

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 BARBERA HOMES  
5 208 MORRIS ROAD  
6 APPLICATION FOR SEQRA ENVIRONMENTAL  
7 DETERMINATION AND FINAL REVIEW

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9 THE STENOGRAPHIC MINUTES of the above entitled  
10 matter by NANCY L. STRANG, a Shorthand Reporter,  
11 commencing on March 7,2017 at 8:00 p.m. at The Public  
12 Operations Center, 347 Old Niskayuna Road, Latham, New  
13 York.

14 BOARD MEMBERS:  
15 PETER STUTO, CHAIRMAN  
16 LOU MION  
17 BRIAN AUSTIN  
18 TIMOTHY LANE  
19 KATHLEEN DALTON  
20 CRAIG SHAMLIAN  
21 SUSAN MILSTEIN

22 ALSO PRESENT:  
23 Joseph LaCivita, Planning and Economic Development  
24 Department  
25 Michael Tengeler, Planning and Economic Development  
Department  
Michael C. Magguilli, Esq., Special Counsel to the  
Planning Board  
Luigi Palleshi, PE, ABD Engineers  
Joseph Grasso, PE, CHA

1                   CHAIRMAN STUTO: Next on the agenda is Barbera  
2 Home Office Warehouse, 208 Morris Road, application  
3 for SEQRA environmental determination and final  
4 review, 10,000 square foot office/warehouse.

5                   Joe Grasso?

6                   MR. LACIVITA: Actually, you covered all the  
7 bases - just for a couple of important dates - I know  
8 that they were before this Board on February 23, 2016.  
9 We granted concept on May 24, 2016. Your packet  
10 reflects an application for final approval and SEQRA  
11 determination.

12                   I'll turn it over to Luigi from ABD  
13 Engineering.

14                   MR. PALLESHI: Good evening. I'm Luigi Palleshi  
15 from ABD Engineers. Here with me tonight is Frank  
16 Barbera from Barbera homes. We are here tonight to  
17 represent our project at 208 Morris Rd. We are  
18 proposing on a 1.2 acre parcel 10,000 square foot  
19 office/warehouse building as the Barbera Homes  
20 facility.

21                   It is 30 feet in height. There is an existing  
22 curb cut off of Morris Road will be utilizing. the  
23 site requires nine parking places; six for the office  
24 and three for the warehouse portion.

25                   This six spaces are situated up front closer to

1 the office side. We have three parking spaces at the  
2 rear. We also have 15 banked parking spaces along the  
3 rear, if needed.

4 The site does sit in a conservation overlay  
5 zone where it is required to have 46.7% and we exceed  
6 that number with 40.4% green space. That green space  
7 does take into account if those banked parking spaces  
8 were to be built. There is public water on Morris  
9 Road. We will be connecting off the water with a  
10 one-inch service lateral. Sewer is also available by  
11 grinder pump and a force main.

12 The stormwater will be situated on-site with an  
13 infiltration basin. We've worked the details out with  
14 the TDE and the Town engineering and stormwater on the  
15 stormwater design so that it conforms with New York  
16 State DEC regulations.

17 The site will be well landscaped as you're  
18 driving along Morris Road. There is a lot of  
19 shrubbery, foundation shrubs and mulch beds right  
20 along the front and also some street trees and a berm  
21 along Morris Road.

22 We are here tonight for hopefully final  
23 approval for this development.

24 If there are any questions, I'll turn it over  
25 to the Board at this time.

1                   CHAIRMAN STUTO: We have a Town Designated  
2 Engineer who has reviewed this project. It's the same  
3 one as the last time; Joe Grasso from CHA.

4                   Joe, do you have comments on this?

5                   MR. GRASSO: Sure. There is a letter in your  
6 packet dated December 13th. As Luigi mentioned, all of  
7 our previous comments and those of the various Town  
8 departments have been addressed in the latest plan  
9 submission. This is our fourth technical review of the  
10 project.

11                   You may recall that during the concept review  
12 of the project the Planning Board determined that this  
13 site could be developed as a conventional site plan  
14 since the site was too small to preserve a substantial  
15 amount of land with any conservation value. Included  
16 in our letter was draft conservation findings  
17 supporting this determination. Actually, it's further  
18 back in your packet. I can go through that.

19                   Lastly, regarding the SEQRA determination, the  
20 Town Attorney's office had classified this as an  
21 unlisted action pursuant to SEQRA and the applicant  
22 did do a full environmental assessment form with the  
23 application materials. Part I was completed by the  
24 applicant and we have drafted Parts II and III of the  
25 FEAF which includes a draft negative declaration for

1 the Planning Board's consideration. The only involved  
2 SEQRA agency is the Town of Colonie Planning Board and  
3 we feel that the full EAF appropriately describes the  
4 environmental setting of the project and the proposed  
5 impacts associated with it. That's ready for a  
6 determination, as well.

7 That's all that we have at this time in the  
8 letter. I can go through the conservation findings and  
9 the neg dec, if you're ready.

10 CHAIRMAN STUTO: First, let's hear from the  
11 Board.

12 Lou?

13 MR. MION: I have no comments.

14 CHAIRMAN STUTO: Tim?

15 MR. LANE: I don't have anything.

16 CHAIRMAN STUTO: Susan?

17 MS. MILLSTEIN: Nothing.

18 MR. SHAMLIAN: Nothing.

19 CHAIRMAN STUTO: It doesn't look like there are  
20 any members of the public that have signed up on this.

21 Why don't you go through the environmental?

22 MR. GRASSO: So, there are a number of  
23 questions that are posed to the lead agency on the  
24 Environmental Assessment Form. Because the applicant  
25 provided a full Environmental Assessment Form, there

1 are more questions than would be typical than those  
2 that you may be used to on the short form, but I'm  
3 going to go through those.

4 There is a potential for impact on land and for  
5 all of the sub-questions there would be either no  
6 impact or a small impact.

7 There would be no protected impacts on  
8 geological features. No impacts on surface water.  
9 There could be a potential impact on ground water and  
10 for all other sub-questions there is going to be no or  
11 a small impact. There could be a potential impact on  
12 flooding. Based on the project there is going to be a  
13 no or small impact. There is no anticipated impacts on  
14 air. There could be a potential impact on plants and  
15 animals and you'll see that we have gone through those  
16 sub-questions which would either be no or small  
17 impact. There would be no impact on agricultural  
18 resources, aesthetic resources, historic or  
19 archeological resources. No impact on open space or  
20 recreation on any critical environmental areas. There  
21 could be a potential impact on transportation with  
22 either no or small impact expected to occur. There  
23 could be a potential impact on energy with either no  
24 or small impacts. Likewise, with no noise odor or  
25 light. No potential impact on human health on

1 consistency with the Town's community plans and  
2 consistency with the Town's community character.

3 Based on that, this project will result in no  
4 significant adverse impacts on the environment and  
5 therefore an environmental impact statement may not be  
6 prepared. Accordingly, this negative declaration is  
7 hereby issued.

8 CHAIRMAN STUTO: Do we have a motion on the  
9 negative declaration?

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

11 MR. LANE: Second.

12 CHAIRMAN STUTO: Any discussion?

13 (There was no response.)

14 All those in favor, say aye.

15 (Ayes were recited.)

16 All those in favor, say nay.

17 (There were none opposed.)

18 The ayes have it.

19 The conservation findings?

20 MR. GRASSO: So, within your packet the  
21 applicant has provided a detailed conservation  
22 analysis which is something that is required when  
23 you're doing development in the conservation  
24 development overlay zone. Based upon that narrative we  
25 had drafted the conservation findings which are

1 required for any projects developed within this area.  
2 I'm just going to read a couple of the paragraphs.

3 CHAIRMAN STUTO: And I will ask the  
4 stenographer to put the entire Resolution that we have  
5 in front of us into the record.

6 MR. GRASSO: Whereas the applicant is  
7 requesting the Planning Board to waive the  
8 conservation overlay requirements and create a  
9 conventional site plan development, the zoning allows  
10 for the Planning Board that there is no reasonable  
11 basis for requiring conservation development. In  
12 order to make such a determination the applicant must  
13 demonstrate one of the following: First, the land  
14 contains no resources with conservation value. The  
15 second is that the acreage is too small to preserve a  
16 substantial amount of land with conservation value.  
17 The third is that the lot configuration is unique and  
18 precludes preservation of a substantial amount of land  
19 with conservation value.

20 Whereas the applicant has stated that the  
21 parcel also does not adjoin other land that when  
22 combined with open space on the parcel would result in  
23 a preservation of a substantial amount of land with  
24 conservation value. The Albany Pine Bush Preserve  
25 Commission has indicated the implementation of the



1 proposed conventional site plan would not result in  
2 any potentially significant negative impacts on their  
3 ability to create and manage a viable preserve area,  
4 provided certain precautions with native landscaping  
5 and outdoor lighting are utilized which have been  
6 incorporated into the plans.

7 The applicant's current proposal conforms to  
8 the density requirements of the conservation  
9 development overlay district.

10 Now therefore be it resolved that based on the  
11 Planning Board review of the application, the Planning  
12 Board determines that the project should be permitted  
13 to proceed with a conventional site plan development.

14 CHAIRMAN STUTO: Do we have a motion on the  
15 adoption of those findings?

16 MR. MION: I'll make that motion.

17 MR. LANE: Second.

18 CHAIRMAN STUTO: Any discussion?

19 (There was no response.)

20 All those in favor, say aye.

21 (Ayes were recited.)

22 All those opposed, say nay.

23 (There were none opposed.)

24 The ayes have it.

25 With respect to the application for final site

1 plan approval, do we have any discussion?

2 (There was no response.)

3 Do we have a motion, subject to all the  
4 conditions set forth in the record tonight, the Town  
5 Designated Engineer letter and all the Town department  
6 comments?

7 MR. MION: I'll make that motion.

8 MR. SHAMLIAN: Second.

9 CHAIRMAN STUTO: Discussion?

10 (There was no response.)

11 All those in favor, say aye.

12 (Ayes were recited.)

13 All those opposed, say nay.

14 (There were none opposed.)

15 The ayes have it.

16 Thank you.

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18 (Whereas the above entitled proceeding was  
19 concluded at 8:10 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.

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NANCY L. STRANG

Dated \_\_\_\_\_

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