

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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BARBERA HOMES OFFICE/WAREHOUSE  
208 MORRIS ROAD  
SKETCH PLAN REVIEW

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6 THE STENOGRAPHIC MINUTES of the above entitled  
7 matter by NANCY L. STRANG, a Shorthand Reporter,  
8 commencing on February 23, 2016 at 8:15 p.m. at The  
Public Operations Center, 347 Old Niskayuna Road,  
Latham, New York

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

14

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16 ALSO PRESENT:

17 Kathleen Marinelli, Esq. Counsel to the Planning Board

18 Michael Tengeler, Planning and Economic Development

19 Joseph LaCivita, Director, Planning and Economic  
20 Development

21 Joseph Bianchini, PE, ABD Engineers

22 Joseph Grasso, PE, CHA

23 Frank Barbera

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1                   CHAIRMAN STUTO: Next on the agenda is Barbera  
2 Homes, Office/Warehouse, 208 Morris Road. This is a  
3 sketch plan review. This is for a 10,000 square foot  
4 office/warehouse.

5                   Joe, do you want to give any introductory  
6 remarks on this next item?

7                   MR. LACIVITA: We're going to turn this right  
8 over to Joe Bianchini. I know that Mr. Barbera is  
9 here tonight. We're looking at 208 Morris Road. They  
10 were before the DCC and now we're here for sketch  
11 tonight so, we'll turn it right over to Joe.

12                  MR. BIANCHINI: Hello. I'm Joe Bianchini from  
13 ABD Engineers. As Joe said, Frank Barbera of Barbera  
14 Homes is also here. Frank is a home builder and would  
15 like to build an office/warehouse at 208 Morris Road.

16                  Morris Road is at the top of the drawing here  
17 (Indicating). The railroad tracks are about 700 or  
18 800 feet to the east of the site. There is a  
19 powerline crossing about 300 to 400 feet to the west  
20 of the site and further west of Kings Road.

21                  The site is 1.288 acres. It's zoned industrial  
22 with a land conservation overlay that we will discuss.  
23 The site that Frank is purchasing is being purchased  
24 from Dennis DiGenero of Tuscany Enterprises who has a  
25 site right here (Indicating) that was approved back in

1 early 2000 and he has built it.

2 At the same time there was a similar proposal  
3 for a 10,000 square foot office warehouse on this lot  
4 that Dennis owns and that project was never built and  
5 because it was never built, we are now back before the  
6 Planning Board to hopefully get it reapproved going  
7 through the whole process.

8 It's bordered by Dennis on the westerly side  
9 and it's bordered by Alan Potts who is an excavating  
10 contractor and has materials in storage on both the  
11 southside and the east side and further to the east  
12 there are several industrial buildings. There is one  
13 residential home diagonally to the west on the other  
14 side of Morris Road and the land on the other side of  
15 Morris Road is primarily zoned land conservation  
16 because it's into wetlands and a flood plain, but it's  
17 vacant land and has some trees on it. Our site is  
18 pretty much vacant land. It was graded out by Dennis  
19 when the site was previously approved. I think that  
20 it was also filled to about six feet of sand fill that  
21 was brought into the site by the previous owner, Mr.  
22 Potts.

23 What we'd like to do is what we are showing  
24 here. It's about a 10,000 square foot, 20 feet high  
25 metal building. It would be an office/warehouse for

1           Barbera Homes. The office is not going to be his  
2           first office. It's just going to be his construction  
3           office for his equipment; his small tools and  
4           materials and that sort of thing. His main office  
5           will remain where it is on Central Avenue, so there  
6           would only be two or three people here at the site at  
7           any one time. It's not going to be a busy or high  
8           traffic generator. We'll have an entrance where the  
9           lighter color is. There is asphalt pavement there  
10          now. The darker color represents new pavement that  
11          would be added to the site. We'd have parking here in  
12          front of the office with this area here (Indicating).  
13          The warehouse would be the storage space and  
14          maintenance space. It's accessible and there is an  
15          overhead door here and there are a couple of overhead  
16          doors in the back (Indicating) and you can get a rack  
17          truck back in here. There wouldn't be any tractor  
18          trailers here.

19                 I mentioned that it's in a conservation overlay  
20          district because it's in the Albany Pine Bush. The  
21          land has been previously disturbed. There is not much  
22          vegetation. There might be some tress along the south  
23          side through here (Indicating). Primarily, the  
24          constrained land is a flood plain. This area right  
25          through here and back here is in the 100-year flood

1 plain. It's right where the entrance driveway is. We  
2 will be modifying it a little bit, but we will be  
3 leaving this back here alone and we'll leave most of  
4 this alone (Indicating). There will be a little bit  
5 of raising the grade here, so we are disturbing a  
6 little bit within the flood zone. It's not a flood  
7 plain, it's a flood zone and you can disturb within a  
8 flood zone. We may have to compensate for that, if  
9 that's something that the Town would require. We  
10 could accommodate that, if we had to.

11 There is no park or buffer zone that's here.  
12 There is no open space right here on that side  
13 (Indicating) in terms of the Albany Pine Bush. This is  
14 not land that was designated by the Pine Bush as land  
15 that needs to be preserved. They're looking to do  
16 this development as a conventional site plan  
17 development, not as a conservation development. For  
18 that, we would be submitting a conservation analysis  
19 plan and a conservation analysis narrative to this  
20 Board and hope that the concept level that you would  
21 decide that we do not need to have this as a  
22 conservation development and that we can proceed as a  
23 typical site plan development. We will, however, have  
24 the required greenspace for the conservation land. In  
25 that, we would have to take the constrained land and I

1 think that we have to have 40% greenspace. It works  
2 out to about 45% of the site that has to be  
3 greenspace. The way that we have it now, we have a  
4 little over 49% greenspace. We're meeting the  
5 requirements.

6 In terms of site, there is water and sewer at  
7 the site. We're going to build this building with a  
8 grinder pump force main that we put in. We will put  
9 it in with enough capacity for this building at that  
10 time. There is actually two waterlines; one on each  
11 side of Morris Road. We'd be tapping into the water.  
12 The stormwater will be handled entirely on-site  
13 through green infrastructure with infiltration  
14 practices because we do have five to six feet of sandy  
15 soils there. We'll have to reshallow two to three  
16 feet depressions to handle the stormwater.

17 Obviously, there will be some landscaping along  
18 the front - the foundation along the front. We'll  
19 have low level lighting. They will probably be LED  
20 lights which would be compatible with the Albany Pine  
21 Bush. We will be working with them.

22 I did talk to Neil Gifford today and he's aware  
23 of the project and will be taking a look at  
24 everything. He didn't see any constraints because  
25 this isn't land that was recommended for preservation.

1           We're happy to answer any questions.

2           CHAIRMAN STUTO: We have our Town Designated  
3 Engineer, CHA, Joe Grasso, who will be reviewing this.

4           I don't think that you've done your formal  
5 review yet, Joe. Do you have any preliminary  
6 comments? Also, we also need education on  
7 conservation overlay.

8           MR. GRASSO: We don't have any formal comments  
9 and we haven't issued a letter. From a site  
10 development standpoint, we don't see any significant  
11 issues as it relates to traffic or access, or  
12 utilities or stormwater management.

13           The most critical issue that needs to be  
14 addressed and the Planning Board needs to weigh  
15 heavily on this is whether or not the project will be  
16 required to comply with the conservation development  
17 overlay district requirements. If they are, 40% of  
18 the unconstrained lands of the site - so almost half  
19 of the site needs to be permanently protected and I'm  
20 going to read out of the regulations because the site  
21 is entirely within a conservation development overlay  
22 district, it says:

23           "These regulations shall apply to all site plan  
24 develop and subdivisions of property within the  
25 overlay district unless..."

1           And I'm going to go right to the one that is  
2 necessary for your information.

3           "The Planning Board determines based upon the  
4 conservation analysis outline below that there is no  
5 reasonable basis for requiring conservation  
6 development. The Board may then approve a  
7 conventional development of the site."

8           And that's what Joe has described.

9           "In order for the Planning Board to make such a  
10 determination, the applicant must demonstrate at least  
11 one of the following: A. The land contains no  
12 resources within conservation value. B. The acreage  
13 is too small to preserve a substantial amount of land  
14 with conservation value. C. The lot configuration  
15 isn't unique and precludes preservation of a  
16 substantial amount of land of conservation value. In  
17 order to make the required showing, the applicant must  
18 also demonstrate that the parcel does not adjoin other  
19 land that when combined with the open space on this  
20 parcel, would result in the preservation of a  
21 substantial amount of land with conservation value  
22 including any portion within that designated trail  
23 corridor, regardless of whether or not the adjoining  
24 parcels have been protected as open space."

25           Our initial finding is that the acreage is too

1 small to preserve a substantial amount of land with  
2 conservation value. We're talking about a 1.2 acre  
3 project site which is relatively small and we've been  
4 out to the site multiple times and we can't see that  
5 there is anything on the project site that is worthy  
6 of conservation value. When you get off the project  
7 site to the back, there is undeveloped lands there  
8 that are constrained by wetlands and serve as  
9 providing habitat for the Albany Pine Bush Preserve,  
10 but that's not within the project site. We agree with  
11 Joe that the project site has already been  
12 substantially impacted. So, as of right now we are of  
13 the opinion that the conservation density requirement  
14 should not apply. It's critical because if they do  
15 apply, the plan would not look anything like this and  
16 it's important for the Planning Board to make that  
17 determination early in its review of the project. We  
18 have relatively limited information regarding that  
19 analysis in order to try to make that determination.  
20 That's why I'm not here tonight saying that clearly we  
21 are going to recommend one way or the other.

22 As of right now, there is nothing that we have  
23 seen that would lead us to believe that 40% of the  
24 project site should be protected. That is something  
25 that the Planning Board should weigh in on. It's an

1 easily accessible site. You drive in the adjacent lot  
2 and within two minutes get a really good feel for the  
3 conditions of the project site, so I would invite  
4 everybody to make it a point to get out to the project  
5 site for your own review.

6 CHAIRMAN STUTO: What do you think of the  
7 layout, as you see it there?

8 MR. GRASSO: From a conventional layout  
9 perspective, we are generally in favor of it. Joe  
10 described an area within the flood zone to the east  
11 side of the site. If that was an area that we wanted  
12 to keep development out of, we would probably  
13 recommend that the layout would be flipped over and  
14 rotated. If it was a substantial corridor that was  
15 starting to minimize the amount of development  
16 potential, we could look for a shared access  
17 arrangement because obviously the adjacent property to  
18 the west has an access drive that comes in. That's  
19 something that we really need to get into when we look  
20 at the topography and the grades and the likelihood  
21 that development should be kept out of that eastern  
22 border of the project site. Other than that, it's  
23 really a straight forward project. We like the  
24 location of the building. We like the location of the  
25 loading area behind the building, so that it's not

1 visible from Morris Road and we're sure that there is  
2 adequate greenspace there for Joe to design stormwater  
3 management facilities.

4 MR. SHAMLIAN: How far to the east of the flood  
5 zone off the property does the flood zone go?

6 MR. BIANCHINI: The flood zone covers from here  
7 to the railroad tracks (Indicating). It's a big flood  
8 zone area. We're just impacting 5,000 square feet.

9 MR. GRASSO: Has that been validated by a  
10 survey?

11 MR. BIANCHINI: Yes.

12 MR. GRASSO: So, you have a pretty good idea.

13 MR. BIANCHINI: The survey was based on the  
14 1988 FEMA elevation.

15 MR. MION: Is the space between 208 and 206  
16 where the trees are - the tree line?

17 MR. BIANCHINI: That's through here, yes  
18 (Indicating). Most of that we will not be disturbing.  
19 The only thing that we are disturbing is a little bit  
20 right in here at the entrance drive because we have to  
21 raise the grade up a little bit. As I said, if need  
22 be, we can compensate for what's in the flood plain by  
23 creating an area of equal storage volume.

24 MR. GRASSO: Compensatory storage.

25 MR. BIANCHINI: Right.

1           MR. SHAMLIAN: Based on the number of employees  
2 that they indicated that they would have there, if it  
3 was done on a conventional basis, would you consider  
4 landbanking some parking? They've only got two or  
5 three employees there and they have 24 parking spots.

6           MR. GRASSO: Is that something that the  
7 applicant would be willing to consider? It would be  
8 landbanking the parking. Is the amount of parking  
9 shown - are you proposing it to make it Code  
10 compliant, or are you showing it because you actually  
11 feel that you need the 20 spots?

12           MR. BIANCHINI: For the Code.

13           MR. GRASSO: So, I'm assuming that you would be  
14 open to landbanking the parking.

15           MR. BARBERA: Yes, some it of.

16           MS. MILSTEIN: So, it's a two-story building?

17           MR. BIANCHINI: It would be like a two and a  
18 half story building. I don't know if we're set on a  
19 height yet at this point.

20           MR. BARBERA: No, but 30 is the maximum that's  
21 allowable.

22           MR. BIANCHINI: Again, it's a sketch plan. The  
23 front part would likely be a one story. The front  
24 would be 12 feet high.

25           MR. SHAMLIAN: Based on your reading of the

1 requirements, it's on the applicant to demonstrate one  
2 of those -

3 MR. GRASSO: And the Planning Board would have  
4 to make a findings statement.

5 CHAIRMAN STUTO: Any other comments or  
6 questions?

7 (There was no response.)

8 Thank you.

9 MR. BIANCHINI: Okay, thank you.

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11 (Whereas the above entitled proceeding was  
12 concluded at 8:28 p.m.)

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CERTIFICATION

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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.

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NANCY L. STRANG

Dated \_\_\_\_\_

