

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

MIDWAY FIRE DISTRICT
1956 CENTRAL AVENUE
APPLICATION FOR FINAL APPROVAL

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7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY STRANG-VANDEBOGART, a Shorthand
9 Reporter, commencing on October 20, 2015 at 7:01
p.m. at The Public Operations Center, 347 Old
Niskayuna Road, Latham, New York

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

17 ALSO PRESENT:

18 Kathleen Marinelli, Esq, Counsel to the Planning Board
19 Joseph LaCivita, Director, Planning and Economic
20 Development
21 Michael Tengeler, Planning and Economic Development
22 Joseph Grasso, PE, CHA
23 Milan Jackson, Lamont Engineering
24 Peter Signorelli, Mitchell Associates
25

1 CHAIRMAN STUTO: We're going to commence with the
2 Town of Colonie Planning Board meeting. Welcome,
3 everyone. We have several items on the agenda.

4 Before we get to those, Joe LaCivita, do you
5 have any business matters you'd like to discuss?

6 MR. LACIVITA: One thing that I handed out this
7 evening - you'll see a photo of a fence here. We have
8 one meeting coming up November 17th. The family that
9 just purchased 20 Windmill Way in the Dutch Meadows
10 neighborhood which borders the bike path -- I wanted to
11 give you a little preview of what we're going to be
12 talking about.

13 The Planning Board and Department about 12
14 years ago, when they decided on this phase of Dutch
15 Meadows, put a restriction on any building.

16 There are 12 homes that border the bike path.
17 Here you will see a fence and he wants this fence in
18 his backyard.

19 The pool already exists, but unfortunately the
20 way that they did this 12 years ago, it has to come
21 back to us in order to grant them the ability to put
22 the fence up in the Town's easement. We're going to
23 talk about it on the 17th.

24 I wanted to give you kind of a preliminary
25 view, so that if there are any questions that you

1 can think about no and until then -- certainly I'm
2 available. I'll give you a copy of the deed when
3 the time comes, but it's specific to these 12 homes
4 that says we, the Planning Board, have to make a
5 decision on the fence encroachment into the Town's
6 easement. It's something to ponder.

7 You want to talk about the Ad Hoc Traffic
8 Committee?

9 MR. LACIVITA: Yes, actually our meeting is going
10 to be this coming Thursday. We're going to give a
11 presentation at the Town Board level. So, we're going
12 to do that Thursday evening and kind of talk a little
13 bit about the projects that were before this Planning
14 Board, why the Ad Hoc Committee came to be, and kind of
15 finalize it.

16 CHAIRMAN STUTO: I would welcome the Planning Board
17 Members and member of the public to attend that.

18 Anything else before we call up the first item?

19 MR. LACIVITA: That is it.

20 CHAIRMAN STUTO: Okay, the first item on the agenda
21 is Midway Fire District, 1956 Central Avenue. This is
22 an application for final approval. This is to raze the
23 existing fire house and construct a new 1.5 story 13,617
24 square feet fire house.

25 MR. LACIVITA: This project was before us two times

1 before. We actually were here on August 11, 2015 and
2 then September 15, 2015. It went through the DCC.

3 Again, it is a 1.5 story building; 13,617
4 square feet. We do have a couple of design standard
5 waivers that we'll be talking about through the
6 final tonight. Again, they are here for final. I'm
7 going to turn it over to Lamont Engineering.

8 MR. GRASSO: If you could just hang onto that -- in
9 the packet that you got from the Planning Department.
10 It was our last comment letter dated September 29th.
11 Since then we have done a follow-up review letter which
12 I am going to pass out to the Board. I'll be referring
13 to our comments there.

14 CHAIRMAN STUTO: Members of the public that have an
15 interest in speaking on this - there is a sign-up sheet
16 to your left, if you could sign up we would be happy to
17 hear from you.

18 We'll turn it over to the applicant.

19 MR. JACKSON: I'm Milan Jackson from Lamont
20 Engineers. We have been with the Town a couple of times
21 to review. The biggest issue was the stormwater for the
22 site. As we have mentioned all along, the site sits in
23 a low spot where it takes all the drainage from New York
24 State DOT and even some of the areas where Taft
25 Furniture drains onto the site.

1 Since the last meeting we have revised the
2 stormwater. Previously we submitted a combined
3 retention area. After meeting with the Town and
4 Clough Harbour, they wanted us to separate DOT
5 drainage from the on-site drainage so we did
6 separate the two drainage issues. Now the DOT
7 drainage is still separated and still follows the
8 existing path of the drainage and we built a new
9 micropond on the side. I think that there are still
10 some issue that we are still working out with the
11 Town and Clough Harbor. Other than that we have
12 revised the stormwater with Pure Waters. We have
13 revised the sewer layout and tied it to the existing
14 sewer lateral on the side of the site. We've added
15 a couple more shrubs and landscaping around the
16 building. We haven't really done much other than
17 that since the last time.

18 MR. SIGNORELLI: My name is Peter Signorelli of
19 Mitchell Associates.

20 A couple of issues came up regarding the
21 building itself. One is the setback from the street
22 where it's further back than the maximum setback.
23 We thought that was important.

24 The other issue was sight line for the
25 equipment on the roof. So, we have since the last

1 meeting, in speaking with Clough Harbour, decided
2 that coming from the east to the west there are a
3 lot of trees that really screened the building as
4 well as the roof, so it isn't so much an issue.
5 Going the other way, there are trees so we propose
6 and Clough Harbour thought it was a good idea to
7 raise the parapet on this side of the building two
8 feet and we have perspectives that show that would
9 be enough to hide the equipment on that side.

10 Those are the real issues building-wise.

11 CHAIRMAN STUTO: Anything else from the applicant
12 right now?

13 MR. JACKSON: No.

14 CHAIRMAN STUTO: Okay, Joe, would you mind
15 addressing the parapet issue first?

16 MR. GRASSO: Yes, we can start off with that. Pete
17 did a good job describing it. Basically the concern
18 that we had and the Planning Board expressed at the
19 concept review level was the visibility from mechanical
20 equipment located on top of the roof as you approach the
21 site from Central Ave. The primary concern, like Pete
22 mentioned was coming from the west, as you're coming
23 across in front of the Taft Furniture site, even though
24 there are some street trees there that are going to
25 buffer our view to the building -- there were going to

1 be periods of time that the side of the building was
2 going to be substantially visible. Based on the
3 elevations it looked like the rooftop mechanical
4 equipment was going to be visible. They have provided
5 us some line of site cross sections as well as proposed
6 elevating the parapet of the roof an extra two feet
7 along that one side, and we think that would
8 substantially screen the use to any mechanical
9 equipment. We thought that it was satisfactory
10 mitigation based on the concerns that we heard at
11 concept. We have no further concerns regarding the
12 architecture of the building or the screening of
13 mechanical equipment.

14 Like I had mentioned before, I just passed out
15 our October 20th comment letter that we just issued
16 today and it was in response to a follow-up
17 submission that the applicant's consultants had made
18 to our office. As Milan had mentioned, we have had
19 numerous meetings over the past few weeks getting
20 the project in substantial conformance with the
21 Town's standards.

22 So, based on our October 20th letter, the first
23 item talks about the two waivers that are required
24 and the first one being the building exceeds the
25 20-foot maximum setback from Central Avenue and the

1 second one being the parking in the front yard
2 setback area. They have provided justification for
3 the waivers in the application materials and based
4 on our review the waivers do appear justified based
5 on the operation of the site as a fire house and to
6 allow the fire trucks to stage in front of the
7 station.

8 So, in response to the required waivers we have
9 drafted a set of waiver findings for consideration
10 by the Planning Board and those are at the back of
11 the October 20th letter that we have provided.

12 The second item is in our comment letter is
13 regarding the SEQRA review. The Fire Department
14 being lead agent did already complete SEQRA review.
15 They have provided a SEQRA determination and
16 negative declaration for the Town's review. So, we
17 have reviewed it along with the Town Attorney's
18 office has deemed that it sufficiently covers the
19 site plan review by the Planning Board and
20 adequately describes the proposed action. So, no
21 additional SEQRA action by the Planning Board is
22 required because it is an unlisted action pursuant
23 to SEQRA and they have provided a full EAF that
24 adequately describes the action.

25 CHAIRMAN STUTO: On the environmental, the

1 applicant had talked about the drainage and separating
2 it from DOT's drainage. Can you talk about that briefly
3 or whatever extent you think is necessary?

4 MR. GRASSO: Our comments were really about that we
5 understand that there are some historical drainage
6 problems on the site in the downstream conveyance system
7 after it leaves this site. So, we have gone through a
8 design process with the applicant's consultant to try to
9 make sure that the site's drainage system is separated
10 from the flows that are trying to cut through the site
11 between the Central Avenue corridor and the Taft
12 Furniture site. They have done that through some
13 careful site design features.

14 CHAIRMAN STUTO: Why is that important?

15 MR. GRASSO: It's important because we didn't want
16 to first, overtax the downstream system any more than it
17 already is as well as we didn't want to exacerbate any
18 flooding problems with it in the project site, as well.
19 Obviously, DOT would be concerned about drainage back on
20 to the Central Ave corridor. We think that they have
21 done the best of a not a great downstream drainage
22 situation so they have addressed our concerns and
23 addressed all the stormwater management required
24 departments that the Town has and DEC has. There are
25 some technical items that they still need to address on

1 a subsequent plan submission, but nothing that would
2 affect the layout of the site or how it's going to
3 operate. Really, the rest of our comments in our
4 comment letter are what we would consider relatively
5 minor comments and that they should easily be able to
6 address in a follow-up plan submittal. So, based on
7 that we think that the application is right for
8 consideration for final site plan review.

9 CHAIRMAN STUTO: Are there any members of the
10 public looking to speak on this?

11 (There was no response.)

12 Board Members have any comments or questions?

13 (There was no response.)

14 Thank you for addressing the comments, the
15 parapet, the environmental sounds good.

16 MS. MILSTEIN: I have one question. I know that
17 you said that this is the best that could be done with
18 the drainage. Is it adequate?

19 MR. GRASSO: Yes, it is adequate. They're
20 improving a situation that - we understand that the
21 downstream drainage system doesn't have the capacity to
22 take the flows that it's seeing. This site right now
23 does not have any stormwater management features. They
24 are incorporating substantial attention within the site
25 to try to reduce the flows as best as they can, but

1 within limitations of the site. They're going to make
2 the bad situation better. It's not going to solve all
3 the downstream drainage problem from the current
4 problem.

5 MS. MILSTEIN: But it won't make it worse.

6 MR. GRASSO: It won't make it worse. It will make
7 it better, as best as we could expect us to given the
8 site constraints.

9 CHAIRMAN STUTO: Do you want to walk us through the
10 environmental review?

11 MR. GRASSO: No, because we don't have any
12 environmental review, so it's not included in our
13 letter. The SEQRA has already been done.

14 CHAIRMAN STUTO: By the Fire Department?

15 MR. GRASSO: By the Fire Department; yes. They
16 were their own lead agent.

17 CHAIRMAN STUTO: Can you read the title and the
18 conclusion?

19 I'll ask the stenographer to include the entire
20 thing in the record so if you could just do the
21 title?

22 MR. GRASSO: Whereas the applicant is requesting
23 two waivers -

24 CHAIRMAN STUTO: No, just do the title and then the
25 resolves. The whole thing will be in the record.

1 MR. GRASSO: So, the Resolution is the Land Use Law
2 waiver of findings, Midway Fire District, 1956 Central
3 Ave.

4 Now therefore be it resolved the Board hereby
5 finds that the extent of the requested waivers are
6 not considered substantial, and be it further

7 Resolved that the Board finds the applicant has
8 established that there are no practical alternatives
9 to the proposed waivers that would conform to the
10 standard and that the waivers are necessary in order
11 to secure reasonable development of the project
12 site, and be it further

13 Resolved that the Board hereby issues a waiver
14 from the maximum setback requirement of 20 feet, and
15 be it further

16 Resolved that the Board hereby issues a waiver
17 from the prohibition of parking within the front
18 yard setback and, be it further

19 Resolved that the waiver findings be a
20 condition of site plan approval of the application
21 and be kept in the project file in the office of
22 Planning and Economic Development.

23 CHAIRMAN STUTO: Do we have a motion?

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

25 MR. AUSTIN: Second.

1 CHAIRMAN STUTO: Any comments or questions?

2 (There was no response.)

3 Okay, we'll take a vote. All those in favor
4 say aye.

5 (Ayes were recited.)

6 All those opposed, say nay.

7 (There were none opposed.)

8 On the main question of the final approval,
9 conditioned upon the comments of the Town
10 Departments and the Town Designated Engineer letter.

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

12 MR. LANE: Second.

13 CHAIRMAN STUTO: Any comments or questions?

14 (There was no response.)

15 All those in favor say aye.

16 (Ayes were recited.)

17 All those opposed, say nay.

18 (There were none opposed.)

19 The ayes have it.

20 Thank you.

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24 (Whereas the above referenced proceeding was
25 concluded at 7:13 p.m.)

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CERTIFICATION

I, NANCY L. STRANG, 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 L. STRANG

Dated _____

