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

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
LOU MION
SUSAN MILSTEIN
CRAIG SHAMLIAN
BRIAN AUSTIN
KATHLEEN DALTON

ALSO PRESENT:

Kathleen Marinelli, Esq. Counsel to the Planning Board
Joseph LaCivita, Planning and Economic Development Department
Michael Tengeler, Planning and Economic Development Department
Joseph Grasso, PE, CHA
Brian Sipperly, PE, Sipperly and Associates
CHAIRMAN STUTO: Next on the agenda is Colonie ASC Medical, 207 Troy Schenectady Road, application for final approval, SEQR determination and design code waivers, 12,110 square foot professional office building.

Joe LaCivita, do you have any comments?

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

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

MR. SIPPERLY: Thank you.

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

We are here tonight for a final SEQR determination and to ask the Board for final Planning Board approval. As Joe mentioned, I will just quickly
note that there is one waiver and it is a front yard setback. That's for the record.

Just to bring the Board through where we are:

This is Route 2 right here (Indicating). To the east we have a Trustco Bank and a Kmart up on the hill. Across the street to the south we have the newly established Salvation Army. To the north we have a 38-acre contiguous parcel that is undeveloped and to the west we have the newly established, recently built Cumberland Farms as well along the intersection of Swatling Road and Route 2.

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

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

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

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

From easements on the site - from encumbrances,
we have two. We have one and there will be another
one. Today there is a sanitary truck sewer coming
down north/south on the property and there is actually
a DOT drainage pipe running north/south along the
property taking right of way drainage that is actually
unencumbered. As a result of this project working through DOT we're going to establish an easement for them for repair and maintenance in the future.

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

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

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

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

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

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

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

Joe, do you have comments on this?

MR. GRASSO: We had a comment letter in your packet dated August 5th. I think that there is a previous comment letter as well further back in your packet. Our comment letter only had two comments. One is regarding the waiver that Brian had described which we feel is appropriate and consistent with what the Planning Board heard during the concept review and then the other comment is addressing the SEQR review of the project, which it appears that the neg dec is appropriate.
Our letter is short because our office had gone through multiple rounds of review and working with Brian's office to address all of the technical items. When I look down at the bottom I can tell that this is the fourth review letter so it's not like we went just from concept to basically a final sign off. That's what you are looking at tonight. That's one of the reasons it took us a few months to get back before the Planning Board.

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

Obviously, access management is extremely important in this area of the Town and we applaud the applicant and their consultant for working through the site plan process to take advantage of the two existing relatively new curb cuts on Route 2 and Swatling Road and not having to add any additional curb cuts. That is really how access management is supposed to work. It's hard to get these cross access connections set up appropriately when you're reviewing
projects. This is the result that we have a significant commercial building project coming in and not having to build any new curb cuts on a vacant piece of property which is rare to see.

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

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

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

Our last comment is regarding the design standards. There is one waiver required and that is for the 25-foot maximum front yard building setback.
Brian's office has provided justification for that which we are in agreement with and we think that they have tried to push the building as close to the Route 2 corridor as possible and not violate those easement across the site's frontage.

That's all we have.

CHAIRMAN STUTO: Thank you.

Any comments or questions from the Board?

(There was no response.)

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

(There was no response.)

Craig, anything?

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

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

Do you want to walk us through the environmental, Joe?
MR. GRASSO: Sure. In terms of part II of the Short Environmental Assessment Form, again there are a dozen or so questions where we believe the appropriate answer is that there would be either no impact at all or a small impact would occur as a result of the project as opposed to whether or not a moderate or large impact would be likely to occur. I'm going to read through those.

Will the proposed action create a material conflict with an adopted land use plan or zoning? Will the proposed action result in a change in the use or intensity of the use of land? Will the proposed action impair the character or the quality of the existing community? Will the proposed action have an impact on the environmental characteristics that cause the establishment of a critical environmental area? Will the proposed action result in an adverse change in the existing level of traffic? Will the proposed action cause an increase in the use of energy? Will the proposed action impact public or private water supplies or public or private wastewater treatment utilities? Will the proposed action impair the character or quality of important historic, archeological or aesthetic resources? Will the proposed action result in an adverse change to natural
resources? Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? Will the proposed action create a hazard to environmental resources or human health?

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

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

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

(There was no response.)

Do we have a motion on that negative declaration?

MR. MION: I'll make a motion.

MS. DALTON: Second.

CHAIRMAN STUTO: Any discussion?

(There was no response.)

All those in favor, say aye.

(Ayes were recited.)

All those opposed, say nay.

(There were none opposed.)

The ayes have it.
Can you walk us through the Waiver Resolution similar to the last project?

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

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

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

Do we have any comments or questions on that?

(There was no response.)

CHAIRMAN STUTO: Do we have a motion on that?

MR. MION: I'll make a motion.

Legal Transcription
Ph 518-542-7699
MS. DALTON: Second.

CHAIRMAN STUTO: Any discussion?

(There was no response.)

All those in favor, say aye.

(Ayes were recited.)

All those opposed, say nay.

(There were none opposed.)

The ayes have it.

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

(There was no response.)

Do we have a motion?

MR. AUSTIN: I'll make a motion.

MR. MION: Second.

CHAIRMAN STUTO: Any discussion?

(There was no response.)

All those in favor, say aye.

(Ayes were recited.)

All those opposed, say nay.

(There were none opposed.)

The ayes have it.

Thank you and good luck.

MR. SIPPERLY: Thank you.
(Whereas the above entitled proceeding was concluded at 7:35 p.m.)
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 __________________________