

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 LIFE COVENANT CHURCH
5 685 WATERVLIET SHAKER ROAD
6 SEQR DETERMINATION

6 *****

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8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on March 10, 2015 at 9:20 p.m.
11 at The Public Operations Center, 347 Old Niskayuna
12 Road, Latham, New York

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 TIMOTHY LANE
14 LOU MION
15 TIMOTHY LANE
16 SUSAN MILSTEIN
17 CRAIG SHAMLIAN

16 ALSO PRESENT:
17 Kathleen Marinelli, Esq., Counsel to the Planning Board
18 Michael Tengeler, Planning and Economic Development
19 Joe LaCivita, Director, Planning and Economic Development
20 Joseph Grasso, PE, CHA

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1 CHAIRMAN STUTO: Next item on the agenda is Life
2 Covenant Church, 685 Watervliet Shaker Road. This is a
3 consideration of an environmental determination.

4 Joe LaCivita?

5 MR. LACIVITA: We've already seen this a couple of
6 times.

7 CHAIRMAN STUTO: Okay, we'll give it right to the
8 applicant.

9 MR. LACIVITA: We're just going to do this
10 ourselves, Peter.

11 CHAIRMAN STUTO: Okay.

12 MR. GRASSO: We have distributed for the Planning
13 Board's consideration draft SEQR documents for the Life
14 Church application. This project has been before the
15 Planning Board a few times in the past for consideration
16 of the concept site plan application as well as an ODA
17 recommendation to the Town Board, which the Planning
18 Board has granted concept acceptance as well as passed
19 along a favorable recommendation on the ODA to the Town
20 Board. The Town Board, before they make a formal action
21 on the ODA application - SEQR needs to be addressed.
22 The Planning Board is the lead agent on the application
23 and therefore the Planning Board has required a
24 preparation of an environmental assessment form that
25 describes the project particulars as well as the

1 environmental setting of the project site. Because of
2 the scale of the project, the Town had required the
3 preparation of a full environmental assessment form
4 which has been with Part I of that environmental
5 assessment form having been completed by the project
6 applicant, we have reviewed that and have requested
7 changes to the document at various times so that it
8 adequately describes the project as well as the
9 environmental setting of the site. All of the changes
10 that we have requested have been made to the document so
11 within your packet the first 13 pages is Part I of the
12 full EAF which has been completed by the applicant.

13 The next part of the environmental assessment
14 form Part II is the responsibility of the lead
15 agent, so that's the responsibility of the Planning
16 Board to go through and identify potential impacts
17 of the project on various environmental factors.

18 Part III of the form is where the lead agency
19 evaluates the magnitude and importance of the
20 project impacts and then makes ultimately a
21 determination of significance regarding those.

22 I will go through Part II of the EAF as it has
23 been drafted for the Board's consideration. There
24 is probably a dozen or so questions related to the
25 potential impacts of the project on the environment.

1 The first one is impact on land and the may
2 involve construction on, or physical alteration of
3 the land surface of the proposed site. The two
4 options are either yes or no. For that, the yes box
5 has been checked and that's because of item F which
6 I will read. It says: "The proposed action may
7 result in increased erosion, whether from physical
8 disturbance or vegetation removal including from
9 treatment by herbicides."

10 There are two threshold question. One is no or
11 a small impact may occur and the second one is a
12 moderate to large impact to occur. For each of
13 these questions, one of those boxes are checked. If
14 the box that says moderate to large impact may occur
15 is checked, then additional information needs to be
16 provided in Part III to determine whether or not
17 it's likely or of significance enough to require the
18 preparation of an environmental impact statement.
19 On this question the box is checked yes, that a
20 moderate to large impact may occur. We will follow
21 up on that as we get to Part III.

22 Item two is the impact on geologic features.
23 The question is: The proposed action may result in
24 the modification or destruction of, or inhibit
25 access to, any unique or unusual land forms on the

1 site. The box is checked no.

2 Under three: Impacts on surface water. The
3 proposed action may affect one or more wetlands or
4 other surface water bodies. The box is checked yes
5 and it's because the responses to items a, d, e, h
6 and i.

7 A. The proposed action may create a new water
8 body. So, it says moderate to large impact may occur
9 has been checked.

10 D. The proposed action may involve construction
11 within or adjoining a freshwater or tidal wetland,
12 or in the bed or banks of any other water body
13 bodies. That has been checked moderate to large
14 impact may occur.

15 E. The proposed action may create turbidity in
16 a waterbody, either from upland erosion runoff or by
17 disturbing bottom sediments. The box is checked at
18 moderate to large impact may occur.

19 H. The proposed action may cause soil erosion,
20 or otherwise create a source of stormwater discharge
21 that may lead to siltation or other degradation of
22 receiving water bodies. The box is checked moderate
23 to large impact may occur.

24 I. The proposed action may affect the water
25 quality of any water bodies within or downstream of

1 the site of the proposed action. Again, a moderate
2 to large impact may occur box has been checked.

3 4. The impact to groundwater: The proposed
4 action may result in new or additional use of ground
5 water, or may have the potential to introduce
6 contaminants to ground water or an aquifer. The box
7 is checked no.

8 5. The proposed action may result in
9 development on lands subject to flooding. That box
10 is checked no.

11 6. Impacts on air. The proposed action may
12 include a state regulated air emission source. The
13 box is checked no.

14 7. The impact on plants and animals. The
15 proposed action may result in a loss of flora or
16 fauna. The box is checked no.

17 8. Impact on agricultural resources. The
18 proposed action may impact agricultural resources.
19 That box is checked no.

20 9. Impact on aesthetic resources. The land use
21 of the proposed action are obviously different from,
22 or are in sharp contrast to, current land use
23 patterns between the proposed project and a scenic
24 or aesthetic resource. The box is checked yes
25 because of the response to items C and D. C says

1 that the proposed action may be visible from
2 publicly accessible vantage points. So, the
3 moderate to large impact may occur box has been
4 checked.

5 Letter D: The situation or activity in which
6 viewers are engaged while viewing the proposed
7 action is:

8 I. Routine travel by residents, including
9 travel to and from work.

10 So, the box has been checked to indicate a
11 moderate to large impact may occur.

12 10. Impact on Historic and Archeological
13 Resources. The proposed action may occur in or
14 adjacent to a historic or archaeological resource.
15 The box has been checked yes. That's due to the
16 answer to letter B. The proposed action may occur
17 wholly or partially within, or substantially
18 contiguous to an area designated as sensitive for
19 archaeological sites on the New York State Historic
20 Preservation Office (SHPO) archaeological site
21 inventory. So, the box has been checked to moderate
22 to large impact may occur.

23 11. Impact on Open Space and Recreation. The
24 proposed action may result in a loss of recreational
25 opportunities or a reduction of an open space

1 resource as designated in any adopted municipal open
2 space plan. The box has been checked no.

3 12. The impact on critical environmental
4 areas. The proposed action may be located within or
5 adjacent to a critical environmental area. The box
6 has been checked no.

7 13. Impact on transportation. The proposed
8 action may result in a change to existing
9 transportation systems. The box has been checked
10 yes because of the responses to letters a, e and f.

11 A. Projected traffic increase may exceed
12 capacity of existing road network. The box has been
13 checked to indicate a moderate to large impact may
14 occur.

15 E. The proposed action may alter the present
16 pattern of movement of people or goods. That box has
17 been checked to indicate a moderate to large impact
18 may occur.

19 F. Other impacts. There is potential for
20 significant traffic delays and blocking of side
21 streets. So, the box has been checked to indicate a
22 moderate to large impact may occur.

23 14. Impact on energy. The proposed action may
24 cause an increase in the use of any form of energy.
25 The box has been checked no.

1 15. Impact on Noise, Odor, and Light. The
2 proposed action may result in an increase in noise,
3 odors, or outdoor lighting. The box has been checked
4 no.

5 16. Impact on human health. The proposed
6 action may have an impact on human health from
7 exposure to new or existing sources of contaminants.
8 The box has been checked no.

9 17. Consistency with community plans. The
10 proposed action is not consistent with adopted land
11 use plans. The box has been checked no.

12 18. Consistency with community character. The
13 proposed project is inconsistent with the existing
14 community character. That box has been checked no.

15 That takes us to Part II of the form.

16 Are there any questions on the responses to
17 Part II before I go on?

18 (There was no response.)

19 Under Part III I'm going to skip ahead past the
20 determination of significance and get to the page
21 that says environmental assessment form Part III.

22 So, in reviewing Part II of the full EAF the
23 Planning Board has identified relevant areas of
24 environmental concern for those issues identified as
25 having a potential impact. Further discussion of

1 the impact and mitigation measures have been
2 provided as Part III of the full EAF, evaluation of
3 the importance of impacts below.

4 1. Impact on land. Proposed impacts on land
5 include the following proposed action may result in
6 increased erosion but if a physical disturbance or
7 vegetation removal. The mitigation is built into the
8 project are that the proposed project will disturb
9 approximately nine acres of land during construction
10 which could result in increased erosion within the
11 limits of disturbance.

12 The project applicant will be required to
13 prepare a stormwater pollution prevention plan to
14 address construction related erosion sediment
15 control. The project will be required to obtain a
16 New York State DEC SPEDES general permit for
17 construction activities.

18 Based on the above it appears that the project
19 will not have a significant impact on the
20 environmental related resources.

21 3. The impact on surface water. Potential
22 impacts on water include the following. The
23 proposed action may create a new water body. The
24 proposed action may involve construction within or
25 adjoining a freshwater or tidal wetland or on the

1 banks of any waterbody. The proposed action may
2 create turbidity in a waterbody either from upland
3 erosion, runoff or by disturbing the limits. The
4 proposed action may cause erosion or otherwise
5 create a sources from water discharge that may lead
6 to siltation or other degradation or other
7 degradation of receding waterbodies. The proposed
8 action may effect the water quality of any water
9 bodies within or downstream of the site of the
10 proposed action. The mitigation measures built into
11 the project are that a wetland delineation map for
12 685 Watervliet Shaker Road dated 4/18/13 has been
13 prepared. The project has been designed to avoid
14 impacts to wetlands to the greatest extent possible.
15 No development is proposed to occur with in the 100
16 foot buffer area. The jurisdictional determination
17 and nationwide wetland permit will be obtained from
18 the U.S. Army Corp of Engineers. The proposed
19 project will require state discharge elimination
20 system permit for a stormwater discharges associated
21 with construction activity. The purpose of this
22 permit is to regulate those activities that disturb
23 greater than the one acre of land due to their
24 potential for construction and related water
25 impacts. The development of the project site with

1 pavement and buildings will inherently result in an
2 increase in stormwater runoff from certain
3 imperviable areas which will then be recharged into
4 the ground through infiltration. The project
5 applicant has submitted a stormwater pollution
6 prevention plan and stormwater engineering report.
7 The stormwater management system for the project
8 will be designed in accordance with the New York
9 State Stormwater Management Design Manuel.

10 Based on the above it appears that the project
11 will not have a significant impact on the
12 environmental related surface water.

13 CHAIRMAN STUTO: Joe, I don't mean to get less
14 information, but you have already gone through the
15 impacts, right?

16 MR. GRASSO: I have.

17 CHAIRMAN STUTO: You want to just go to the
18 mitigation measures?

19 MR. GRASSO: Sure. So, under 9, impact on aesthetic
20 resources, the following mitigation measures will be
21 included. The project site contains a mixture of
22 deciduous and evergreen woods that provide a wooded
23 buffer along interstate 87, the Northway. Development
24 of the project site will involve removal of much of the
25 vegetation within the limits of work. A proposed

1 project has the potential to be highly visible from the
2 Northway corridor and will result in a change in
3 individual context of the project site.

4 The applicant provided a line of sight for the
5 proposed action following development for the
6 Planning Board's review, a landscaped buffer will be
7 established along the Northway to provide some
8 screening of the proposed building and parking
9 areas. Lighting within the project site has also
10 been designed to be down-light style in order to
11 reduce the visibility of the luminary.

12 Based on the above it appears that the project
13 will not have significant impact on the environment
14 related to asthenic resources.

15 10. Impact on historic and archeological
16 resources. Under the mitigation measures, the
17 cultural resources report will be prepared and
18 included with a submission of preliminary final
19 plans or submission of a letter from the New York
20 State Office of Parks and Recreation and Historic
21 Preservation stating that there is no historical
22 significance on the site.

23 Based upon the above, it appears that the
24 project will not have a significant impact on the
25 environmental related historic and archeological

1 resources.

2 13. Impact on transportation. The mitigation
3 measures to be included in the project. The project
4 site will be accessed from Moffat Lane, utilizing
5 the existing curb cut for Route 155, Watervliet
6 Shaker Road. The Moffat Lane access was deemed the
7 preferable option by the Planning Board, the Town
8 Designated Engineer, the Town of Colonie Planning
9 and Economic Development Department and the New York
10 State Department of Transportation. Other
11 alternative access points with direct access to
12 Route 155 were proposed and reviewed by the Planning
13 Board. It was determined that a direct access to
14 curb cut to Route 155 may result in significant
15 environmental impacts including traffic delays, the
16 blocking of existing sites and safety related
17 impacts.

18 The project will not create any new curb cuts
19 onto Route 155. The traffic studies were based on
20 the current proposed development and did not take
21 into account additional development of the project
22 site. As such, any additional building development
23 on the subject property will require preparation of
24 additional traffic studies and be subject to
25 additional review by the Town Board or the Planning

1 Board.

2 Use of a traffic control officer at the
3 entrance to the project site could exist in allowing
4 vehicles to enter and exit the project site without
5 significant delay, but would also result in
6 additional traffic delays through traffic along
7 Route 155 and would increase the blocking of side
8 streets. The Town of Colonie does not permit the
9 use of unofficial traffic control officers within
10 the Town. Traffic control officers will not be used
11 at the entrance to the project site without review
12 and approval by the Town Board. The hours of
13 operation associated with the project site and
14 number of trips to and from the site was determined
15 to significantly vary the potential traffic impacts
16 of the proposed project. In addition, to do the
17 high number of vehicles looking to enter or exit
18 from the project site and compress duration of peak
19 travel times. It was determined that the length of
20 time between service times would significantly vary
21 the potential traffic impacts of the proposed
22 project. Service times were noted to be 60 minutes
23 in length with much of the traffic turn over to
24 occur within 15 minutes from the end of a service
25 and 15 minutes before the start of a service. As

1 such, Sunday service times will be a minimum of 90
2 minutes apart from start to start. If greater than
3 three Sunday service times are planned, or if
4 weekday service times are to start earlier than 6:30
5 p.m. additional traffic study review by the Planning
6 Board will be required.

7 Based on the above it appears that the project
8 will not add a significant impact on the environment
9 related to transportation.

10 The next page in the packet is the reasons
11 supporting the negative declaration.

12 I'm going to skip the bullets and go down to
13 the next paragraph.

14 Potential environmental effects of the project
15 were discussed at regularly scheduled Town Planning
16 Board meetings held on August 12, 2014, October 21,
17 2014 and on January 13, 2015. The Planning Board
18 appointed a Town Designated Engineer to assist with
19 a technical review of this project. The project
20 engineer has completed a significant amount of
21 additional investigative work and site design
22 modifications have been made as requested by the
23 Planning Board and TDE.

24 After reviewing the information provided by the
25 project sponsor, the Planning Board as lead agency

1 has completed or has caused to have completed Parts
2 II and III of the full EAF. The Planning Board has
3 determined that this action is an unlisted action
4 under SEQR. The Planning Board has determined that
5 with the project stipulations as noted herein, the
6 environmental impacts of this proposal will be
7 mitigated to the greatest extent practicable in the
8 preparation of an environmental impact statement is
9 not necessary.

10 Based upon the review the criteria for
11 determining significance contained in the SEQR
12 regulations and the rule of reasonableness, the
13 Planning Board hereby issues this negative
14 declaration concluding that the effects and
15 circumstances of this project will not result in a
16 significant adverse environmental impact. An
17 environmental impact statement therefore will not be
18 required.

19 That would be something that would need to be
20 considered and agreed to by the Planning Board and
21 the last page in the packet is a Resolution of the
22 Town of Colonie Planning Board indicating lead
23 agency designation and adoption of a negative
24 declaration.

25 If you want, I will skip down to the now

1 therefore be it resolved.

2 That the Planning Board declares itself lead
3 agency for the purposes of SEQOR review and be it
4 further resolved that based on a thorough review of
5 the project by the Planning Board, that there will
6 be no significant environmental impacts and no EIS
7 will be required provided the following requirements
8 are met.

9 1. Satisfactory proof shall be demonstrated by
10 the Town that the subject property and any future
11 heirs, successors and assigns have legal right of
12 way of perpetual easement providing unrestricting
13 ingress/egress and public utility access over Moffat
14 Lane. Such proof shall be provided prior to final
15 site plan approval for the subject property.

16 2. Primary access to the subject property shall
17 only be through the use of Moffat Lane and
18 development of no new curb cuts shall be permitted
19 between Moffat Lane and the Exit 5 interchange ramp.

20 3 Any additional building development on the
21 subject property shall be subject to rereview of
22 both the open development area by the Town Board and
23 site plan by the Planning Board. Such review shall
24 not be construed as to limit reasonable expansion of
25 the proposed house of worship but to allow a

1 thorough review of petitions, uses of expansions
2 that are planned for the site.

3 4. A traffic control officer shall not be used
4 to control access to the subject property within the
5 Watervliet Shaker Road right of way without Town
6 Board approval.

7 5. Sunday service times at the subject property
8 shall be a minimum of 90 minutes apart, start to
9 start.

10 6. Sunday service times shall be limited to up
11 to three services without additional Planning Board
12 review.

13 7. Wednesday service times shall start no
14 earlier than 6:30 p.m. without Planning Board
15 review.

16 And be it further resolved that the attached
17 negative declaration is hereby adopted in accordance
18 with SEQR.

19 CHAIRMAN STUTO: Okay, you've read that Resolution
20 and I think that if we could include that Resolution,
21 I'll give it to the stenographer and include that whole
22 thing in the record, as well as the page right before
23 which are the reasons supporting a neg dec.

24 We'll take a motion on the Resolution with the
25 reasons supporting.

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

2 MR. LANE: Second.

3 CHAIRMAN STUTO: Any discussion on that?

4 (There was no response.)

5 I'll just make a comment. I think that we did
6 a pretty thorough job and I think that we went over
7 all the impacts. I think that we have done it at a
8 number of meetings and there is a lot of material
9 and I think that you stated tonight that the
10 mitigation measures that support the neg dec.
11 That's my statement before I take my vote.

12 Anybody else have any comments or questions?

13 (There was no response.)

14 All those in favor say aye.

15 (Ayes were recited.)

16 All those opposed say nay.

17 (There were none opposed.)

18 The ayes have it.

19 Thank you.

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21 (Whereas the above entitled proceeding was
22 concluded at 9:40 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 March 30, 2015.

