

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 COLONIE ASC MEDICAL
207 TROY SCHENECTADY ROAD
5 APPLICATION FOR FINAL APPROVAL
SEQR DETERMINATION
6 & DESIGN CODE WAIVERS

7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY L. STRANG, a Shorthand Reporter,
10 commencing on September 27, 2016 at 7:21 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York.

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12 BOARD MEMBERS:
13 PETER STUTO, CHAIRMAN
14 LOU MION
15 SUSAN MILSTEIN
16 CRAIG SHAMLIAN
17 BRIAN AUSTIN
18 KATHLEEN DALTON

16

17 ALSO PRESENT:

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19 Kathleen Marinelli, Esq. Counsel to the Planning Board
20 Joseph LaCivita, Planning and Economic Development
Department
21 Michael Tengeler, Planning and Economic Development
Department
22 Joseph Grasso, PE, CHA
Brian Sipperly, PE, Sipperly and Associates

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1 CHAIRMAN STUTO: Next on the agenda is Colonie
2 ASC Medical, 207 Troy Schenectady Road, application
3 for final approval, SEQR determination and design code
4 waivers, 12,110 square foot professional office
5 building.

6 Joe LaCivita, do you have any comments?

7 MR. LACIVITA: This project is here for final
8 approval tonight. We've seen this back in March of
9 2016 and again on July 26, 2016. The paperwork shows
10 or uses the term waiver.

11 Brian, I think that I only read one in the
12 listing. If I'm wrong with that, please go through
13 your presentation and let us know, if you don't mind.
14 I'll turn it over to you.

15 MR. SIPPERLY: Thank you.

16 Good evening, Chairman and Members of the
17 Board. My name is Brian Sipperly from Sipperly and
18 Associates. Here tonight with me is Dr. Ted Gladys.
19 He is one of the managing members of the entity
20 Colonie Real Estate Holdings, which is a group of
21 doctors that formed together to develop an operating
22 surgery center.

23 We are here tonight for a final SEQR
24 determination and to ask the Board for final Planning
25 Board approval. As Joe mentioned, I will just quickly

1 note that there is one waiver and it is a front yard
2 setback. That's for the record.

3 Just to bring the Board through where we are:
4 This is Route 2 right here (Indicating). To the east
5 we have a Trustco Bank and a Kmart up on the hill.
6 Across the street to the south we have the newly
7 established Salvation Army. To the north we have a
8 38-acre contiguous parcel that is undeveloped and to
9 the west we have the newly established, recently built
10 Cumberland Farms as well along the intersection of
11 Swatling Road and Route 2.

12 The site itself is 2.25 acres. It is a
13 rectangular lot configuration presently undeveloped.
14 It resides in a COR zone with 240 feet of frontage,
15 roughly, plus or minus, along Route 2.

16 The topography the gently sloping to the
17 northeast. The soils on the site unfortunately are a
18 lot of fill due to previous filling. The site cover
19 presently today is an open field of modern grass
20 cover. We do have some wetlands on the site to the
21 north. They actually run off to the north as well, in
22 to the tributaries of the dry creek and we do have
23 about 4,000 square feet plus or minus of wetland
24 disturbance here, equally split on versus off-site.

25 I do want to note that we do show a connection

1 to Swatling Road that is off the property. This is a
2 deeded access arrangement that I'll get into in a
3 minute from a 2006 subdivision. So, between the on
4 and off-site, there is about 2,000 square foot each of
5 disturbance.

6 As I just mentioned the parcel here -- and as
7 Joe had said here before -- this is part of and the
8 final piece of a 2006 subdivision that took a large
9 contiguous parcel from the corner of Swatling and
10 Route 2 all the way behind Kmart to the other side of
11 Afsco Fence. Through that subdivision deeded access
12 arrangements were created between these two lots as
13 well as northerly secondary access to Swatling Road
14 and between Cumberland Farms at 211 Troy Schenectady
15 Road and the Surgery Center, the owners at 207 -- they
16 have arranged to take care of the curb cuts and things
17 like that as well. The good news is that the curb
18 cuts are in and approved by DOT under the construction
19 of Cumberland Farms.

20 From easements on the site - from encumbrances,
21 we have two. We have one and there will be another
22 one. Today there is a sanitary truck sewer coming
23 down north/south on the property and there is actually
24 a DOT drainage pipe running north/south along the
25 property taking right of way drainage that is actually

1 unencumbered. As a result of this project working
2 through DOT we're going to establish an easement for
3 them for repair and maintenance in the future.

4 This parcel is within the Boght Road GIS and is
5 subject to the mitigation fees. The parcel itself is
6 wholly located in the Latham Water District.

7 What you see here for the development is --
8 it's a two-phased approach. The overall approval is
9 for a 10,000 square foot medical use structure. We
10 have straddled access between 207 and 211 Troy
11 Schenectady Road. At that square footage, the design
12 calls for 70 spaces and we've built exactly 70 spaces.
13 Phase I can be demarked by this bold line going
14 through the building. So, Phase I will be a 7,000
15 square foot build-out. Associated parking with that
16 is 40 spaces and we provided 46. That's kind of how
17 it logically works out for the Phase I.

18 We are left with over 45% greenspace and the
19 stormwater is actually handled via large pipes for
20 underground treatment followed by our bioretention
21 facility that is in the rear.

22 Lastly, as I mentioned earlier on, we are
23 seeking a waiver for a front-yard setback in this
24 zone. We are seeking relief at 55 feet, as the road
25 frontage here is highly encumbered with private

1 easements and utilities as well.

2 In addition to that, since this access
3 arrangement had been worked out with Cumberland Farms,
4 in addition to the complexity of dealing with the
5 easements, the access arrangement would have not
6 worked as we brought this building closer to Route 2.

7 Generally speaking, that's the overview of the
8 project. At this point, I'll turn it over to the
9 Board for any questions.

10 CHAIRMAN STUTO: Okay, this has been reviewed
11 by our Town Designated Engineer; Joe Grasso from CHA.
12 Before he starts, just a quick word to the neighbors:
13 If anybody is interested in this project, please sign
14 in on the sign-in sheet.

15 Joe, do you have comments on this?

16 MR. GRASSO: We had a comment letter in your
17 packet dated August 5th. I think that there is a
18 previous comment letter as well further back in your
19 packet. Our comment letter only had two comments.
20 One is regarding the waiver that Brian had described
21 which we feel is appropriate and consistent with what
22 the Planning Board heard during the concept review and
23 then the other comment is addressing the SEQR review
24 of the project, which it appears that the neg dec is
25 appropriate.

1 Our letter is short because our office had gone
2 through multiple rounds of review and working with
3 Brian's office to address all of the technical items.
4 When I look down at the bottom I can tell that this is
5 the fourth review letter so it's not like we went just
6 from concept to basically a final sign off. That's
7 what you are looking at tonight. That's one of the
8 reasons it took us a few months to get back before the
9 Planning Board.

10 We do comment Brian's office. We really do
11 think that this is a well designed site with a lot of
12 attention to detail and when you look at the site plan
13 they did a good job of not having the parking across
14 the frontage of the building, trying to get the
15 building as close to Route 2 as possible. It's a well
16 landscaped site and well laid out.

17 Obviously, access management is extremely
18 important in this area of the Town and we applaud the
19 applicant and their consultant for working through the
20 site plan process to take advantage of the two
21 existing relatively new curb cuts on Route 2 and
22 Swatling Road and not having to add any additional
23 curb cuts. That is really how access management is
24 supposed to work. It's hard to get these cross access
25 connections set up appropriately when you're reviewing

1 projects. This is the result that we have a
2 significant commercial building project coming in and
3 not having to build any new curb cuts on a vacant
4 piece of property which is rare to see.

5 We commend you for that. It took a lot of work
6 to get to this final plan.

7 Our first comment is regarding SEQOR. This is
8 an unlisted action pursuant to SEQOR. The involved
9 agencies include the Planning Board and DOT. Because
10 it's an unlisted action, it required a short form EAF
11 to be provided. It describes the environmental setting
12 and the anticipated impacts of the project. Because
13 they mitigated those impacts to the greatest extent
14 possible, we don't expect there to be any significant
15 environmental impact to the project. We have drafted
16 a negative declaration for the Board's consideration.

17 I think that it's also important to note that
18 Brian had mentioned that this project is in the Boght
19 Road GIS study area, so they are contributing
20 mitigation fees to address their cumulative impacts on
21 traffic and park land and some other things included
22 in the Boght Road Statement of Findings.

23 Our last comment is regarding the design
24 standards. There is one waiver required and that is
25 for the 25-foot maximum front yard building setback.

1 Brian's office has provided justification for that
2 which we are in agreement with and we think that they
3 have tried to push the building as close to the Route
4 2 corridor as possible and not violate those easement
5 across the site's frontage.

6 That's all we have.

7 CHAIRMAN STUTO: Thank you.

8 Any comments or questions from the Board?

9 (There was no response.)

10 It didn't look like anyone had signed up. Was
11 there any member of the public that were looking to
12 speak on this?

13 (There was no response.)

14 Craig, anything?

15 MR. SHAMLIAN: No, I think that it's a great
16 project.

17 CHAIRMAN STUTO: I'll just make some final
18 comments. We have reviewed it multiple times. I
19 think that you have put in a lot of work. I think
20 that the circulation of the parking, the access --
21 it's all very well improved and works. I think that
22 the architecture looks great too. I wish you a lot of
23 luck.

24 Do you want to walk us through the
25 environmental, Joe?

1 MR. GRASSO: Sure. In terms of part II of the
2 Short Environmental Assessment Form, again there are a
3 dozen or so questions where we believe the appropriate
4 answer is that there would be either no impact at all
5 or a small impact would occur as a result of the
6 project as opposed to whether or not a moderate or
7 large impact would be likely to occur. I'm going to
8 read through those.

9 Will the proposed action create a material
10 conflict with an adopted land use plan or zoning?
11 Will the proposed action result in a change in the use
12 or intensity of the use of land? Will the proposed
13 action impair the character or the quality of the
14 existing community? Will the proposed action have an
15 impact on the environmental characteristics that cause
16 the establishment of a critical environmental area?
17 Will the proposed action result in an adverse change
18 in the existing level of traffic? Will the proposed
19 action cause an increase in the use of energy? Will
20 the proposed action impact public or private water
21 supplies or public or private wastewater treatment
22 utilities? Will the proposed action impair the
23 character or quality of important historic,
24 archeological or aesthetic resources? Will the
25 proposed action result in an adverse change to natural

1 resources? Will the proposed action result in an
2 increase in the potential for erosion, flooding or
3 drainage problems? Will the proposed action create a
4 hazard to environmental resources or human health?

5 We believe that the appropriate response to
6 each of those questions is either no or a small impact
7 would be likely to occur.

8 In summary, based upon the information and
9 analysis above and any supporting documentation, the
10 proposed action is not likely to result in any
11 significant adverse environmental impacts.

12 CHAIRMAN STUTO: Any comments or questions on
13 that environmental review?

14 (There was no response.)

15 Do we have a motion on that negative
16 declaration?

17 MR. MION: I'll make a motion.

18 MS. DALTON: Second.

19 CHAIRMAN STUTO: 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 Can you walk us through the Waiver Resolution
2 similar to the last project?

3 MR. GRASSO: Yes. I'm going to summarize some
4 of the paragraphs.

5 Whereas the applicant is requesting a waiver
6 from the Town of Colonie Land Use Law related to the
7 maximum front building setback. Be it resolved that
8 the Board hereby finds that the extent of the
9 requested waiver is not considered substantial and be
10 it further resolved that the Board finds that the
11 applicant has established that there are no practical
12 alternatives to the proposed waiver and that the Board
13 hereby issues a waiver from the maximum front building
14 setback of 25 feet and be it further resolve that
15 these waiver of findings be a condition of site plan
16 approval of the application and be kept in the project
17 file in the office of the Planning and Economic
18 Development Department.

19 CHAIRMAN STUTO: I request that the
20 stenographer put the Resolution in its entirety into
21 the record.

22 Do we have any comments or questions on that?

23 (There was no response.)

24 CHAIRMAN STUTO: Do we have a motion on that?

25 MR. MION: I'll make a motion.

1 MS. DALTON: Second.

2 CHAIRMAN STUTO: Any discussion?

3 (There was no response.)

4 All those in favor, say aye.

5 (Ayes were recited.)

6 All those opposed, say nay.

7 (There were none opposed.)

8 The ayes have it.

9 On the main question with this application
10 which will be for final approval, conditioned on all
11 the Town comments and the comments of the Town
12 Designated Engineer, do we have any discussion?

13 (There was no response.)

14 Do we have a motion?

15 MR. AUSTIN: I'll make a motion.

16 MR. MION: Second.

17 CHAIRMAN STUTO: Any discussion?

18 (There was no response.)

19 All those in favor, say aye.

20 (Ayes were recited.)

21 All those opposed, say nay.

22 (There were none opposed.)

23 The ayes have it.

24 Thank you and good luck.

25 MR. SIPPERLY: Thank you.

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(Whereas the above entitled proceeding was
concluded at 7:35 p.m.)

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.

NANCY L. STRANG

Dated _____

