and now here for final. We'll turn it over to Mr.  
16 Bette and Mr. Costa.

17          CHAIRMAN STUTO: Thank you.

18          MR. BETTE: Thank you, Mr. Chairman and Planning  
19 Director LaCivita. Hi, my name is Chris Bette and I'm  
20 with First Columbia. Tonight we are here to request  
21 from this Board final site plan approval for the office  
22 retail building proposed at our existing office park in  
23 our underutilized front parking lot right along Route 7  
24 across the street from Mr. Rosetti's project that we  
25 just heard about.

1           As mentioned, we have been in front of this  
2 Board a few times. Most recently it was two weeks  
3 ago to talk about the elevation.

4           Back in April we were here for concept  
5 acceptance. During that presentation we had a nice  
6 dialogue about the issues or the items of concern  
7 for the Board Members and the Town Designated  
8 Engineer. I think that what you see here today is a  
9 culmination of our meetings with the department and  
10 with the TDE after that meeting to agree to certain  
11 things that this Board had asked us to do at that  
12 junction. We have done that. I'd like to go over  
13 some of the major issues that we talked about and  
14 some of the major changes from what you saw in  
15 April.

16           The major one is a reconfiguration of this  
17 portion of the parking lot (Indicating). The TDE  
18 was kind enough to give us an alternative design  
19 that we hadn't thought about that made sense. It  
20 yielded about as many parking spots as we had in our  
21 design, but more importantly eliminated some of the  
22 conflicts that were created from our internal  
23 circulation road and the bigger conflict with this  
24 interchange between the parking and the drive-thru  
25 aisle. That, we have implemented into our design

1 yielding a little bit more greenspace between the  
2 office building and the retail building which was a  
3 nice addition as well.

4 Secondly, we agreed to the width of the road  
5 behind the proposed building. During our April  
6 meeting we discussed at length what the proper width  
7 of that road should be. As shown, it's the TDE's  
8 requested width.

9 The very minor issues that we adjusted were  
10 pedestrian access from Route 7. At the time there  
11 was an existing sidewalk on this side of the bus  
12 stop. This little bump in Route 7 is the bus stop.  
13 We agreed to move that sidewalk close to the retail  
14 office building. We had already shown a sidewalk  
15 coming in on the proposed curb cut and then we have  
16 a sidewalk connection to the office building further  
17 over. I think that from the dialogue that we had  
18 with the Board, the meeting that we had with the TDE  
19 and the department, we have come up with a good plan  
20 together.

21 We had met our neighbor via phone calls and  
22 made an agreement that we would put the curb cut on  
23 our property and give him an easement to utilize it  
24 for the future development of his property, which I  
25 think is a benefit for him allowing his site to be

1 less impacted by a driveway. There is therefore  
2 more parking and some significant benefits to that  
3 curb cut location, in addition to the DOT's  
4 preference to have it farther away from the existing  
5 Vly Road. I think that from where we were in April  
6 to where we are today, I think that you will find a  
7 pretty well-thought out plan. The utilities and  
8 things like that are very simply handled. Although  
9 appurtenances exist in the right of way of Route 7.  
10 It's just a simple building lateral for water and  
11 sewer.

12 Stormwater - we have actually made an  
13 improvement to what is there today. We are and as  
14 we talked about in April, we have about 90,000  
15 square feet of commercial office with about 700  
16 parking spots. This is the whole 1201 Troy  
17 Schenectady Road parcel (Indicating). Different  
18 drainage areas and different parking lots go to  
19 different places. Our site, in addition to catch  
20 basins and things going out to Route 7 and some of  
21 them going out the back of the property, has  
22 detention ponds in the back side of the parking  
23 lots. Our proposal for this office retail building  
24 is to cut this area off from discharging to the back  
25 of the parcel. We've actually designed an

1 infiltration type system which is taking the  
2 stormwater from the pavement right underground  
3 without a connection to anything but the earth.  
4 We've actually removed a quantity of stormwater from  
5 the system which should help things downstream.  
6 That system was designed - and if we have any  
7 questions Nick Costa is here and he can talk about  
8 those issues. It will actually be an improvement,  
9 to the whole overall drainage area.

10 With that, unless you have some specific  
11 questions, I'm happy to answer whatever I can.

12 CHAIRMAN STUTO: Okay, we'll turn it over to our  
13 Town Designated Engineer for his comments. Again, CHA,  
14 Joe Grasso is our TDE.

15 MR. GRASSO: There is a letter in your file  
16 regarding the final site plan review of the application  
17 in the letter dated July 17th. It's got nine items  
18 identified in the letter. Most of them are extremely  
19 minor and that's because most of the big issues were  
20 addressed through the sketch plan review and the concept  
21 review by the applicant. I would just like to say that  
22 this is a redevelopment project. It's a great one.  
23 Right now it's a large parking lot area and they've done  
24 a great job by trying to work within the constraints of  
25 the site and try to accommodate as many of the Town's

1 land use design guidelines into the project as much as  
2 possible. So, we commend the applicant for trying to  
3 address the comments that have been raised thus far and  
4 therefore translates into short comment letters from  
5 CHA.

6 Going through our comment letter, I'm just  
7 going to touch on a couple of items. The first one  
8 is regarding the SEQRA review. The project is a  
9 Type I action pursuant to SEQRA, so a coordinated  
10 review is required and that was conducted by the  
11 Planning Department. The department solicited  
12 requests for lead agency status. No other involved  
13 agencies sought lead agency so the Planning Board  
14 can accept lead agency status before its SEQRA  
15 determination.

16 Because all of the outstanding technical  
17 comments have been addressed, the project really  
18 didn't have significant environmental resources to  
19 begin with because it was already developed. The  
20 project is not going to have a significant impact on  
21 the environment and therefore a negative declaration  
22 is appropriate. We have drafted for the Planning  
23 Board's consideration a negative declaration which  
24 is also included in your packet. If the Planning  
25 Board is agreeable to making a site plan

1 determination on the project, before you do that you  
2 should make a SEQRA determination. We can work  
3 through that if we get to that point.

4 The second item in our letter is regarding the  
5 two waivers that are required because of non  
6 conformance of the design standards. These are  
7 things that we have discussed during the sketch plan  
8 review and the concept review and they were  
9 agreeable to the Planning Board.

10 The first one is that the building exceeds the  
11 maximum front yard setback of 25 feet from Troy  
12 Schenectady Road, similar from what we heard from  
13 the last application.

14 The second one being the parking in front of  
15 the building, which is something that we commonly  
16 see. Again, most of the parking that serves the  
17 site is behind the building. Some is to the side  
18 and a little bit is toward the front. Because some  
19 is towards the front, a waiver is required. The  
20 applicant has provided justifications in support of  
21 both waivers and we have provided a draft waiver  
22 finding for consideration by the Planning Board and  
23 that's also included in your packet.

24 One of the other things that I just wanted to  
25 raise was identified as number five in our comment

1 letter. It was the issue of at some point the Town  
2 would like to see a pedestrian connection  
3 established from the Route 7 corridor heading in the  
4 north direction, likely through this property, go  
5 down toward the north to get down to River Road and  
6 down to the bike path to the Town park along the  
7 Mohawk River. That was something that was raised by  
8 the Planning Department during their initial review  
9 of the project to see whether or not this project as  
10 designed would impact the ability for that plan to  
11 be effectuated at some point in the future. That  
12 was one question.

13 The other one is: Is there anything that this  
14 project should be doing to help implement that plan?  
15 We did have some meeting with the Town Planning  
16 staff as well as the applicant and it is likely that  
17 a route for a pedestrian connection which is in the  
18 long-term plan of the Town would be through the  
19 property. When you take a close look at it, we  
20 would think that the location of the route would be  
21 towards the east and because this project is towards  
22 the south west, this project won't impact the  
23 ability to effectuate that plan. Because there  
24 hasn't been any site specific planning done or  
25 design done or site analysis done regarding where

1 that pedestrian connection wants to be after it gets  
2 through this site, we really don't know exactly  
3 where it would line up or how it would cut through  
4 the eastern part of the site. There is really  
5 nothing that we felt this applicant needs to do at  
6 this time. Nonetheless, the applicant has expressed  
7 a willingness to continue to work with the Town so  
8 that if a plan get puts forth that involves this  
9 property, they are willing to accommodate an  
10 easement through the project site.

11 I'm going to turn it back to Chris so that  
12 Chris can kind of expound on that and kind of just  
13 highlight where we would expect that route to occur.

14 MR. BETTE: We have had this discussion in the past  
15 but Chairman Stuto, you had asked us to go meet with the  
16 Planning Department to further investigate it. The  
17 result of that meeting was yes, a connection through my  
18 piece as well as the Sunmark Credit Union piece was  
19 envisioned years ago.

20 When Sunmark obtained their approval, there was  
21 a dotted line through the site that suggested that's  
22 where the bike paths would go and then there was a  
23 dotted line through my little sliver here to get to  
24 this piece (Indicating), potentially to get out to  
25 River Road. I think that it's an amenity for us as

1 well. We have agreed that's where it needs to be  
2 and as Mr. Grasso elaborated, the topography is  
3 pretty great. No one studied the other side, being  
4 the Orlop side, as to if they are agreeable. Then,  
5 we have wetlands and all these other things. That  
6 connection might be here (Indicating), or here or  
7 here. No one knows. We are going to continue to  
8 work with the Town as they pursue that connection to  
9 River Road.

10 CHAIRMAN STUTO: Thank you.

11 MR. AUSTIN: Joe, the Town wants that connection?

12 MR. GRASSO: Yes. When you look at pedestrian  
13 access in the more global perspective, right now the  
14 only way to get from the Route 7 corridor down to River  
15 Road is along Vly Road. If anybody has driven along Vly  
16 Road, it's a narrow road. It's bad enough for cars let  
17 alone putting pedestrians and bicycles and kids along  
18 it. There isn't really room within the Vly Road  
19 corridor to establish a dedicated sidewalk or bikeway.  
20 It's likely that an off-road connection would be created  
21 from Route 7 through private properties by way of an  
22 easement to get down to River Road. Then you look at  
23 the Route 7 corridor -- this looks to be a logical spot.  
24 It's something that has been planned.

25 MR. AUSTIN: I guess my question is: Who do they

1 envision in using this?

2 MR. BETTE: The conversations that we've had over  
3 the years is the bike path that is over the Watervliet  
4 Shaker Road by the airport - the connection was to  
5 connect that bike path to this bike path through British  
6 American. This would effectuate that connection down to  
7 River Road and then the Town has a new park on River  
8 Road that you could get through to get to the other bike  
9 path. So, in essence you're connecting two bike paths.

10 MR. GRASSO: And it could a mad a connection  
11 throughout the Mohawk Hudson Hike Bike path. So, it's a  
12 regional connection.

13 CHAIRMAN STUTO: Noah Brownsey.

14 MR. BROWNSEY: Good evening, everybody. I'll try  
15 to save you the two-hour lengthy history of this  
16 property that I could go into. I live on River Road  
17 which runs parallel to Route 7 down here (Indicating).  
18 My concern was the stormwater.

19 I was very happy to hear them say that they  
20 were going to do something. I think that their  
21 proposal is affecting this area (Indicating). Right  
22 now, all the stormwater, I believe, from this entire  
23 parking lot area goes off the property which  
24 eventually goes past my property. With the rain and  
25 storm Sunday, I had a 30-foot wide river running

1 through my yard. On a normal day it's probably  
2 three feet or two feet wide. I would really like to  
3 see something in this area, maybe. Could you  
4 redevelop that to contain that water from this  
5 parking lot rather than coming off it? You were  
6 discussing on your proposal - I think that you're  
7 going to capture all this water?

8 MR. BETTE: Just want's in front of the building.

9 MR. BROWNSEY: But that still leaves that -

10 MR. BETTE: That's going where it goes to today.

11 MR. BROWNSEY: It's leaving your property. It's  
12 basically going directly onto my property.

13 MR. BETTE: I don't want to debate, but it's not  
14 100 percent.

15 Just so that the Board knows, a portion of the  
16 parking lot goes out to Route 7 and then a portion  
17 of this parking lot and a portion of this parking  
18 lot goes out the back. It's not 100 percent of the  
19 paved area going out the back.

20 I understand that Mr. Browsey has an issue, but  
21 I think that it's a more global issue. He is the  
22 last stop before it goes into the river and it's the  
23 drainage area. It's not just attributable to my  
24 development or the office park. It is a bigger  
25 concern - Route 7 and the Vly Road area and the

1 other side of the street -- there is a lot of stuff  
2 coming and I think that the connection to the river  
3 is -

4 CHAIRMAN STUTO: What you are proposing today is an  
5 improvement.

6 MR. BETTE: I am improving what's going off my  
7 site; yes.

8 CHAIRMAN STUTO: Are you going to redevelop the  
9 back end, eventually?

10 MR. BETTE: There is no room to do anything on the  
11 backside on the front western parking lot. There was an  
12 opportunity to do something years ago in the lower  
13 parking lot and it's not currently viable for us but it  
14 may become viable again if the office market has some  
15 sort of turnaround. At that time, five six or seven  
16 years ago we had a plan for an office building which  
17 then that stormwater for that project would have met the  
18 Phase II design requirements.

19 MR. NEELEY: And you tweak the stormwater  
20 management areas in the rear?

21 MR. BETTE: We have two basins, as I mentioned  
22 earlier. One here and one here (Indicating). Are you  
23 talking about this one? I'd have to take a look at it.

24 MR. NEELEY: That's probably designed to the  
25 25-year storm.

1 MR. BETTE: It was in the 1980's.

2 MR. NEELEY: Your new one is going to meet the 100  
3 year?

4 MR. BETTE: Our new infiltrate is 100 percent so  
5 we're meeting every storm.

6 Mr. Neeley is here and he's very knowledgeable  
7 about the drainage in the area. Mr. Brownsey's  
8 issues are not only caused by run-off from my site  
9 which when this was developed, should have met  
10 pre-development conditions, but Route 7 drains  
11 through the Sunmark property. Everything to the  
12 south of Route 7 comes across Route 7 and gets into  
13 a stream that runs on the bottom of my property line  
14 which is 20 or 30 feet down from my parcel. It runs  
15 parallel to River Road and then crosses River Road  
16 right at Mr. Brownsey's house.

17 Mr. Chairman I knew that Mr. Brownsey was  
18 coming and I was talking to his father today and I  
19 wanted to share with you an aerial photo so that we  
20 understand his issues. Mr. Brownsey is down here  
21 (Indicating) around the corner -- near the corner of  
22 Rosendale and River. There is a considerable  
23 drainage area in between to the east of his property  
24 line and the red box - somewhere in there is the  
25 connection to the Mohawk River where everything

1 discharges from this drainage basin. I guess that  
2 Mr. Brownsey's issues are that something that is  
3 happening to cause the water to back up onto his  
4 property. I'm here to help, but I'm not here to say  
5 that I'm the 100 percent cause of the problem of why  
6 it's doing that. I sense that there are other  
7 things - maybe some maintenance issues. I think  
8 that some of Mr. Brownsey's issues are because he's  
9 on the line of Schenectady County and Albany County.  
10 Rosendale is a Schenectady County Road that maybe  
11 there are some issues that they need to get involved  
12 to actually see what is contributing from their side  
13 as well as what is contributing from the Town's side  
14 as well as what is contributing from the state's  
15 Route 7 side, which is significant. We have five or  
16 six lanes of closed drainage systems that flow  
17 through a big pipe outside of Sunmark and gets into  
18 that stream. There are a lot of things that are  
19 going on. As Mr. Neeley said we can look at what we  
20 have back here for ours to make sure that we can --

21 I don't know, Bill, if we can raise anything -

22 MR. NEELEY: That was my gut reaction. Typically,  
23 when you are that close to the river, you want to let it  
24 fly. You don't want to hold it back. A lot of the  
25 issues, like you said Chris, is topography. You have

1           some pretty steep slopes.

2           MR. BETTE: We are quite a ways above the adjacent  
3 properties that are on the river.

4           CHAIRMAN STUTO: Before we leave the topic, I'd  
5 like to ask our TDE or Joe LaCivita to put this in  
6 context of the application that is in front of us.  
7 We're not here to solve all the stormwater problems on  
8 Route 7.

9           MR. GRASSO: That's a good point. There is no  
10 question that this project - the site plan application  
11 that we have is going to address their stormwater  
12 impacts and in addition it will result in less run-off  
13 leaving the site. In the grand scheme of things when we  
14 start taking it from a site perspective to a regional  
15 perspective - I'll call it a watershed perspective, this  
16 project won't have a significant positive impact. The  
17 number will show that there will be less water, but it's  
18 not going to be a perceptible decrease from Mr.  
19 Brownsey's property. Even if you look at this whole  
20 site, it is a small fraction of the watershed that we're  
21 talking about. Can it have a greater impact? Yes, but  
22 it's really beyond the scope of this current site plan  
23 application.

24           I think that it's great that Chris is willing  
25 to take a look at it and we can assist with that

1 review and engage the Town as well. Maybe this  
2 maintenance item could be something that could be  
3 tweaked in the basin. If it's some gross  
4 modification to the basin, it's probably something  
5 that could be part of another site plan application,  
6 or a future redevelopment project.

7 CHAIRMAN STUTO: I'll just ask the applicant this:  
8 Will you be willing to meet with the Town and talk about  
9 it?

10 MR. BETTE: Certainly. I think that more  
11 importantly, Mr. Brownsey would like to see if he can  
12 get some help from the Town and dialogue with  
13 Schenectady County and the Town of Niskayuna because I  
14 think that some of their water is also contributing to  
15 the problem. It may be just as simple as ditch  
16 maintenance. Things like that are controlled by  
17 different people.

18 CHAIRMAN STUTO: I think that the fact that Mr.  
19 Neeley is here implies something. I think that he has  
20 an interest in it. Joe can help to facilitate that.  
21 That is getting a little beyond the scope of our review.

22 MR. BETTE: I understand and obviously I want to be  
23 a good neighbor, but we can't solve 100 percent of the  
24 issues when there are other players.

25 CHAIRMAN STUTO: We'll listen to the rest of your

1 comments, Mr. Brownsey.

2 MR. BROWNSEY: That was it. I wanted to discuss  
3 that. I do agree that when they redeveloped this area  
4 20 years ago, they did put basins here and I don't  
5 disagree with the run-off. I think that some of the  
6 run-off might go towards the Orlev's property. I just  
7 felt that when they were redoing this, to add another  
8 basin in the back would at least help and start -- you  
9 said that there were other players involved and this  
10 would at least be something that would help me out to  
11 some degree and additionally help with dealing with some  
12 of the other things that I might need to deal with down  
13 the road.

14 CHAIRMAN STUTO: Let me turn it over to the TDE.

15 MR. GRASSO: When you look at that specific area, I  
16 don't know if there is enough run-off there that there  
17 isn't enough area there to have a positive impact that  
18 is going to be perceptible.

19 MR. BETTE: My parking lot is probably five feet  
20 from the top of the slope. This is really just the  
21 slope going down to the creek. It would have to involve  
22 taking parking to do that. Mr. Neeley might be right.  
23 We might be able to do something here simply with that  
24 outlet control. Nick has not studied that side of the  
25 site, but he certainly can.

1           CHAIRMAN STUTO: Any other Board Members want to  
2 comment?

3           (There was no response.)

4           CHAIRMAN STUTO: Any other comments, Mr. Brownsey?

5           MR. BROWNSEY: No.

6           CHAIRMAN STUTO: Anybody else from the audience  
7 want to speak?

8           (There was no response.)

9           CHAIRMAN STUTO: Shall we walk through the  
10 environmental review with our TDE?

11           Joe Grasso, do you want to walk us through  
12 that?

13           MR. GRASSO: You want to start with the neg dec or  
14 the waiver findings?

15           CHAIRMAN STUTO: The neg dec. I think that we have  
16 to do the environmental first.

17           MR. GRASSO: It was a Type I action, so it did  
18 require preparation of the full Environmental Assessment  
19 form. This is the new form - the new full EAF. It went  
20 to whatever it was before, maybe four or five pages to  
21 now it's 13 items.

22           CHAIRMAN STUTO: I have reviewed mine. I assume  
23 that the other Board Members have. I don't know if you  
24 want to go through the headings.

25           MR. GRASSO: Yes, I will. I'm actually going to go

1 to the Part III where you extract certain issues that  
2 could be deemed to have potential significant impacts.  
3 My packet is a little bit different from yours. I'm not  
4 going to be able to walk you through the pages.

5 This is what I'm looking at - the Environmental  
6 Assessment form, Part III. It has got page five noted  
7 at the bottom.

8 The first item is impacts on surface water.  
9 Basically, the proposed action could affect wetlands  
10 or surface water bodies on a project site where on  
11 the project site we've talked a lot about stormwater  
12 tonight and the project includes mitigation measures  
13 to reduce its impact on surface water and will  
14 result in less surface water discharging off the  
15 site than what you see now. Based on the drainage  
16 patterns that are out there today, we don't expect  
17 that this project will have any significant impacts  
18 as it relates to surface water.

19 The second item - a potential item of concern  
20 is the impact on plants and animals. A lot of these  
21 things when we are pulling out of the full EAF and  
22 noting them as areas of potential concern, it's  
23 because of where this project site is in relation to  
24 other sensitive features, not necessarily that they  
25 actually occur within the project site. That is

1 something that's new to the EAF. The way that the  
2 new EAFs are being done is that when you plug in the  
3 project site, when you're actually completing the  
4 full EAF, it basically looks at that site location  
5 in relation to databases of sensitive environmental  
6 resources as it relates to it. It basically sets  
7 off a trigger that this site is located in an area  
8 that could be deemed sensitive for plants and  
9 animals. When you actually look at the site itself,  
10 this site is already developed. It's devoid of any  
11 sensitive plants and animal species and therefore  
12 there is nothing incumbent on this project site to  
13 try to mitigate its impacts on those species. As it  
14 relates to plants and animals, there are no impacts  
15 that require additional mitigation.

16 Same thing on agricultural resources. Yes,  
17 it's in an area of important agricultural soils but  
18 the site is already developed and it doesn't have  
19 any agricultural lands associated with it so  
20 therefore from a site perspective it won't have any  
21 impacts on agricultural resources.

22 The next one is impact on historic and  
23 archeological resources and again, this area, the  
24 region that the site is located in is deemed to have  
25 a relatively high probability of historical and

1 archeological resources. Because the site is  
2 already developed and everything has already been  
3 disturbed, that might exist and the site doesn't  
4 include any historic properties, therefore no  
5 additional site specific surveys were required as  
6 part of the project and we're not expecting any  
7 impacts to occur.

8 MR. BETTE: Just to elaborate on that, the  
9 archeological was the trigger for the Type I action. We  
10 had a Phase I archeological study done and SHPPPO agreed  
11 to what we had done and that there would be no impacts.

12 CHAIRMAN STUTO: Thank you.

13 MR. GRASSO: The last one is an impact on noise,  
14 odor and light. This is something that we typically see  
15 associated with site plan applications whereas the  
16 proposed action may produce sound above noise levels  
17 established by local regulation and that the proposed  
18 action may result in light shining onto adjoining  
19 properties. These impacts are effectively mitigated by  
20 the site plan design - the things that we often see.  
21 There are going to be time restrictions for construction  
22 equipment and regarding the lighting - the lighting will  
23 conform with the Town's design standards so that they're  
24 all down-lit style. There is no light spillage off the  
25 property and it will be designed such that there will

1 not be glare off-site because of their low height.  
2 Those were the items of potential concern that needed to  
3 be addressed.

4 In support of the negative declaration there is  
5 a proposed Resolution. This is the reason  
6 supporting the negative declaration - if you have  
7 that in your packet.

8 CHAIRMAN STUTO: I'll ask the Stenographer to enter  
9 this entire Resolution into the record.

10 MR. GRASSO: I'll just summarize what it says.

11 The Town of Colonie Planning Board as lead  
12 agency has reviewed the full EAF including Part I  
13 completed by the project sponsor along with the  
14 supporting reports, studies and plans, the potential  
15 environmental effects of the project were discussed  
16 at regularly scheduled Town Planning Board meetings  
17 held in February of 2014, April of 2014 and July of  
18 2014. The Planning Board as lead agency has  
19 completed or has caused to have completed Part II of  
20 the full EAF. After the review of the information  
21 provided by the project sponsor, the Planning Board  
22 has determined that this is a Type I action under  
23 SEQRA and coordinated review has been completed. No  
24 other involved agency has expressed any interest in  
25 being lead agent. Furthermore, the Planning Board

1 appointed a TDE to assist with the technical review  
2 of the project. The project engineer has completed  
3 a significant amount of additional investigative  
4 work and site design modifications have been made as  
5 requested by the Planning Board and the TDE. The  
6 Planning Board has determined that the environmental  
7 impacts of this proposal have been mitigated to the  
8 greatest extent practicable and that the preparation  
9 of an environmental impact statement is not  
10 necessary.

11 With that, the Planning Board will need to do  
12 two things: One, establish itself as lead agency and  
13 second, issue a negative declaration consistent with  
14 the findings as drafted.

15 MS. MARINELLI: Do you want me to go through the  
16 Resolution, Pete?

17 CHAIRMAN STUTO: Sure.

18 MS. MARINELLI: Resolution of the Town of Colonie  
19 Planning Board Lead Agency Designation in preparation of  
20 a negative declaration Riverhill Center Retail Plaza  
21 Building 1207, 1201 Troy Schenectady Road.

22 Now, therefore, be it resolved that the  
23 Planning Board declares itself lead agency for the  
24 purposes of SEQRA review; and be it further

25 Resolved that based on a thorough review of the

1 project by the Planning Board that there will be no  
2 significant adverse environmental impacts and no EIS  
3 will be required; and be it further

4 Resolved that the attached draft negative  
5 declaration be adopted in accordance with SEQRA part  
6 617.12.

7 CHAIRMAN STUTO: Any discussion on that?

8 (There was no response.)

9 CHAIRMAN STUTO: Do we have a motion?

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

11 MR. LANE: Second.

12 CHAIRMAN STUTO: Any further discussion?

13 (There was no response.)

14 CHAIRMAN STUTO: All those in favor say aye.

15 (Ayes were recited.)

16 CHAIRMAN STUTO: All those opposed say nay.

17 (There were none opposed.)

18 CHAIRMAN STUTO: The ayes have it.

19 We should give the Steno the resolution.

20 On the waivers - who wants to walk us through  
21 that?

22 We have a waiver resolution in front of us and  
23 we'll ask that the Stenographer enter this in its  
24 entirety into the record. It's been in our packets  
25 and the Board members have read it. To what ever

1 extent you think necessary, you can walk us through  
2 it.

3 MR. GRASSO:

4 Whereas the applicant is requesting two waivers  
5 from the Town of Colonie Land Use Law. The first is  
6 related to the parking in the front yards of Troy  
7 Schenectady Road and the second is that the building  
8 exceeds the maximum front yard setback of 25 feet  
9 from Troy Schenectady Road. The Planning Board may  
10 waive these standards to the extent it deems  
11 necessary in order to secure reasonable development  
12 of the site.

13 Whereas a front building setback greater than  
14 that required by the zoning and design standards  
15 would provide a building setback more consistent  
16 with that of the development of the adjacent  
17 properties with parking areas located within the  
18 front yard setback; and

19 Whereas the project includes drive-thru  
20 services with an exit lane that crosses in front of  
21 the building and encroaches within the front yard  
22 setback; and

23 Whereas the layout of the drive-thru exit is  
24 necessary to reduce the number of curb cuts on Troy  
25 Schenectady Road; and

1           Whereas, access around the building is required  
2           for efficient operation of the drive-thru and as  
3           such a drive aisle is needed along the front of the  
4           building which dictates the front building being  
5           shifted toward the rear of the parcel; and

6           Whereas the Planning Board finds it desirable  
7           that parking be located around all sides of the  
8           building to reduce pedestrian travel distances and  
9           to reduce the aesthetic impact of large expansive  
10          parking areas; and

11          Whereas the site plan proposes landscaping in  
12          the immediate vicinity of the parking spaces such  
13          that ample screening and shading will be provided.

14          Now therefore be it resolved that the Board  
15          hereby finds that the extent of the requested  
16          waivers are not considered substantial; and be it  
17          further

18          Resolved, that the Board finds the applicant  
19          has established that there are no practical  
20          alternatives to the proposed waivers that would  
21          conform to the standard and that the waivers are  
22          necessary in order to secure reasonable development  
23          of the project site; and be it further

24          Resolved, that the Board hereby issues a waiver  
25          from the maximum setback requirement of 25 feet and

1 be it further

2 Resolved that the Board hereby issues a waiver  
3 from the prohibition of parking within the front  
4 yard; and be it further.

5 Resolved that these waiver findings be a  
6 condition of site plan approval of the application  
7 and be kept in the project file in the Office of the  
8 Planning and Economic Development Department.

9 CHAIRMAN STUTO: Any comments or questions on that?

10 (There was no response.)

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

12 MS. DALTON: I'll second it.

13 CHAIRMAN STUTO: Any discussion?

14 (There was no response.)

15 CHAIRMAN STUTO: All those in favor?

16 (Ayes were recited.)

17 CHAIRMAN STUTO: All those opposed say nay.

18 (There were none opposed.)

19 CHAIRMAN STUTO: The ayes have it.

20 Now the main question before the Board. Final  
21 review approval.

22 Do we have a motion subject to all the Town  
23 Designated Engineer comments and the Town Department  
24 comments?

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

1 MR. MION: I'll second it.

2 CHAIRMAN STUTO: Any discussion?

3 (There was no response.)

4 CHAIRMAN STUTO: That would include meeting on  
5 stormwater with the Town department.

6 Any discussion?

7 All those in favor?

8 (Ayes were recited.)

9 CHAIRMAN STUTO: All those opposed say nay.

10 (There were none opposed.)

11 CHAIRMAN STUTO: The ayes have it.

12 Thank you.

13 MR. BETTE: Thank you.

14

15 (Whereas the above entitled proceeding was  
16 concluded at 8:20 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 August 11, 2014

