

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 NORTHERN PASS
1226 LOUDON ROAD
5 SUBMISSION AND RECOMMENDATION TO THE
TOWN BOARD ON THE PROPOSED PDD AMENDMENT

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7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY STRANG-VANDEBOGART, a Shorthand
Reporter, commencing on April 28, 2015 at 8:15 p.m.
9 at The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

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11 BOARD MEMBERS:
PETER STUTO, CHAIRMAN
12 LOU MION
BRIAN AUSTIN
13 SUSAN MILSTEIN
TIMOTHY LANE
14 CRAIG SHAMLIAN

15 ALSO PRESENT:

16 Kathleen Marinelli, Esq. Counsel to the Planning Board

17 Joseph LaCivita, Director, Planning and Economic
Development

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19 Joseph Grasso, PE, CHA

20 Richard Rosetti, Rosetti Development Companies

21 Nia Cholakis, Esq., Rosetti Development Companies

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1 CHAIRMAN STUTO: Next item on the agenda is
2 Northern Pass, 1226 Loudon Road. This is a submission
3 and recommendation to the Town Board on the PDD
4 amendment. This is an amendment to increase density by
5 adding eight units to each apartment building.

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

8 MR. LACIVITA: Not at this time, Peter. We can go
9 right into the presentation.

10 MR. ROSETTI: I think we can get right into it.

11 We talked last time about bringing the entrance
12 for the garages around the back so that we wouldn't
13 see the garages in the front. That's the sketch
14 plan that now shows the garages not entering from
15 the main road, but going up around the back and
16 wrapping around and going in from the back side. I
17 think that was the biggest comment that the Board
18 had at the time.

19 There is also a question about what the
20 elevations of the condos would look like. We
21 brought photos of those also tonight.

22 Joe, do you have any questions for me?

23 CHAIRMAN STUTO: Is that the end of your
24 presentation?

25 MR. ROSETTI: It's really that simple.

1 MR. GRASSO: That was our only comment about the
2 layout and I didn't think that from a grading
3 perspective you would be able to accomplish both units.
4 I thought that only with the one on the left. You're
5 able to do that with some retaining walls or something
6 to have it apply to both?

7 MR. ROSETTI: Yes, we were Joe and it kind of makes
8 it uniform so that both buildings will have some
9 appearance of the front. Also, what makes the curb cut
10 out on the main road and brings it around -

11 MR. GRASSO: I think that was a substantial
12 improvement to the plan and everything that we thought
13 was acceptable.

14 Just so you understand the actions, this had
15 already gotten final approval on the PDD application
16 which had started with a positive recommendation to
17 the Town Board on the PDD. Before that it was a
18 negative declaration pursuant to SEQRA and the
19 Planning Board was lead agent. So, those are the
20 things that this process -- because it's a PDD
21 amendment, we need to go through those steps.

22 So tonight is basically concept acceptance,
23 favorable recommendation to the Town Board on the
24 change in the PDD as well as an amended declaration
25 pursuant to SEQRA. All of those three items have

1 been addressed in our April 17, 2015 comment letter.

2 CHAIRMAN STUTO: I'm not sure if all the Board
3 Members were here last time that you made a
4 presentation.

5 MR. GRASSO: I can go through some of the relevant
6 comments if you want, or you if you have already read
7 them and understand them -

8 CHAIRMAN STUTO: Does everybody understand what is
9 being proposed here?

10 MR. MION: Yes.

11 MR. AUSTIN: Yes.

12 MR. GRASSO: So, in terms of SEQRA, the first
13 action is the negative declaration. This is a Type I
14 action. Because it's an amendment, we don't have to go
15 through a coordinated review process because we had
16 already done it one time. Once a negative declaration
17 is issued, we will have to post the negative declaration
18 on the ENB for public notice, but there is no statutory
19 time frames associated with that. So, in your packet is
20 the full EAF. The applicant revised Part I, based on
21 the new project statistics and the additional density.
22 Parts II and Part III are the same as previously drafted
23 because the minor change to the project didn't result in
24 any additional impacts and had already been previously
25 been contemplated before. The previous findings were a

1 neg dec and we think that should be considered for the
2 current application as well.

3 There is a draft Resolution for the Planning
4 Board to establish itself lead agent and establish a
5 negative declaration on the amended PDD application.
6 That draft Resolution is in your packet.

7 CHAIRMAN STUTO: Do you want to walk us through
8 that?

9 MR. GRASSO: Whereas the applicant has submitted to
10 the Colonie Town Board and the Planning Board amendment
11 to the Northern Pass PDD, and

12 Whereas the project will require a zone change
13 and has been referred to the Planning Board for
14 recommendation regarding the zone change and
15 completion of the SEQRA review, the project is a
16 Type I action under SEQRA and falls within the
17 geographic area of the 1989 Boght Road/Columbia
18 Street area GEIS, and

19 Whereas the Planning Board reviewed Part I of
20 the revised full EAF submitted by the applicant and
21 has been completed, Parts II and Part III of the
22 FEAF in conjunction with the review of the
23 application documents, and

24 Whereas coordinated review was previously
25 conducted and there were no objections to the Town

1 of Colonie Planning Board assuming lead agency.

2 Now therefore be it resolved that the Planning
3 Board declares itself lead agency for the purposes
4 of SEQRA review, and be it further resolved that
5 based on a review of the project by the Planning
6 Board that there will be no significant adverse
7 environmental impacts and no EIS will be required
8 and be it further resolved that a neg declaration be
9 adopted in accordance with SEQRA.

10 CHAIRMAN STUTO: I'll ask that the stenographer put
11 the Resolution, in its entirety, into the record.

12 Before we take a vote, are there any members of
13 the public that want to be heard on this
14 application?

15 (There was no response.)

16 Do we have a motion on the SEQRA Resolution?

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

18 MR. LANE: Second.

19 CHAIRMAN STUTO: Do we have any discussion?

20 (There was no response.)

21 All those in favor say aye.

22 (Ayes were recited.)

23 All those opposed say nay.

24 (There were none opposed.)

25 The ayes have it.

1 On the PDD?

2 MR. GRASSO: There is a required findings that the
3 Planning Board needs to evaluate and establish in a
4 written findings document and there is a draft of that
5 which is consistent with the document that was approved
6 on the original PDD. There are nine findings criteria
7 that have been evaluated and I'll go through those.

8 The PDD is consistent with the purpose and
9 intent of the zoning chapter including the design
10 standards. The PDD is compatible with the
11 surrounding neighborhood context and character and
12 it's in conformance with the Comprehensive Plan.
13 The requirements of SEQRA have been fulfilled and
14 the PDD has mitigated potential adverse
15 environmental impacts as set forth during the SEQRA
16 review to the maximum extent practicable that the
17 PDD will add to the long-term assets of the
18 community and will not erode the livability or
19 economic viability of the existing neighborhood
20 areas, the open space and recreation areas and
21 facilities provided are commensurate with the level
22 of development proposed and the predevelopment open
23 space resources potentially available for
24 protection. The provisions to protect open space
25 resources are sufficiently secured by dedication,

1 where appropriate, and desirable or legal
2 instruments and/or monitor programs and/or
3 establishment or use of an existing trust to ensure
4 their continued long-term protection. The proposal
5 is conceptually sound in that it meets local and
6 area-wide needs and it conforms to accept the design
7 principals and the proposed function of the roadway
8 and pedestrian system, land use configuration, open
9 space system, drainage system and scale of elements
10 both absolutely and to one another and there are
11 adequate community facilities, services and
12 utilities available or proposed to be made available
13 in the construction of the development and that the
14 traffic will not have an adverse impact on the
15 adjoining transportation system.

16 Those are the written findings.

17 CHAIRMAN STUTO: I'll ask that the stenographer put
18 the findings in the record, because we're going to vote
19 on those.

20 I'll make my own couple of comments which are
21 that a fuller presentation was made the last time
22 that this applicant came on this amendment. It's
23 not a significant amendment relative to the total
24 size of the project. The density is not significant
25 in terms of what density would have been, had there

1 not been a PDD. It's within a marginal percentage
2 of what the density would have been and the public
3 benefit of the PDD was adequately documented during
4 the original application and approval process and
5 also at the last meeting. We reiterated that, then.

6 Those are my comments. Are there any other
7 comments?

8 MR. LACIVITA: I think that the only thing that I
9 would mention, Peter, is that CDTC did give an updated
10 mitigation fee for transportation. They did calculate
11 additional trips to it. So, for transportation costs of
12 what once was \$51,030.00 has now been increased to
13 \$55,320.00.

14 CHAIRMAN STUTO: Has the applicant seen that?

15 MR. LACIVITA: Yes, I believe that they have.

16 MR. ROSETTI: We have, but we have already got
17 approval on this so I don't know -

18 MR. LACIVITA: I believe it was the higher density
19 that would have recalculated it. You had approval on
20 the less dense. So, you would actually have a new
21 mitigation for the additional.

22 MR. ROSETTI: That's the first time that I think
23 that we're hearing of that.

24 CHAIRMAN STUTO: Do you want to see the sheet?

25 MR. ROSETTI: Yes.

1 CHAIRMAN STUTO: You can take it.

2 We're not voting on the mitigation fee, right?

3 MR. GRASSO: No, it was referenced as being the
4 site is within the Boght Road/Columbia Street area GIS.
5 So, that reference basically means that the project will
6 be required to comply with those findings of that.
7 That's part of the SEQRA determination.

8 CHAIRMAN STUTO: The actual calculation is not
9 something that we vote on.

10 MR. GRASSO: No, it is not voted on, but it is part
11 of the SEQRA determination on the record.

12 CHAIRMAN STUTO: If there are no further comments,
13 we'll take a motion to adopt the written findings.

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

15 MR. AUSTIN: second.

16 CHAIRMAN STUTO: Do we have any discussion?

17 (There was no response.)

18 All those in favor say aye.

19 (Ayes were recited.)

20 All those opposed say nay.

21 (There were none opposed.)

22 The ayes have it.

23 Why don't you tell us what will happen from
24 here on in?

25 Oh, we have one more vote?

1 MR. GRASSO: You have one more. It's actually
2 concept acceptance on the plan as proposed.

3 CHAIRMAN STUTO: Any discussion on what has been
4 proposed?

5 (There was no response.)

6 Do we have a motion on concept acceptance?

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

8 MR. MION: Second.

9 CHAIRMAN STUTO: Do we have any discussion?

10 (There was no response.)

11 All those in favor say aye.

12 (Ayes were recited.)

13 All those opposed say nay.

14 (There were none opposed.)

15 The ayes have it.

16 MR. GRASSO: Okay, so procedurally, this will go
17 back to the Town Board. The Town Board will set up a
18 public hearing and then they will conduct a public
19 hearing and take action on the proposed PDD amendment.
20 If acted on favorably, it will come back for the
21 Planning Board for a final site plan approval.

22 CHAIRMAN STUTO: Okay.

23 MR. ROSETTI: I have a clarification or question.

24 MS. CHOLAKIS: Joe, I'm trying to figure out from a
25 procedural standpoint when you just indicated concept

1 acceptance back to the Town Board and then back to the
2 Planning Board -- my understanding is -- and I didn't
3 see anything in the regulations that indicated that
4 would be the procedure. It almost seemed like because
5 this is simply an amendment and you make a
6 recommendation to the Town Board and if they accept that
7 recommendation and they decide to vote on an amendment
8 to the zoning district, they would then do it at that
9 time and then that would be it. To the extent that you
10 or the Planning Department need to firm anything up as
11 far as the plans are concerned - that is standard. I
12 wouldn't have thought that there would be another action
13 required by the Planning Board after Town Board
14 approval. I'm just trying to figure that out.

15 MR. GRASSO: I think that what I am describing is
16 consistent with the way that the process goes in the
17 Town where you don't necessarily have final plans at
18 this time reviewed and acted on, but it would go to the
19 Town Board and if they approve the PDD, then it would
20 come back for the Planning Board for a final site plan
21 which becomes your set of development plans.

22 MS. CHOLAKIS: I guess to the extent that there
23 were very few comments, this was pretty much the only
24 comment on the orientation of the building and the
25 entrance of the parking which we have provided that in

1 fact you could recommend final -

2 MR. GRASSO: I couldn't tonight only because I
3 haven't seen the plans or the grading or utilities.
4 There were some stormwater comments that were made.

5 MR. LANE: So, under general circumstances, she'd
6 be correct.

7 MR. GRASSO: No, I disagree. I don't think that's
8 the process.

9 MR. LACIVITA: Right, within the PDD legislation it
10 specifically says site plan review of all building
11 projects established -- PDD shall be in the same process
12 as required by the major site plan review. So, major
13 site plan review is concept and final.

14 MS. CHOLAKIS: I wouldn't ordinary agree with that,
15 but this is an amendment to an existing approved site.

16 MR. LACIVITA: We do the same with the amendments
17 that come through and they go through the entire process
18 as well. This is outside the bounds.

19 MS. CHOLAKIS: Okay, thank you for the
20 clarification.

21 CHAIRMAN STUTO: Thank you.

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23 (Whereas the above referenced proceeding was
24 concluded at 8:31 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 June 1, 2015

