

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 BARBERA HOMES OFFICE/WAREHOUSE
208 MORRIS ROAD
5 APPLICATION FOR CONCEPT ACCEPTANCE WITHIN
CONSERVATION OVERLAY DISTRICT

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7 THE STENOGRAPHIC MINUTES of the above entitled
Public Hearing by NANCY L. STRANG, a Shorthand
8 Reporter, commencing on May 24, 2016 at 7:36 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
LOU MION
12 SUSAN MILSTEIN
CRAIG SHAMLIAN

13

14 ALSO PRESENT:

15 Kathleen Marinelli, Esq. Counsel to the Planning Board
Joseph LaCivita, Planning and Economic Development
16 Department
Joseph Bianchini, PE, ABD Engineers
17 Don Allard, Conservation Advisory Council
Sue Potts
18 Frank Barbera, Barbera Homes

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1 CHAIRMAN STUTO: Next is Barbera Homes
2 office/warehouse, 208 Morris Road, application for
3 concept acceptance within the conservation overlay
4 district.

5 If any members of the public want to be heard
6 on this, because we are going to take a vote, please
7 sign in on that yellow sheet to your left on the
8 table.

9 Joe, do you have anything to say before we get
10 started on this?

11 MR. LACIVITA: Yes, this is another project
12 within the conservation overlay district but it's in
13 the industrial zone on the west end side of Town and
14 Morris Road. We've seen this project at the DCC
15 level, from a departmental perspective, once on
16 January 27, 2016. This Board has seen it for sketch
17 plan on February 23, 2016. We do have Don Allard here
18 tonight from the Conservation Advisory Council. I
19 know that he has some comments as to the project.

20 Presenting tonight is the new proud owner of
21 retirement. He just planted 800 grapevines in
22 California so in five years we might have a wine
23 tasting here for Bianchini vineyards.

24 MR. BIANCHINI: Thanks, Joe.

25 This project is 208 Morris Road. We are here

1 for Frank Barbera. Frank owns the site. It's 1.28
2 acres, about 300 feet deep and 186 feet wide. Morris
3 Road, as Joe indicated, is in industrial zone but it
4 also has a conservation overlay zone.

5 The site was previously cleared and filled some
6 time ago with about 45 feet of sandy fill on the site.
7 There are very few trees. There are a little bit along
8 the backside and the eastern side. The only
9 constraint of land on the site is this area right
10 through here (Indicating) and a little bit in the back
11 of the site. It's within the 100 year flood plain. We
12 are about a foot or a foot and a half into the flood
13 plain and elevation right here. That's the only
14 constrained land on the site.

15 What Frank would like to do -- which is very
16 similar to what we presented as a sketch plan -- is to
17 construct a 10,000 square foot office warehouse on the
18 site setback 179 feet from the property line on Morris
19 Road. It's about 100 feet from the actual pavement on
20 Morris Road. There would be a driveway that comes in
21 right where the existing driveway is. There is
22 parking in front where the office would be. There are
23 sidewalks. Then it goes down to the back and there
24 would be two overhead doors in the back and one in the
25 front. This would be accessible for delivery trucks,

1 not tractor trailers. Those are the types of trucks,
2 like pick-up trucks, that Frank uses in the home
3 building business.

4 The grading is such that it's very flat there.
5 There isn't a whole lot of change in grade that we
6 have to do. We have to raise the grade up a little
7 bit. We are filling a little bit in the flood plain.
8 We can compensate for what we are filling in the flood
9 plain by doing a little bit of excavation in a couple
10 of areas so that whatever we fill, we compensate by
11 excavating - not in the flood plain but in a different
12 area so that the flood plain volume stays the same.

13 We'd have landscaping along the front of the
14 building. The landscaping would be consistent with
15 the Albany Pine Bush - trees and shrubs that they
16 recommend. Likewise, the lighting would be LED type
17 lights. That's another thing that they recommend.

18 There are site utilities there. There is water
19 and sewer out here on the road and we would connect
20 into those. The sewer is a force main so we'd have to
21 connect with a grinder pump into that force main.

22 The stormwater would all be handled on-site.
23 We have a very shallow infiltration basin but a deep
24 grass line. We did perk tests out there with the Town
25 present and it's all very perkable soil. The

1 infiltration should work fine. It meets the Town
2 standard. This is in the Lishakill drainage area so
3 we have that four-foot of separation between the
4 bottom of our basin to the high groundwater to meet
5 that.

6 CHAIRMAN STUTO: Do you have an elevation of
7 the building?

8 MR. BIANCHINI: Yes, I was going to get to
9 that.

10 This is the elevation. It will be a metal
11 building with an off-brown type siding on the outside.
12 There will be a stone or block along the front of the
13 building. Again, the building is 30 feet high. It's
14 sort of a flat roof with a little pitch to it on each
15 side. The building is warehouse but just a little bit
16 of an office in the front.

17 The other sides would be the similar off-brown
18 type metal siding. They're not really visible from
19 the road.

20 As we mentioned, this is in the conservation
21 overlay zone. So, as such, we are going for a
22 conventional site plan. We're trying to prove that
23 this site -- basically there are several criteria and
24 we meet most of them.

25 We had an investigation of the historic and

1 archeological. We have a report but haven't gotten a
2 letter back from SHPPO yet. Basically they didn't
3 find anything of significance of historic or
4 archeological significance. There are no wetlands on
5 the site. There are some federal wetlands on the
6 back. That's just off of our site and there are no
7 endangered species in the plan; plant or animals.

8 There are no active parklands nearby. The
9 adjoining land here is owned by Allen Potts. He uses
10 it for outdoor storage. He owns this land which is
11 wetlands along the back.

12 This land is developed for Tucaning
13 Enterprises. It's an office warehouse. It's Camelot
14 Builders. The land across the street is vacant.

15 Some of this land right through here is the
16 industrial zone (Indicating). The rest of it is in
17 the land conservation zone. There is one single
18 family house here (Indicating).

19 We don't feel that this site meets the criteria
20 for development in a conservation manner. We feel
21 that it can be developed as an intentional site plan.

22 CHAIRMAN STUTO: Did you see the letter from
23 the Pine Bush?

24 MR. BIANCHINI: I did.

25 CHAIRMAN STUTO: Do you disagree with anything

1 that they are saying?

2 MR. BIANCHINI: The only thing that I think
3 that I said was that we are a

4 Adjacent to any parkland. I say adjacent - I'm
5 talking about four sides here. We are near and we are
6 in the Albany Pine Bush Preserve, but that's the only
7 thing that I could see --

8 CHAIRMAN STUTO: But they concluded anyway that
9 they don't anticipate the implementation that would
10 result in potentially significant negative impacts.

11 Then, they talk about native landscaping.

12 MR. BIANCHINI: Which we will use.

13 CHAIRMAN STUTO: And eliminating non-native --
14 and then the outdoor lighting.

15 MR. BIANCHINI: Right, and we are going to use
16 the LED lighting which they said was acceptable.

17 CHAIRMAN STUTO: Downward facing, high pressure
18 sodium vapor lights or LEDs.

19 Are you done?

20 MR. BIANCHINI: Yes.

21 CHAIRMAN STUTO: Joe, do you want to give us
22 your comments?

23 MR. GRASSO: It's a concept application so we
24 did do a formal review letter and it's in your packet.
25 I'm just going to touch on a couple of the comments.

1 CHA recommends to the Board that the site be
2 allowed to proceed with a conventional site plan since
3 the project site is too small being 1/3 acres to
4 preserve a substantial amount of land with
5 conservation value per the Colonie Land Use Law.

6 The parcel does not adjoin other land that,
7 when combined with open space on the parcel, would
8 result in the preservation of a substantial amount of
9 land.

10 The Albany Pine Bush Preserve Commission has
11 indicated that implementation of the proposed
12 conventional site plan would not result in any
13 potentially significant negative impacts on their
14 ability to create and manage a viable preserve area,
15 provided certain precautions like you mentioned
16 regarding native landscaping and outdoor lighting are
17 utilized, which are pretty much standard practice in
18 development in this area.

19 The applicant's current plan conforms to the
20 density requirements of the conservation development
21 overlay district and if the Board agrees with this
22 recommendation to allow the project to proceed as a
23 conventional site plan, we would prepare conservation
24 findings for the Board to consider as part of its
25 final site plan review. I think that this is the

1 first time that we're seeing the architectural
2 building elevations for the plan for the building so
3 that those should be carefully reviewed by the
4 Planning Board and any comments provided to the
5 applicant.

6 CHAIRMAN STUTO: What do you think about first
7 looking at this? I think that there could be low-cost
8 things to enhance the look of the building.

9 MR. GRASSO: I do too. It's not particularly
10 attractive to me. I know I drive by the site often
11 and the Camelot building to the west is very
12 attractive for a light industrial warehouse office
13 building. Again, it's my first time looking at it and
14 it seems to be a big boxy building with metal siding
15 and a mustard color which I think that there could be
16 ways to soften it up and do something to approve the
17 appearance. When you drive along the section of road,
18 there is a wide variety of aesthetics regarding
19 properties.

20 CHAIRMAN STUTO: As long as it's low cost, I
21 would suggest it.

22 MR. GRASSO: I think that's probably something
23 that we can work with the applicant on.

24 I think that the Pine Bush letter -- I just
25 wanted to bring it to the attention of the Board

1 because of what they say. They say that it's adjacent
2 to an area recommended for full protection. This
3 property is not within one of their parcels. They go
4 through and they designate parcel by parcel, whether
5 or not an area is recommended for full protection.
6 Probably the property that is right across the street
7 is recommended for full protection, but the property
8 across the street is not designated park land. We try
9 to look at properties being adjacent -- whether or not
10 you would think that you would create this large open
11 space a parcel. It would not be because you have the
12 road between it. That goes back to our recommendation
13 as to why we don't think that conservation development
14 is appropriate.

15 That said, one of the requirements - if you do
16 a conservation development project - is you have 40%
17 of preservation of unconstrained lands. If you tried
18 to equate that, the greenspace property actually has
19 greater than 40% greenspace but it's greenspace
20 scattered throughout the property and not just in one
21 general area which is what we would look for.

22 MR. BIANCHINI: We actually have over 49%
23 greenspace. One of the suggestions at the sketch plan
24 was to bank the parking. We didn't show parking
25 banked. Even with that built, we have 49% greenspace

1 whereas the calculations require 46%. Without that
2 being built, we're up to 54%.

3 MR. GRASSO: I assume that somebody from the
4 CAC will speak to their comments. If not, I can read
5 them in.

6 CHAIRMAN STUTO: I think that Don Allard is
7 here to speak.

8 MR. GRASSO: That's all we have.

9 CHAIRMAN STUTO: Don, do you want to speak?

10 MR. ALLARD: Sure.

11 CHAIRMAN STUTO: Can you say your name?

12 MR. ALLARD: Don Allard, Conservation Advisory
13 Council.

14 I have just a couple of comments. The CAC
15 would recommend to the Planning Board that the
16 developer be in touch with Neil Gifford at the Pine
17 Bush Commission regarding the plantings that should be
18 compatible with the Pine Bush as the project is in the
19 conservation overlay. That's already been mentioned a
20 couple of times.

21 There is a berm located right in the front of
22 the project. That might be considered to be left
23 there or enhanced.

24 Also that the trees at the rear of the project
25 be left in place.

1 CHAIRMAN STUTO: Can you point to the berm and
2 also the trees?

3 MR. ALLARD: Sure. The berm is right through
4 here (Indicating). Then, the trees are in this
5 section here (Indicating).

6 MR. GRASSO: I personally don't remember a
7 berm.

8 MR. ALLARD: It's not very significant.

9 CHAIRMAN STUTO: Does the applicant want to
10 respond to that?

11 MR. BIANCHINI: I'm not aware of a berm that
12 significant but I'll take a second look at it. The
13 way that we have it right now is grading it out. We
14 can work around that.

15 MR. GRASSO: How much room do you have within
16 your property, if you were going to create a berm?

17 MR. BIANCHINI: There is a utility easement
18 here. So, there is 15 feet from our property line
19 over to the sign and then another property of five
20 feet to the pavement. So, we have room to do
21 something there.

22 The trees along the back - they are pretty much
23 not on our property. They are on the adjoining
24 property of Alan Potts in the wetlands. We're not
25 going to be touching those really.

1 pretty much right along the property. Our limit of
2 clearing and grading is really just past the edge of
3 this driveway. We're not really touching it other
4 than the shrubs and bush - whatever they are --

5 MS. POTTS: As long as you maintain it.

6 MR. BIANCHINI: Yes, that's fine.

7 MS. POTTS: Thanks.

8 MR. GRASSO: I don't know if the survey shows
9 the pipe. Could you verify that?

10 MR. BIANCHINI: It's buried, but I think that
11 they picked up a little bit of it.

12 CHAIRMAN STUTO: Board Members?

13 MR. AUSTIN: If they could do something with
14 the aesthetics, like Joe said, it would be nice.

15 MR. SHAMLIAN: A little something with the
16 aesthetics - otherwise, I think that it's a great
17 project.

18 CHAIRMAN STUTO: You were smiling when we
19 talked about the architecture. Is there something
20 that you wanted to say?

21 MR. BIANCHINI: No, I was thinking of two other
22 things that I had to say.

23 CHAIRMAN STUTO: Okay. I think that you have
24 addressed everything and it's a good project. I think
25 that we have a consensus on the non-conservation

1 aspect of this.

2 MR. BARBERA: Good evening. I'm Frank Barbera
3 of Barbera Homes.

4 Regarding the aesthetics, this building was
5 designed with the same materials and actually an
6 upgraded stone, as the Marini warehouse down the
7 street. It's the same thing and the same product.
8 It's the same type of awnings, which are a little more
9 expensive than the average. There are doors with the
10 glass.

11 If there is any direction on aesthetics, I'd
12 appreciate it. Otherwise, I took examples from driving
13 around Town and the buildings that are here.

14 CHAIRMAN STUTO: I think that the Marini
15 building looks good when I go by it. You can work
16 that out with Joe.

17 MR. BARBERA: It's more of a beige, although it
18 looks orange. It's the exact same materials and a
19 higher-end stone, actually.

20 MR. SHAMLIAN: There seems to be a lot of open
21 space above the stone. Again, that may just be the
22 rendering.

23 MR. BARBERA: That would be the normal height.
24 It's not different from Marini's building. When you
25 drive by it down the road, it's the exact same thing.

1 CHAIRMAN STUTO: Joe may have some suggestions.
2 We're not looking to incur a lot of costs here.

3 MR. BARBERA: Thank you.

4 CHAIRMAN STUTO: Okay, we have an application
5 for concept acceptance. Do we have a motion?

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

7 MR. AUSTIN: Second.

8 CHAIRMAN STUTO: Do we need to do anything
9 about the conservation?

10 MR. GRASSO: No, that's part of your final site
11 plan consideration.

12 CHAIRMAN STUTO: Any comments?

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.

20 MR. BIANCHINI: Thank you.

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24 (Whereas the above entitled proceeding was
25 concluded at 8:13 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 _____

