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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

VENTURA CONSERVATION SUBDIVISION
560 BOGHT ROAD
APPLICATION FOR SEQR DETERMINATION AND FINAL APPROVAL

THE STENOGRAPHIC MINUTES of the above entitled
matter by NANCY L. STRANG, a Shorthand Reporter,
commencing on January 10, 2017 at 7:35 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York.

BOARD MEMBERS:
LOU MION, ACTING CHAIRMAN
BRIAN AUSTIN
TIMOTHY LANE
KATHLEEN DALTON
CRAIG SHAMLIAN
SUSAN MILSTEIN

ALSO PRESENT:

Joseph LaCivita, Planning and Economic Development
Department
Michael Tengeler, Planning and Economic Development
Department

Joseph Yanni

1 ACTING CHAIRMAN MION: Next on the agenda is
2 the Ventura Conservation Subdivision, 560 Boght Road.
3 This is an application for SEQOR determination and
4 final approval.

5 MR. LACIVITA: I'll read the legal notice that
6 was put into the Colonie Spotlight.

7 Town of Colonie, Albany County, New York,
8 notice is hereby given that pursuant to Section 276 of
9 Town Law, the Town of Colonie Planning Board in the
10 Town of Colonie Albany County New York will meet to
11 conduct a public hearing in the public operations
12 center, 347 Old Niskayuna Road, Latham in the said
13 Town of Colonie, County of Albany New York on this
14 10th day of January 2017 at 7:00 PM for the purpose of
15 the hearing for all persons upon the approval,
16 modification and disapproval of a certain residential
17 conservation subdivision in the Town of Colonie,
18 County of Albany known as Ventura Conservation
19 Subdivision consisting of 25.55 acres divided into 28
20 residential building lots. Dated January 4, 2017,
21 Latham, New York.

22 Just from a historical perspective this parcel
23 known as 560 Boght Road has been here a number of
24 times over the years. It started back on April 26,
25 2011 and it came to the Town before the Planning Board

1 January 24, 2012 back again March 27, 2012, received
2 concepts on or about April 24, 2012. An extension of
3 concept March 4, 2014, again in January 12, 2016. We
4 saw it again February 9, 2016 and again December 13,
5 2016. I say that to show that this project has been
6 well vetted by the Planning Board several times and
7 were here tonight for final approval.

8 MR. SIPPERLY: Thank you, Joe. Good evening,
9 Chairman and Members of the Board. My name is Brian
10 Sipperly of Sipperly and Associates. Here tonight with
11 me is the applicant Karen Ventura, owner of 560 Boght
12 Road.

13 With Joe's introduction I do hope I'm staring
14 at the landing strip tonight. We have worked hard to
15 bring it in for a landing here. If I could just give
16 the board recap and if there are any members on the
17 Board that are not familiar with the project. It is
18 560 Boght Road. It is a 25 and change acre parcel
19 principally undeveloped. It is a narrow rectangular
20 parcel, as you can see here on the map exhibit. We
21 have 80 feet of frontage along Boght Road which is a
22 state highway. We also have a little over 200 feet of
23 road frontage along Renas Drive to the west. It is in
24 a single-family residential zone and as Joe mentioned
25 it is in a conservation overlay. We will get into

1 what the conservation is in a moment.

2 The topography here is gentle to moderate
3 slopes. The site generally slopes from the west to the
4 east into a wetland complex behind Cornerstone Meadows
5 Phase II. We generally have a mowed meadow and some
6 lawn area by the principal structure here - the
7 homestead.

8 From an ecological value, it would have 2.37
9 acres of federal wetlands on the parcel of which about
10 1.25 acres is also under the jurisdiction of the New
11 York State Department of Environmental Conservation.

12 There really are no encumbrances on the
13 property and in terms of the abutters and where we are
14 - Boght Road is here. If you continue to the west it
15 will intersect Route 9. The property is bound on the
16 north and the west with single-family homes, mainly
17 fronting on Renas and Boght. The parcel is abutted to
18 the East with the North Colonie soccer complex. To the
19 south it is bounded by the Canterbury Planned
20 Development District. To the south east it is abided
21 by the Cornerstone Meadows Phase II.

22 In terms of the utilities, there are existing
23 utilities; water, sewer, gas, along Boght Road and
24 Sutton Drive in the news subdivision here as well. The
25 project itself is partially located within the Latham

1 Water District so a water district extension is
2 needed. What is being proposed on the subdivision is
3 a 29 lot -- 28 buildable lots with an addition to the
4 one homestead lot that is going to be there and three
5 stormwater parcels.

6 With the development there will be two roads
7 that will be built serving the parcel. Mainly Ventura
8 Boulevard at roughly 2,500 linear feet. In addition,
9 there will be another connection called Vliet Street
10 Extension connecting Vliet Street and 2 Ventura
11 Boulevard.

12 There is a small public benefit to this project
13 were when Vliet Street Extension is connected, there
14 will be a walking trail to get a lot of the homes
15 walking access to the North Colonie soccer complex.

16 In terms of preservation and conservation, the
17 site being 25.55 acres -- what we do in a conservation
18 subdivision as we look at the ecological value of the
19 property. We subtract that from the actual acreage of
20 the property. We then set our density in which case
21 it is two units an acre in this zone. What we have is
22 much less than that at about 1.25 units an acre.
23 Normally the conservation is set aside and deed
24 restricted. In the subdivision is kind of rolled into
25 the individual people's deeds so they will have not

1 only the buildable portions of their lot and they will
2 have on buildable portions of their lot. As Joe
3 mentioned, we have been here before. We got a
4 reconcept in February 2016 and really the only issues
5 that we were vetting at that point with the density of
6 a couple lots here on Renas Drive. As you can see
7 here, it was three lots and it is now two lots. Each
8 of the lots are consistent at about 14,700 square
9 feet; each of them.

10 We had an agreement to split the right of way
11 of Renas and the right-of-way Ventura and generally
12 put the rear lot lines of 35 Ventura and 68 Renas and
13 it appears as though we have met the middle ground of
14 the planning office in the Planning Board Members, in
15 addition to the concerned residents on Renas
16 Boulevard.

17 What we are hoping tonight is to conduct a
18 public hearing, seek subdivision approval and of
19 course the SEQR neg dec. At this point, I have given
20 you a brief summary of the project.

21 If the Board has any questions, I can field
22 those now.

23 ACTING CHAIRMAN MION: Joe?

24 MR. GRASSO: Within your packets you should be
25 able to find in October 24, 2016 comment letter from

1 CHA. This is our eighth letter on the project. Within
2 our letter we also go through a summary of the reviews
3 that have taken place which both Joe and Brian have
4 touched on. We also highlighted some of the comments
5 from the public that we heard within the past year or
6 so and how those comments have been addressed by the
7 reduction of the lots on Renas Drive in the
8 conservation of the most environmentally sensitive
9 portions of the site.

10 Our comment letter does touch on some
11 procedural administrative items that will be addressed
12 as the project works through the plan stamping
13 process. Based on the minor nature of the comments, we
14 recommend the project be placed on the Planning
15 Board's agenda and conduct the final public hearing,
16 as well as consideration of a negative declaration for
17 SEQRA approval of conservation findings. And then
18 finally consideration for final subdivision plan
19 approval. Based on the SEQRA review of the project,
20 it is an unlisted action pursuant to SEQRA and a Full
21 Environmental Assessment form that adequately
22 describes the action and the project's environmental
23 impacts has been included in the updated materials.

24 Based on the revisions and refinements of the
25 project throughout the entire review process, we

1 believe the project's environmental impacts have been
2 reduced or mitigated so as not to be considered
3 significant.

4 Based on that, CHA has drafted a negative
5 declaration pursuant to SEQRA for the Board's
6 consideration.

7 Like Brian said, the project is in the Town's
8 conservation overlay district in the project has been
9 fully designed to be compliant with those requirements
10 as well is being designed to protect the
11 environmentally sensitive portions of the site.

12 In support of that, CHA has prepared a draft
13 conservation findings for the Planning Board's
14 consideration. With that, we would recommend opening
15 up for a public hearing.

16 ACTING CHAIRMAN MION: Is there anyone here
17 from the public would like to speak on this?

18 MR. YANNI: My name is Joe Yanni. I live at 2
19 Renas Drive. I'm just making a comment about the
20 stormwater drainage. The first lot coming off of Boght
21 Road going down Ventura Boulevard is lot number one.
22 That is, I think, a federal wetland right now or
23 something like that. Obviously, I am concerned about
24 the water going down into that wetland and that
25 whoever develops it will make provisions to carry that

1 stormwater runoff -- right now I think it goes down to
2 the soccer field east. Just put in that there are
3 provisions that take care of that stormwater so that
4 we won't have any problems. Thank you, very much.

5 ACTING CHAIRMAN MION: Thank you. Is there
6 anybody else?

7 (There was no response.)

8 Would you like to address what he just brought
9 up?

10 MR. SIPPERLY: Sure. I don't believe the
11 speaker gave a condition to solve. What I heard was
12 just don't dam up the stormwater. I think that what I
13 can tell you is that although it's not shown here the
14 grading plan -- any type of off-site on-flow that we
15 have, we are not required to treat or retain it. So,
16 we are going to grade the site to keep that water
17 passing by. We absolutely do not want to dam that
18 water up and cause an issue for 2 Renas. I don't know
19 what to really address other than the fact that I
20 think our stormwater is comprehensive and won't do
21 that.

22 MR. GRASSO: I can speak to that. Mr. Yanni has
23 done a good job bringing his concern up during the
24 process. I have gone out there and met with Mr. Yanni
25 and walked the property and been aware of the concerns

1 and have made sure that as the design has progressed
2 that provisions have been made to not impede that
3 drainage. We think that is adequately addressed in the
4 final design of the project. We don't anticipate any
5 impacts from this project on Mr. Yanni's drainage.

6 ACTING CHAIRMAN MION: Thank you. Anybody on
7 the Board? Craig?

8 MR. SHAMLIAN: No, we have seen this a number
9 of times and I think it looks like it has pretty well
10 accommodated our comments over the years.

11 ACTING CHAIRMAN MION: Susan?

12 MS. MILSTEIN: No.

13 ACTING CHAIRMAN MION: Tim?

14 MR. LANE: No.

15 ACTING CHAIRMAN MION: Brian?

16 MR. AUSTIN: No, I agree with Craig's comments.
17 We have seen this many times over the years and I
18 think the big issue holding us up was the Renas Drive
19 and the two lots versus three lots and coming to some
20 sort of resolution and that with the Planning
21 Department. I think it's a great project.

22 ACTING CHAIRMAN MION: Kathy?

23 MS. DALTON: We were just talking about the
24 fact that this is one of the very first projects that
25 I walked when I first came to the Planning Board.

1 MR. SIPPERLY: This is probably the longest
2 standing projects. Paul was still in the Planning
3 Board - Paul Rosano and Lou and I. The gentlemen did a
4 nice job of schooling me and what I should be looking
5 for when I went out. So, this is one of the first
6 projects that I walked. I have paid close attention to
7 how the project has changed and evolved over time and
8 I need to give you a lot of credit for working with
9 the neighbors on a relatively difficult parcel because
10 of the wetlands and whatnot. I'm glad we finally
11 brought this to a close and I like the way that it's
12 looking. So, thank you.

13 MR. SIPPERLY: Thank you, very much.

14 ACTING CHAIRMAN MION: So, with that being said
15 what's next?

16 MR. GRASSO: There are a couple of procedural
17 things. One is a review of the Environmental
18 Assessment Form and then we'll get into conservation
19 findings. So, the first is the Environmental
20 Assessment. Like I said, the applicant's consultant
21 prepared a Full Environmental Assessment Form which
22 goes into a detailed description of the environmental
23 setting of the project site as well as the anticipated
24 impacts of the project. They complete Part I. The lead
25 agency is responsible for completion of Part II and

1 Part III and those are included in your packets as
2 well. I'm just going to touch on the issues in terms
3 of where there were impacts identified.

4 The first one being is the impact on land and
5 there are small or no impacts regarding the impact on
6 land.

7 The second one is the impacts on surface water.
8 There were some moderate to large impacts that could
9 occur that have been appropriately mitigated to the
10 final design of the project site.

11 The third is an impact on groundwater. They
12 were only either no or small impacts likely to occur.
13 They were potential impacts on historic and
14 archaeological resources and there were some moderate
15 to large impacts that could occur that have been
16 appropriately mitigated through the design of the
17 project.

18 Furthermore, they were impacts on
19 transportation and those were identified as no or
20 small impacts would occur. Those were the only items
21 on the SEQRA form where impacts were expected to occur.

22 Part three of the form goes into a description
23 and detail of those various line items and how the
24 project has been designed to mitigate all of those
25 impacts such that they are insignificant. So, again,

1 just to go through those - there was an impact on
2 land, surface water, groundwater, historic and
3 archaeological resources and lastly an impact on
4 transportation.

5 At the conclusion of Part III is the actual
6 negative declaration. Basically, it's a determination
7 by the Planning Board as lead agency that the project
8 is not expected to result in significant environmental
9 impacts. So, I'm going to read through that for the
10 record. Upon review of the information recorded on
11 the Environmental Assessment Form, plus additional
12 support information which I have identified everything
13 in the plans and the studies that have been done, in
14 consideration of both the magnitude and the importance
15 of each identified potential impacts it is a
16 conclusion of the Town of Colonie Planning Board as
17 lead agency that this project will result in no
18 significant adverse effects on the environment and
19 therefore an Environmental Impact Statement need not
20 be prepared. Accordingly, this negative declaration is
21 issued. That should be put up for a motion by the
22 Planning Board.

23 ACTING CHAIRMAN MION: Do a have a motion?

24 MS. DALTON: I'll make that motion.

25 MR. AUSTIN: I'll second.

1 ACTING CHAIRMAN MION: Are there any questions?

2 (There was no response.)

3 ACTING CHAIRMAN MION: All in favor?

4 (Ayes were recited.)

5 ACTING CHAIRMAN MION: Against?

6 (There were none opposed.)

7 MR. GRASSO: So, now going to go through the
8 conservation findings like we had mentioned. This
9 project site is in a conservation development overlay
10 zone. As part of approval of any project within that
11 zone, the Planning Board needs to adopt conservation
12 findings that describe how the project is compliant
13 with the Town special regulations for development of
14 projects within that zone.

15 Whereas pursuant to the Colonie Land Use Law --
16 and I am going to paraphrase for the sake of time.
17 The Planning Board shall issue conservation findings
18 for projects located within the conservation
19 development overlay district.

20 Whereas the applicant is proposing a
21 conservation subdivision development that incorporates
22 and protects natural resources including wetlands,
23 wetland adjacent areas, forested lands brushland and
24 buffers and provides for meaningful open space land
25 conservation.

1 Whereas the applicant's current proposed plan
2 conforms to the density requirements of the
3 conservation development overlay district, the
4 Planning Board has determined that the property has
5 potential to provide important community open space
6 features. The proposed development will interconnect
7 open space areas located within the Cornerstone
8 Meadows subdivision to the east, the Canterbury
9 Crossing PDD to the south and the North Colonie sports
10 complex including soccer fields to the northeast. And
11 whereas the property contains 2.3 acres of federally
12 jurisdictional wetlands that occur in various
13 locations within the property, as well as New York
14 State freshwater wetlands. These are proposed to be
15 preserved by conservation easements within the deed to
16 each respective lot to restrict land developments
17 within their land disturbances within their limits.
18 Whereas the proposed development provides for a total
19 of 11.78 acres of land that will be preserved by
20 conservation easements within private lots and or open
21 space to be deeded to the Town of Colonie. These areas
22 encompass the lands of important conservation and
23 ecological value and provide for both the continuance
24 of wildlife habitat and wildlife connection between
25 the Canterbury Crossing PDD to the south and the

1 Cornerstone Meadows subdivision to the east. And
2 whereas the proposed development provides a multi-use
3 pedestrian trail emergency access connection to the
4 North Colonie sports complex to the northeast allowing
5 residents from the Ventura Subdivision, Cornerstone
6 Meadows subdivision in the Canterbury Crossing PDD to
7 access the sports facility for active and passive
8 recreational uses.

9 Now therefore be it resolved that based on the
10 Planning Board review of the application materials in
11 the conservation analysis the Planning Board
12 determines that the project complies with the
13 requirements of the conservation development overlay
14 district. That should be considered as a Resolution
15 by the Planning Board.

16 ACTING CHAIRMAN MION: Do we have any
17 questions?

18 (There was no response.)

19 Do I have a motion?

20 MS. DALTON: I'll make a motion.

21 MR. LANE: Second.

22 ACTING CHAIRMAN MION: All in favor?

23 (Ayes were recited.)

24 ACTING CHAIRMAN MION: Any nays?

25 (There was no response.)

1 Passed.

2 Final question is final approval. For the final
3 approval should that be included in that the technical
4 comments?

5 MR. GRASSO: Yes, you should. It should be
6 addressing all the technical comments from the Town
7 departments at CHA's last review letter.

8 ACTING CHAIRMAN MION: Do I have a motion?

9 MS. DALTON: I'll make that motion.

10 MR. AUSTIN: Second.

11 ACTING CHAIRMAN MION: Any questions?

12 (There was no response.)

13 All in favor?

14 (Ayes were recited.)

15 Nays?

16 (There were none opposed.)

17 Passed.

18 Thank you.

19

20 (Whereas the above entitled proceeding was
21 concluded at 7:50 PM.)

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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.

NANCY L. STRANG

Dated _____

