

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 PRECISION INDUSTRIAL MAINTENANCE
5 245 MORRIS ROAD (AKA 1093 KINGS ROAD)
6 AMEND CONCEPT ACCEPTANCE

6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY L. STRANG, a Shorthand Reporter,
9 commencing on April 25, 2017 at 7:02 p.m. at The
Public Operations Center, 347 Old Niskayuna Road,
Latham, New York

10

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 LOU MION
14 BRIAN AUSTIN
15 KATHY DALTON
16 TIMOTHY LANE
17 CRAIG SHAMLIAN

18 ALSO PRESENT:

19 Katheen Marinelli, Esq. Counsel to the Planning Board
20 Joseph LaCivita, Director, Planning and Economic
21 Development
22 Michael Tengeler, Planning and Economic Development
23 Nick Costa, PE, Advanced Engineering
24 Todd Kilburn, Precision Industrial Maintenance
25 Charles Voss, PE, Barton and Loguidice
Helen Romano
Sally Burkhardt
Bill Dergosits
Vic Hauser
Helen Romano
Peggy Beaton
Dee Awling
Jim Almy
Judy Hauser

25

1 CHAIRMAN STUTO: Good evening and welcome to the
2 Town of Colonie Planning Board this evening. We have
3 three items on the agenda.

4 Joe, do you have any introductory remarks
5 before we proceed with other things?

6 MR. LACIVITA: We have a number of students. We'll
7 start there first and then I'll talk a little bit about
8 the upcoming -

9 MR. AUSTIN: It's always a pleasure to see students
10 joining us for the meetings. All of these students are
11 from RPI. I just want to recognize them and thank them
12 for coming; Jonathan Luster [SIC], Will Morawski [SIC],
13 Fenton Gohegan [SIC], Scott Crotty [SIC], Jocelyn Caslow
14 [SIC], Sarah Vogel [SIC], Laura Hulse [SIC], Erica
15 Vincen [SIC] and Marissa Alisha [SIC]. I hope I got all
16 those names right and thank you so much for coming. We
17 hope that you enjoy it tonight.

18 MR. LACIVITA: I know that we are waiting on Nick
19 Costa who will be here shortly. He thought that he was
20 lower on the agenda and not the first one. I apologize
21 for that delay.

22 The Planning Department just recently kicked
23 off the Albany Shaker Road Corridor Study probably
24 within the last four weeks. We've been meeting in an
25 advisory capacity and we had our first hearing

1 committee meeting the other day where we had the
2 airport, CDTC, CDTA, DOT and Albany County there.
3 So, we have now identified the corridor and now we
4 are going through parcel selections and overview as
5 to what are the remaining large parcel densities,
6 what is the underlying zoning, what is the maximum
7 capacity based on underlying zoning and what is the
8 potential for any greater density than what is
9 currently existing. We are into that path and we are
10 coming up to two public meetings. We are identifying
11 those. One, I believe, is coming up in the early
12 part of May and one will be in June and then we'll
13 get right into the recommendations of that study.

14 Once they are finalized and given to the Town
15 Board, we are going to wrap them into our
16 Comprehensive Plan, as well, for that area. So, a
17 lot of good work is happening with it and I think
18 that once we get into the Comp Plan, we can start
19 planning properly in the future there.

20 CHAIRMAN STUTO: Are there any public meetings
21 coming up?

22 MR. LACIVITA: As I said, we are looking to try to
23 hold one somewhere in the middle of May and another one
24 in June and that will help develop the recommendations.

25 CHAIRMAN STUTO: Will that be on your website?

1 MR. LACIVITA: Yes, that will have its own website
2 as well - a link to our planning process as well as the
3 Town Board.

4 CHAIRMAN STUTO: Is the applicant ready?

5 MR. COSTA: Give me a quick minute?

6 CHAIRMAN STUTO: Sure.

7 MR. LACIVITA: I can give you a quick summary of
8 where we were with this project before Nick gets ready.

9 You'll see in your checklist that is provided
10 to you, our recommendation -- I think that one of
11 the things that we want to bring out in this project
12 is that tonight we are here to amend a concept.

13 We granted concept back on November 23, 2016.
14 We granted concept to the original site plan that is
15 a part of the three parcels that we are talking
16 about. We are looking to amend the concept to add an
17 additional concept on, based on the fact that the
18 Planning Board had asked the applicant to work with
19 the Pine Bush Commission.

20 I have to commend the applicant and their
21 engineer because they did phenomenal meeting, along
22 with Chuck as well. There were a lot of meetings
23 and a lot of feedback back and forth. The Pine Bush,
24 as an advisory commission made the recommendation to
25 shift the concept that we did to another site. This

1 is what Nick is going to present to you tonight.
2 Again, remember we granted on an already disturbed
3 site. Now, they are looking to move into a different
4 location and amend the concept.

5 Before we start that, I don't know if you want
6 to say anything as to preference as to how you're
7 moving forward. I know that you are looking to do
8 the study, as required by -

9 MR. KILBURN: Yes, there is a study that they asked
10 us to do in a September time frame a year and a half
11 ago. They asked us to do it during the breeding season
12 of the Karner butterfly which is the May/June timeframe.

13 MR. COSTA: Anywhere from May to August. That was
14 the time frame that was given to us.

15 CHAIRMAN STUTO: Is that currently what we voted on
16 for concept?

17 MR. COSTA: No. Down here is what was originally
18 presented (Indicating).

19 CHAIRMAN STUTO: Why don't we start there? That's
20 more logical.

21 MR. COSTA: This plan was developed and we made a
22 submission for a three-lot subdivision and a concept
23 plan review. The existing site in this particular area
24 right here (Indicating) is already developed and has
25 been utilized for several different types of operations

1 there.

2 CHAIRMAN STUTO: Is that the go-kart site?

3 MR. COSTA: Yes, and the paint ball -- so, it's
4 fairly developed and there is clearing of this area that
5 is substantially developed. It hasn't been used for a
6 couple of years so there is some overgrowth.

7 CHAIRMAN STUTO: What is in the middle of that
8 drawing - the colored section?

9 MR. COSTA: I wanted to bring these tonight because
10 I wanted to show you the iterations that we went
11 through.

12 CHAIRMAN STUTO: So, what would be contemplated on
13 the other two sites, in terms of where the buildings
14 would go? You're in a conservation district, correct?

15 MR. COSTA: That's correct. Since that meeting, as
16 Joe mentioned, we met with the Pine Bush Commission.

17 CHAIRMAN STUTO: What I interjected is to keep as
18 much contiguous greenspace - contiguous for passage of
19 wildlife and other environmentally sensitive reasons.

20 MR. COSTA: And I think that we accomplished that
21 with this plan.

22 CHAIRMAN STUTO: Are you looking to change your
23 concept, or are you looking to do two parallel concepts?

24 MR. COSTA: We have done the parallel concepts
25 because we had done that concept at that location and

1 now we have done the concept at this location.

2 CHAIRMAN STUTO: Are you looking to move that
3 building or no, or are you looking to get more specific
4 on the other two lots.

5 MR. LACIVITA: Let me assist a little bit here.
6 We've been working with Todd and Nick quite a bit on
7 this.

8 We gave a concept that shows the larger part
9 where the waterline is. You can see the stream bed
10 over there (Indicating). That's the concept that we
11 granted back in September. All along, the Pine Bush
12 is saying we wanted to move you, we need to do a
13 study, it wasn't right --- so Todd is at a point
14 where he is moving his industry here to the Town of
15 Colonie. He is up against time constraints. We
16 thought about, in talking to the TDE and Nick and
17 Todd together, running two parallel processes with
18 two concepts. If the study turns out to be what the
19 Pine Bush is saying, this is option B. Option A
20 might be the preference, but the whole idea is that
21 Todd won't lose any time to go to final if one
22 should die or the other should die on the vine.
23 That's why we are trying to do this amended concept
24 to allow both projects to start being developed into
25 their final stages once that study is completed.

1 CHAIRMAN STUTO: Are you moving your building?

2 MR. COSTA: Yes, we did.

3 CHAIRMAN STUTO: It's not stated clearly. You
4 obviously have three lots. It's unclear whether you're
5 moving your project or you're saying that we're going to
6 try to get concept for all three lots at once. Do you
7 have three lots?

8 MR. COSTA: Not anymore. That's the other change
9 that has happened. Now we have two lots.

10 CHAIRMAN STUTO: So, do you want to switch to this
11 concept or are you trying to do two parallel universes
12 at one time?

13 MR. COSTA: We are trying to do two. Until the
14 study is completed, we would like to do the two parallel
15 projects. Basically, it will save Todd some time in the
16 preliminary final.

17 MR. KILBURN: Just in case there is a negative
18 finding on this parcel right here (Indicating). The Pine
19 Bush has expressed - they thought that it would be
20 smarter to start here and look at this. This is all
21 wooded and they said that the chances of finding
22 anything there are slim - whereas this is open and there
23 is a chance that you could find something that would
24 affect the ability to build there.

25 CHAIRMAN STUTO: So, we are only talking about your

1 project, right?

2 MR. COSTA: Right.

3 CHAIRMAN STUTO: So, what is Concept 1 and what is
4 Concept 2? Concept one is a three-lot subdivision
5 putting your building there, correct?

6 MR. COSTA: That's correct.

7 CHAIRMAN STUTO: What is Concept 2?

8 MR. COSTA: Two-lot subdivision and putting the
9 building at this corner. In addition to that what this
10 plan shows that this did not show is that conservation
11 analysis that was done. In the hatched area - as you can
12 see the hatched area that runs all along here and
13 through here (Indicating) - that would be deed
14 restricted for conservation purposes.

15 CHAIRMAN STUTO: Where would you build on the other
16 lot?

17 MR. COSTA: It would be here (Indicating).

18 CHAIRMAN STUTO: It's hard to see the hatched area
19 from here.

20 MR. COSTA: I think that we had them on the plans
21 that you have. That's a larger scale. It's not the
22 actual photo. This is a little bit bigger and you can
23 see the hatch a little bit better here (Indicating).

24 CHAIRMAN STUTO: We gave our plans to the students.

25 MR. COSTA: I think that the Board requested that

1 we look at the conservation and make it a little more
2 than 40%. So, we have done that. On this lot there would
3 be about 44% and the other one is 45%.

4 CHAIRMAN STUTO: Which one do you prefer?

5 MR. COSTA: If we don't find anything that is
6 sensitive, this would be the preferable site
7 (Indicating). It's already cleared.

8 This came to be because we met with the Pine
9 Bush and they asked us to relocate it. They also
10 asked us to do the study of that site. If there is
11 anything sensitive, it would be in that area.

12 CHAIRMAN STUTO: I'll give my opinion and I don't
13 know if this helps.

14 I think that it's a great project. I think that
15 we are in support. I haven't heard anything negative
16 from this Board. This is a little bit of a curve
17 ball with parallel concept plans. I don't think that
18 it's specifically contemplated in the Land Use Law.
19 I would say that you can change your plan between
20 concept and final. I would have no objection if the
21 study mandated or strongly suggested that you move
22 it over. For me personally, I would be supportive of
23 that. I'll go that far. I don't know how the rest of
24 the Board feels.

25 MR. COSTA: That's what we are looking for; thank

1 you.

2 MR. MION: The only issue that I have -- the reason
3 that you moved it over to begin with is that the land
4 was disturbed. You don't have to cut trees down, which
5 would an attempt to preserve it. We have to look at
6 that. You've got disturbed land. Is the butterfly there
7 when it was disturbed before? I don't know. You had
8 go-karts going around and you had paintball. If anything
9 is going to disturb them, that would disturb them. Now
10 you're going to put a building there where it's already
11 been disturbed. I understand what you're trying to do
12 and that's fine.

13 MR. KILBURN: I prefer that also.

14 MR. MION: But I just have an issue why it
15 happened.

16 MR. LANE: I agree with Lou and the other thing
17 would be that if you did go with this idea in the end
18 eventually at some point there will be something done
19 with that other lot by someone. It's a zero sub-gain on
20 our end, more or less. While I have no real problem with
21 it, you have a back-up plan and it's always a good thing
22 to have a back-up plan. If you do find that one issue,
23 you can go with your original plan.

24 MR. COSTA: Yes.

25 MS. MILSTEIN: Are you combining two and three

1 together or is there still going to be a vacant lot
2 adjoining them?

3 MR. COSTA: No. What we have done for Plan B -- we
4 had Lot 3 here. That was behind and now we are combining
5 that. We are making it one, so there is just a two-lot
6 subdivision. Even though we show that as a three-lot
7 subdivision down at the original one, there is always
8 the opportunity of merging those two into one.

9 Todd's real need is one lot for him to develop
10 his building. So, he doesn't really know what's
11 going to happen with the second and third lot. As
12 you said, if there is nothing found on this lot,
13 this would be marketable as a -

14 MR. SHAMLIAN: As a practical matter, if nothing is
15 found on that lot, then you're going to put the building
16 there.

17 MR. COSTA: That's correct.

18 MR. SHAMLIAN: If something is found on that lot
19 then essentially the lot becomes unmarketable anyway,
20 for the most part.

21 I agree with Pete. Normally it would be a
22 pretty big change to go from one to the other - from
23 concept to final but these are somewhat extenuating
24 circumstances. I, too, would be agreeable to
25 considering that.

1 MS. MILSTEIN: You talked about a deed restriction.
2 What property would be deed restricted?

3 MR. COSTA: It would be on both lots, or all three
4 lots. We would place a deed restriction of no
5 disturbance for these wide area all along the perimeter
6 so that there would be some wildlife corridor. We are
7 told that animals traverse this area and they transverse
8 this area too.

9 MS. MILSTEIN: So, in other words you do a deed
10 restriction where you'd map out with the Pine Bush. So,
11 it's not the entire parcel.

12 MR. COSTA: We would comply with the minimum 40%
13 conservation by doing that. We're actually at 45.9%.

14 MS. DALTON: Can I go back to our last meeting? The
15 questions that I raised had to with dividing the lot at
16 all because currently we have one lot.

17 MR. COSTA: That's correct.

18 MS. DALTON: The Town does not have to approve
19 dividing it into three lots or two lots. So, I thought
20 what the plan was that we granted you concept approval
21 with the notion that the disturbed area - we would
22 likely be fine with you putting a building on, but if we
23 found other things we wouldn't want to divide the lot
24 into three lots. You would still have your one building
25 and your business but it would remain on one lot and the

1 rest of the lot would remain undisturbed. So, whether
2 you had two lots or three lots, in my mind, doesn't
3 really meet the core of what my objection was the last
4 time which is you have to wait until the summer to do
5 the environmental study. I believe that subdividing
6 these lots before the environmental assessment is
7 completed is inappropriate. Having paralleled tracks
8 doesn't address that, in my opinion.

9 MR. LACIVITA: Kathy, I think that in this one it
10 is one large lot based on what the study will do.
11 Correct me if I'm wrong, but that's what we all
12 discussed. We're keeping it as one large lot until that
13 study comes and once the study comes, that decision will
14 be made at final approval. It does address your comment
15 because right now we're seeing one lot with a deed
16 restriction encompassing both understanding that once
17 the study comes A or B is decided and we move forward in
18 that path; whether it be one large lot or two lots.

19 MR. COSTA: That's correct.

20 MS. DALTON: I thought that Concept 1 was that we
21 approved putting a building on this disturbed area
22 pending the environmental outcome and that we were
23 holding off.

24 Now, Concept 2 is that you will put a building
25 on the undisturbed area if they find that there are

1 butterflies on the disturbed area, or butterflies
2 anywhere?

3 MR. COSTA: The study will determine that. The
4 likelihood of the butterfly - this was what we were told
5 by the Pine Bush. The likelihood of the butterfly being
6 in the wooded areas is very slim.

7 MS. DALTON: I did think that there were other
8 species we were going to be looking at in addition to
9 the butterflies; is that not correct?

10 MR. COSTA: I think that we identified that in the
11 study that was done. When the study was done, it was
12 done in September and what Neil Gifford from the Pine
13 Bush Commission wanted to make sure is that it was done
14 during that time frame for the butterfly.

15 Before we subdivide this the study will be
16 completed.

17 MS. DALTON: So, this is just essentially giving
18 you a different option if you find that certain areas
19 are going to be affected and other areas are not going
20 to be affected.

21 MR. COSTA: That's correct.

22 MS. DALTON: And no subdivision will happen until
23 we get the result - no subdivision will be approved
24 until we get the result.

25 MR. COSTA: That's correct.

1 MR. AUSTIN: I have just a quick question. How far
2 back on Plan B are you planning on clearing?

3 MR. COSTA: Right now we're showing clearing right
4 there (Indicating).

5 MR. AUSTIN: And the rest is remaining wooded?

6 MR. COSTA: That's correct. It would just be this
7 corner. Again, this has resulted from us meeting with
8 the Pine Bush Commission and going through several
9 iteration meetings with the TDE, Barton and Loguidice
10 and Joe. So, that's what came out of that. I think that
11 we felt that there was a directive for us to meet with
12 the Pine Bush and discuss the project with them and see
13 what comes out of that. They strongly advised us to stay
14 at this location. This is their preference. It's not our
15 preference.

16 CHAIRMAN STUTO: Is anybody here from the Pine Bush
17 today?

18 MR. LACIVITA: No. Neil could not be here. You have
19 a letter from Neil.

20 CHAIRMAN STUTO: Right, we just got handed this.
21 We're going to do a couple of things. We're going to
22 hear from our Town Designated Engineer. We're going to
23 see what the Pine Bush says in their letter and we're
24 also going to go to the residents.

25 Chuck, do you have anything to say now?

1 MR. VOSS: We have issued a quick concept letter to
2 the Board back on April 17th. You have your packets.

3 Essentially for us, the critical infrastructure
4 issues are the same with Concept A versus Concept B.
5 Nothing really shifts in terms of being able to
6 provide utilities to the site, stormwater issues -
7 they are all basically the same issues that we had
8 in our earlier concept discussion with Parcel A
9 which the Board approved last year. I think that
10 just out of nuisance as to what Nick was saying
11 about the Pine Bush, when we met collectively with
12 the Pine Bush Commission last fall, it was really at
13 their advice and their recommendation that drove the
14 applicant to kind of focus on this corner for
15 Concept Plan B. The applicant would obviously prefer
16 Concept A. I think that from a general standpoint
17 the Planning Office as well as our office would
18 support Concept A simply because it's a
19 redevelopment site. You're not taking down several
20 acres worth of trees, forest and lands. You're not
21 regrading all those sites. You've got a
22 redevelopment site which is always preferable for
23 new development. Granted if the study that is
24 required comes across any habitat - whether it's
25 Karner Blue habitat or any habitat which the study

1 will obviously look at, then you have an issue and
2 then certainly the Board could help guide the
3 applicant maybe away from that.

4 I think that from a practical standpoint
5 Concept A is really the preferable one. In term of
6 utilities and infrastructure, there is really no
7 difference between the two at this point.

8 CHAIRMAN STUTO: Why do you say that Concept A is
9 preferable?

10 MR. VOSS: Because of the redevelopment issue.

11 CHAIRMAN STUTO: But the Pine Bush disagrees with
12 you; right?

13 MR. VOSS: They probably do.

14 MR. COSTA: They just wanted to see the study at a
15 different time of the year when they're mating.

16 CHAIRMAN STUTO: You said that they preferred that
17 in any event; did I understand you incorrectly?

18 MR. COSTA: I think that they sent us toward this
19 location without having the knowledge of what may be
20 happening in that open area.

21 CHAIRMAN STUTO: Joe, can you read the Pine Bush
22 letter or what they are saying?

23 MR. LACIVITA: We had sent this concept to them. We
24 got an email from Neil Gifford who responded also at the
25 prior concept. He says, thank you for your electronic

1 copy of the amended concept. As the Commission discussed
2 when we met with the applicant and Mr. LaCivita, the
3 site is adjacent to an occupied endangered species and
4 habitat. Such endangered species surveys are needed to
5 evaluate potentially significant adverse environmental
6 impacts associated with either concept. I did not notice
7 any reference on the need to conduct those surveys in
8 the applicant's revised narrative. Unfortunately, I am
9 already committed to another meeting on the 25th but I
10 request that with this report, Mr. LaCivita let the
11 Planning Board know that at our meeting the applicant
12 committed to conducting the Karner Blue Butterfly and
13 the Wild Blue Lupine surveys of the parcel by the
14 appropriate trained consultant in t2017.

15 CHAIRMAN STUTO: We're doing that; right?

16 MR. COSTA: That's correct. That's what we are
17 talking about - doing it in June, July or August.

18 CHAIRMAN STUTO: Okay. I think that we are ready to
19 hear from the residents.

20 Helen Romano?

21 MS. ROMANO: I'd like to wait until the end.

22 CHAIRMAN STUTO: Sally Burkhardt?

23 MS. BURKHARDT: I was just wondering where exactly
24 is this location?

25 MR. COSTA: This is Kings and this is Morris

1 (Indicating).

2 MS. BURKHARDT: This one building that is here that
3 use to be Agway -

4 MR. COSTA: No, that is right here (Indicating).

5 MS. BURKHARDT: Are you taking over that, too?

6 MR. COSTA: No. We don't own that.

7 MS. BURKHARDT: So, you're here and behind it
8 (Indicating).

9 MR. COSTA: Right.

10 MS. BURKHARDT: How many acres are you basically
11 going to be using; 27?

12 MR. COSTA: No. The entire parcel is 27.4 acres. We
13 are only going to be using about three or four acres.

14 MS. BURKHARDT: You're going to be putting up a
15 building. What is the building going to have in it?

16 MR. COSTA: Todd has an operation where he does
17 construction -

18 MR. KILBURN: There will be trucks and people.

19 CHAIRMAN STUTO: Ma'am, could you speak into the
20 microphone and address the Board? It's our meeting and
21 also we need the public to hear you.

22 MS. BURKHARDT: Basically, did everyone hear what
23 the building was going to be used for?

24 FROM THE FLOOR: No.

25 MR. LACIVITA: Ma'am, we're going to have to wait

1 and we'll let everybody speak who wants to speak. We
2 have to do it in order; thank you.

3 MS. BURKHARDT: Basically we know that your
4 business is maintenance of waste and stuff. is any of
5 that waste going to be going to this area of our
6 neighborhood?

7 CHAIRMAN STUTO: You can ask us and then we'll have
8 them address all of them? You have to get all your
9 points out first.

10 MS. BURKHARDT: Basically I want to know what the
11 business is going to be doing there.

12 CHAIRMAN STUTO: Do you have any other questions?

13 MS. BURKHARDT: No, I want to know what the
14 business is going to be doing.

15 CHAIRMAN STUTO: Okay, we'll give them a chance to
16 respond.

17 MS. BURKHARDT: Thank you.

18 CHAIRMAN STUTO: Can you tell us what you're going
19 to be doing there?

20 MR. KILBURN: Storage of trucks. We have trucks the
21 size of dump trucks and pick-up trucks and that type of
22 equipment. We do have waste that we do bring back for a
23 short period before we transfer it to another facility.
24 Mostly it's oily debris, so it's oily rags and so forth.
25 It's all drummed. It's stuff that we're not allowed to

1 open up or decontainerize it at that facility.

2 CHAIRMAN STUTO: Does it stay on the trucks or not
3 necessarily?

4 MR. KILBURN: Yes, it will go from truck to truck.
5 It's similar to - it would carry some of the waste which
6 is what like Veolia does which is right around the
7 corner.

8 CHAIRMAN STUTO: Is there any technical description
9 of that in the materials that we have?

10 MR. KILBURN: I don't know if there is.

11 MR. VOSS: The first concept approval had a long
12 narrative as to what they were going to do on the site.
13 The Board went through that.

14 I assume that none of that has changed.

15 CHAIRMAN STUTO: I think that I remember that.

16 MR. KILBURN: No, none of that has changed.

17 MR. VOSS: It's on file.

18 CHAIRMAN STUTO: Can we get a copy before they
19 leave?

20 Bill Dergosits.

21 MR. DERGOSITS: Thank you, ladies and gentlemen of
22 the Town Board. I reside at 2996 Curry Road Extension.
23 I'm approximately four-tenths of a mile away of what was
24 identified as Lot 1.

25 I want to start off by saying I'm a little

1 confused tonight because I went online and did the
2 research of the project development narrative that
3 was online today as well as looking at the map and
4 then I'm learning just a short time ago that there
5 is not any consistency with what I was reading
6 today. Even in the document there are
7 inconsistencies where it says it's two lots, it's
8 three lots, we're developing where there is an
9 existing cement building and then we're developed
10 undeveloped land. So, I'm a little confused by that.
11 I apologize if I'm caught off-guard by not having
12 more questions for you. That's all going to be
13 something that I need to absorb. I thank these
14 gentlemen for sharing some more information. I think
15 that I even heard some confusion -

16 CHAIRMAN STUTO: Okay, I'm not sure what you read
17 that's online but I'm going to try to clarify.

18 MR. DERGOSITS: What I read online was under
19 description of proposal. It said, developing two lots.
20 Then, on the very last page of what was online under the
21 revision based upon comments received it was talking
22 about three lots.

23 CHAIRMAN STUTO: Okay, let me tell you what I know.
24 We clarified some of this at the beginning. I'll tell
25 you what's actually going on.

1 They have concept approval for what is down
2 below, which is three lots. We have already been
3 through this and gave concept acceptance. That's not
4 a formal approval. That's just saying that you can
5 continue and make another application and continue
6 to SEQR. It is not a binding decision by the
7 planning board and it doesn't give them any legal
8 rights to that concept. What they do have concept
9 acceptance for is three lots as down in that lower
10 drawing right there, if you want to look at it. what
11 they are newly proposing - the Karner Blue butterfly
12 may dictate this - is that they move their building
13 away from potentially with a Karner Blue -- if the
14 study comes up positive. That will create an
15 alternative from what was originally under the
16 concept acceptance.

17 The alternative, which is what we refer to as
18 B, is two lots and moving the proposed building to
19 the very corner which is depicted on the picture
20 that is in front of you. So, that is what actually
21 is being done.

22 MR. DERGOSITS: Will the Board be voting and taking
23 action on that tonight, or is there going to be more
24 consideration on those two options?

25 CHAIRMAN STUTO: What I propose - and I don't know

1 what the rest of the board thinks - I don't want to vote
2 for parallel concepts acceptances. I want to keep the
3 same concept acceptance but say on the record that my
4 strong opinion is that if the Karner Blue study comes
5 out positive meaning and shows Karner Blue on the site
6 where they want to build now, then I would be amenable
7 to moving the building can go into alternative B. I
8 personally do not want to take a formal vote on that
9 tonight. I just wanted to express myself on that. That
10 will come out in hand. I can't predict what the dynamics
11 of the board will be final vote.

12 MR. DERGOSITS: My perspective and I apologize if
13 it is wrong - I thought there would be action taken on
14 that tonight.

15 CHAIRMAN STUTO: Well, we could have and that's
16 what the agenda says. I don't want to have to parallel
17 concept acceptances out there. That is my opinion.

18 MR. DERGOSITS: In your opinion, will there be
19 action taken on this tonight, or will there be further
20 studies?

21 CHAIRMAN STUTO: The final version will not be
22 determined tonight. I'm pretty sure of that. I think
23 that the Board agrees.

24 MS. DALTON: Yes, nothing is going to happen
25 tonight. We need to see that study.

1 MR. DERGOSITS: That clarifies a lot. I just didn't
2 know if I was leaving here tonight and it was a done
3 deal without having all of the information.

4 CHAIRMAN STUTO: Because we want to see what that
5 Karner Blue Study says.

6 MR. DERGOSITS: The other factor that I would like
7 to bring light to the board is - we are in a unique area
8 of Colonie. We also have neighbors on Curry Road
9 extension and across the road are Guilderland residents.
10 We have well water. There is no town water in our area.
11 Anything that could impact our well water is critical. I
12 know a lot of the Town - especially with the people that
13 I work with they say, you don't have Town water. It is a
14 small section of the Town of Colonie that does not have
15 Town water. A big concern of ours is our water and
16 everything that can be done to protect that. When it
17 comes to hazardous materials, it raises flag. So, I
18 would like to go on record and say that is a concern.

19 CHAIRMAN STUTO: Well, we are going to make copies
20 of what their particular activity is. I think we have it
21 on file.

22 Did we locate it yet?

23 MR. LACIVITA: Yes. They can email me, Peter. It's
24 much easier if I could disseminate it that way.

25 CHAIRMAN STUTO: I am not an engineer and I'm not

1 an environmental engineer and it was a while ago when
2 they presented that material. They have to conform with
3 all the rules and regulations. I was satisfied and I
4 don't live there, granted.

5 I would like Chuck to respond to this. I am
6 satisfied that be in compliance - I don't think
7 there is any impact on the groundwater at all from
8 this operation.

9 Chuck, can you help me with that.

10 MR. VOSS: Yes. Peter, based on memory from several
11 months ago in the description that the applicant gave
12 the board, it was apparent that they really weren't
13 talking about liquid waste or tanker trucks or what you
14 think of with major hazardous waste. It was more kind of
15 by products of your cleaning operation that are
16 basically drummed. You do all of your activities of the
17 site, you remediated, you take care of things and that
18 activity is heavily regulated by the DEC. So, in other
19 words, you can't Bring raw exposed, contaminated
20 material in an open truck back to facility here. You
21 have to do I get, tag it, drum it on the site. It is
22 then sealed and then those sealed containers are then
23 transported temporarily from what you are describing to
24 this location where they are then transported out to a
25 proper waste facility. You are not having any exposed

1 waste whatsoever through your DEC permits and
2 regulations. You can't, based on what you have told us.
3 So, it sounds like it is more - for lack of a better
4 word - waste materials improperly sealed containers to
5 the site and then off to a disposal facility.

6 CHAIRMAN STUTO: Nick, do you understand the
7 process? Can you help us at all?

8 MR. COSTA: I think Chuck is right on the money
9 with it - with that explanation. These items result
10 from Todd's cleaning process and they are highly
11 regulated. They have to be kept in a sealed container
12 and it's all approved by DEC.

13 MR. LACIVITA: Not only is it DEC, Todd, don't you
14 have both federal regulations also that you have to
15 follow?

16 MR. KILBURN: Yes.

17 MR. LACIVITA: Because you are transporting both of
18 vehicle - so, you are federally regulated and state
19 regulated by the DEC.

20 MR. KILBURN: Correct.

21 MS. MILSTEIN: I have two questions. Can you
22 explain exactly what is going in these drums? Is the
23 liquid? Can you make it clear? What is going to be in
24 these drums?

25 MR. KILBURN: It is a mix of materials. Some of it

1 is liquid and some of it is solid, from our cleaning
2 operations.

3 MS. MILSTEIN: And when you move it on - when you
4 truck it in, do you take it off one truck onto another
5 or whatever truck it comes in on, it is going out on.

6 MR. KILBURN: We transfer from one truck to
7 another.

8 MS. MILSTEIN: And that will be done on the site.

9 MR. KILBURN: Yes. So, it goes from a smaller
10 pickup truck to a larger tractor-trailer so it can go
11 out in bulk quantities rather than one or two at a time.

12 CHAIRMAN STUTO: Do you store these in the yard or
13 out in the open or in the building.

14 MR. KILBURN: In the yard, but in a contained area.

15 CHAIRMAN STUTO: Contained how?

16 MR. KILBURN: It is a concrete containment that is
17 regulated by DEC.

18 CHAIRMAN STUTO: Can you give us more specification
19 on that? I am familiar with some containment areas for
20 fuel farms and so forth.

21 MR. KILBURN: Similar to that, just smaller.

22 CHAIRMAN STUTO: But people don't understand. Can
23 you explain that in layman's terms?

24 MR. KILBURN: It is more of a concrete pad with
25 small berms around the outside to contain the waste if

1 something were to spill.

2 CHAIRMAN STUTO: It is like a dish, right?

3 MR. KILBURN: Yes, and it has a coating on it to
4 protect it so that anything that goes into it, stays
5 there and does not get into the environment.

6 MR. AUSTIN: Sir, can you give us an idea of where
7 you might get some of this waste? You say that it is a
8 cleaning operation. So, where exactly would you be
9 cleaning stuff; automotive places, machine shops?

10 CHAIRMAN STUTO: Can you give a real-life example
11 that you know of this week that you have done or this
12 month for this year?

13 MR. KILBURN: We do some work for the National
14 Guard. We actually will do some cleaning for them. In
15 fact, I know we did this week. We do a lot of work for
16 GE but they take care of their own waste in none of
17 their stuff comes back to our facility.

18 CHAIRMAN STUTO: Okay, what did you do for the
19 National Guard?

20 MR. KILBURN: I don't know. I just see them
21 scheduled where our guys are. I don't know job by job
22 what they are doing. Sometimes we are cleaning out oil
23 tankers. I don't know if that's something that they have
24 done recently, but they are projects that I remember
25 doing in the past.

1 MR. AUSTIN: My other question is when you bring
2 the materials to your facility on your trucks, are you
3 transferring them to the different companies trucks? Do
4 they send a truck to collect the material and bring it
5 through your site -

6 MR. KILBURN: We put it on their truck and they
7 come pick it up.

8 MR. AUSTIN: So, they come and pick it up?

9 MR. KILBURN: Yes.

10 CHAIRMAN STUTO: Any other questions?

11 MR. DERGOSITS: Just for the record, I was not
12 trying to accuse anybody of doing anything illegal or
13 false. It was just a question with regards to bringing
14 to the Board's attention that we are unique in our area
15 and we are on well water.

16 The other concern that I wanted to raise is
17 that the area is relatively flat, whether we are
18 talking about parcel one or parcel two or parcel
19 three. When I built my house 35 years ago - and I
20 have lived there ever since, through the Albany
21 County Board of Health they came out and I needed to
22 put in four 40 foot lengths of leech for my septic
23 system. I have a small Cape Cod house which had a
24 residency of five individuals. I know they are
25 looking for the office space to have 29 people

1 working out of that facility, not to mention the
2 trucks coming and going. Because of the low level of
3 the grounds, sometimes there is standing water at
4 the corner of Morris Road and Curry Road for weeks
5 or months, which several of us in the audience could
6 attest to you. How they will be able to have a leach
7 field and whether with all of the studies that are
8 required before building use is permitted - that the
9 appropriate perk test or leach fields in the area
10 for a building that size for 25 people would be
11 incorporated into the approval process.

12 CHAIRMAN STUTO: Okay, any other questions? As I
13 told Mrs. Burkhardt, if you can get all your questions
14 out we can try to get them all answered. If you still
15 have any at the end, you can come back.

16 MR. DERGOSITS: The other question that was raised
17 to me by a neighbor was just to make you aware that
18 within that area there are some weight restrictions on
19 the road. I don't know what those are, but those are
20 something that you may want to factor in.

21 I would like to thank the Board for your time.

22 CHAIRMAN STUTO: Would you like to address the
23 leach field and the weight restrictions?

24 MR. COSTA: The weight restrictions - I'm not sure
25 what those are. If there are, Todd is going to have to

1 comply with those requirements.

2 CHAIRMAN STUTO: How heavy are your vehicles?

3 MR. KILBURN: The heaviest will be 40,000 pounds,
4 probably.

5 CHAIRMAN STUTO: Okay, can we make a note to look
6 at that? Does anybody here know what the weight
7 restrictions are in that area? We'll find that out.

8 MR. COSTA: We will try to note it when we visit
9 the site with regard to any signage that may be in
10 place.

11 With regard to the leach field, I can certainly
12 explain the difference between a single family
13 residential home and what they require versus an
14 office setting.

15 CHAIRMAN STUTO: Can you describe what you
16 envision?

17 MR. COSTA: We'll have a subsurface system,
18 depending on where it's located on the site. There are
19 three or four different types of soil. The site does
20 have Colonie sand on it, at least a portion of the site.
21 We are going to try to do the septic system in that area
22 because that's usually because it doesn't have the
23 limitation with some of the other soil series.

24 With regard to the 29 people - 29 people are
25 not going to generate the type of waste water that a

1 home generates. A home generates substantially more
2 waste water. Per employee, it's 10 gallons per day.
3 So, 29 people would equate to 290 gallons per day.
4 That's less than a single family residential home.

5 CHAIRMAN STUTO: Do you know what the numbers are
6 for that?

7 MR. COSTA: It depends on the number of bedrooms.
8 Three bedrooms is 330 gallons per day and four bedrooms
9 is 440 gallons per day. It's 110 gallons per bedroom.

10 Like I said, the site does have some standing
11 water in this area so they were delineated as
12 isolated wetlands. So, those are not jurisdictional,
13 as everybody knows. There is some standing water and
14 that's another reason for not building up there.

15 MR. LACIVITA: One of the questions that the
16 gentleman did mention - he said about the building use,
17 if permitted. I just want to make sure that everyone
18 understands that this is an industrial zone. There is a
19 commercial zoning verification that was in fact approved
20 upon application and that dates back to March 11, 2016.
21 So, the use in this area is a permitted use under this
22 zoning.

23 CHAIRMAN STUTO: Tom Romano.

24 MR. ROMANO: My name is Tom Romano and I live at
25 979 Kings Road which is about in this direction

1 (Indicating) north, about three-quarters of a mile. Just
2 for your information, if you go online - I'm sure that
3 you have the prints here.

4 Plan B is shown and what it depicts clearly are
5 the areas here that provide connectivity to the
6 different parcels that the Pine Bush Commission is
7 concerned with. It's hard to see, but this should be
8 what you people have. The areas that would be
9 reserved for wildlife habitat is shown in a
10 cross-hatched manner.

11 In the narrative it's clearly stated on page 4
12 that the proposed facility development will not
13 involve the use, storage or disposal of hazardous
14 chemicals or materials. Controlled storage of
15 materials used with the equipment will be stored at
16 the site as permitted by New York State DEC to
17 comply with the permit conditions.

18 I'm still concerned with the storage of what I
19 would consider hazardous materials. I'm not happy at
20 all with the fact that drums are going to be stored
21 there. I understand that it's a safety feature and
22 drums can be hazardous for argument's sake in a
23 fire. They can explode. We really still don't know
24 exactly what goes in these drums other than
25 materials that we use for cleaning.

1 Also, Precision is involved with another
2 company called Martin Environmental Services. They
3 deal with asbestos and lead removal. I am concerned
4 that if that operation might also wind up operating
5 out of the same building and warehouse.

6 MS. DALTON: In the last meeting that we had, the
7 applicant did say that in fact he had own businesses in
8 that same facility.

9 That's correct, right?

10 MR. KILBURN: Yes, correct.

11 MR. ROMANO: Well, if they are dealing with
12 asbestos and lead removal, I'd like to know what would
13 be stored at the warehouse from those jobs.

14 CHAIRMAN STUTO: We'll get a better description of
15 that.

16 MR. ROMANO: Also, the Town of Colonie is a large
17 town. There is still a lot of land. Why this location?
18 I'm sure that there are other more suitable locations
19 for this type of operation. This is in an
20 environmentally sensitive area and there are other areas
21 of the Town where I think that it is more suitable.

22 Personally, between Plan A and B, I would
23 rather have this plan right here (Indicating). It
24 does take into consideration the so-called
25 connectivity with the wildlife. No matter what, it

1 was noted that - let's leave this alone. Let's not
2 clear cut it to put a building in. No matter what,
3 if the building winds up here this is still going to
4 be developed at some point, so whether it's
5 clear-cut now or five years from now, something will
6 go in there anyway.

7 CHAIRMAN STUTO: Other than that, I might be able
8 to enlighten you as far as weight limits. I can't tell
9 you exactly what the weight limit is, but I know that
10 there are weight limits on Kings Road and further down
11 on Kings Road. The main thoroughfare happens to be Curry
12 Road and everything runs down Curry Road except Amtrak.
13 You name it, it goes down there. So, it is a permitted
14 use I would think - the tractor-trailers using Curry
15 Road.

16 Thank you.

17 CHAIRMAN STUTO: Thank you.

18 Can you explain the asbestos and lead component
19 of the business?

20 MR. KILBURN: Yes. The asbestos is performed at job
21 sites and the materials are containerized and brought
22 straight to the landfill - as opposed to the local
23 landfill.

24 CHAIRMAN STUTO: It does not make a stop at your
25 site?

1 MR. KILBURN: No.

2 CHAIRMAN STUTO: What about lead.

3 MR. KILBURN: It may, in those drums. We don't do
4 a lot of lead, to be honest with you. It is listed
5 because it is sometimes a small portion of the asbestos
6 work that we do. For Martin, it is probably less than 5%
7 of the work that they do.

8 CHAIRMAN STUTO: How is that stored?

9 MR. KILBURN: In the same drums.

10 CHAIRMAN STUTO: Vic Hauser.

11 MR. HAUSER: Good evening. My name is Vic Howser
12 and I live at 981 King's Road. I'm just concerned about
13 the water level.

14 I live in an area that has a high water level.
15 If you go down a foot and a half or 2 feet, you hit
16 water. You were saying that you are looking at a
17 septic system that is going to be under the ground.
18 I am just wondering how you were going to do that.
19 That is about the only question that I have.

20 CHAIRMAN STUTO: Okay. Thank you.

21 MR. COSTA: Again, we will be working with the
22 Albany County Health Department to site a septic system
23 on the site. Like I said, we are going to try to focus
24 our use of the Colonie sand area. Usually, the
25 groundwater is not an issue in those areas where the

1 Colonie sand is available.

2 CHAIRMAN STUTO: What if you run into that problem,
3 though?

4 MR. COSTA: It would end up being a fill system.

5 CHAIRMAN STUTO: You mean you would build up the
6 ground?

7 MR. COSTA: That's correct. That's what the
8 alternative is. You have to have the proper separation
9 and in a system like that we would end up pumping. It
10 is not that it becomes impossible. We would try to avoid
11 that. Obviously, it would be better if we could go to an
12 area that could be a conventional type design.

13 CHAIRMAN STUTO: Mr. Dergosits.

14 MR. DERGOSITS: Thank you, Mr. Chairperson. I was
15 not trying to be argumentative, but I wanted to bring up
16 two points. I am only going by the information that I
17 read off of the description today. I will share that
18 with you. You can have this. I will bring it to you
19 right now.

20 You were just informed that it was 250 gallons
21 per person. In the document that I was reading -

22 CHAIRMAN STUTO: He said 290 total for 29 people.
23 It is 10 gallons per person -- from the office workers.

24 MR. DERGOSITS: I am reading approximately 450
25 gallons a day, based on the number of employees. That is

1 what I was going by.

2 Second, I do take a little bit of an exception
3 comparing a residential house to a commercial
4 building primarily because of the location. We are
5 talking about an area that has already been
6 identified as having three wetlands on it. We are
7 already talking about an area that has been
8 identified as being relatively flat. Where I live,
9 it does not have any wetlands or it is not
10 relatively flat. I would just like to highlight that
11 for the Board. Thank you.

12 CHAIRMAN STUTO: Did you want to see this?

13 MR. COSTA: No, I wrote that. I responded to the
14 number of 29 that he mentioned - 29 employees. Besides
15 the 29 office employees, there are other personnel who
16 will utilize the site. In total, it is 450 gallons. We
17 estimated at 450 gallons - when the building is fully
18 occupied. That would be the morning time. After that,
19 the truck drivers would leave the site and only the
20 office people would be left.

21 We went with the 450 gallons per day because it
22 is a conservative number.

23 CHAIRMAN STUTO: Thank you.

24 Mrs. Romano, did you want to speak?

25 MS. ROMANO: My name is Helen Romano and I live at

1 979 Kings Road.

2 My question is: How can they talk about a
3 subdivision when they don't own the property as of
4 now -- or to the best of my knowledge they don't.
5 Isn't that kind of putting the apple before the
6 cart? Don't they have to own the property before you
7 people can consider a subdivision? That's my only
8 question.

9 CHAIRMAN STUTO: Okay.

10 Joe, do you want to answer that?

11 MR. KILBURN: We have owned it for almost 2 years
12 now.

13 CHAIRMAN STUTO: Somebody with a contract can also
14 come in and apply.

15 MR. KILBURN: The closing was about two years ago.

16 MS. ROMANO: It says lands of Valentine.

17 CHAIRMAN STUTO: What do you say about that?

18 MR. COSTA: Says lands now or formerly of
19 Valentine.

20 CHAIRMAN STUTO: Any other residents want to speak?

21 MS. BEATON: My name is Peggy Beaton and I live at
22 103 Miller Lane, about a mile and a quareter from this
23 area.

24 Assuming you are an ongoing business, as this
25 gentleman is - so his containers are currently

1 stored somewhere and I don't know if it is a matter
2 of public record or if I am allowed to ask -

3 CHAIRMAN STUTO: You can ask anything.

4 MS. BEATON: Has there been any seepage or leakage
5 or any sort of incidents in the past? I understand the
6 container system, but that is only as good as the
7 containers those things are placed in. That would be my
8 question. Thank you.

9 MR. KILBURN: No, we have not in any spills from
10 containers.

11 CHAIRMAN STUTO: Where is your current location?

12 MR. KILBURN: We are on Erie Boulevard in
13 Schenectady, across from the casino.

14 CHAIRMAN STUTO: To get bought out down there?

15 MR. KILBURN: Not yet.

16 CHAIRMAN STUTO: So, you have not had any
17 environmental incidents there.

18 MR. KILBURN: No.

19 CHAIRMAN STUTO: Yes, ma'am.

20 MS. BURKHARDT: I would like to get a
21 clarification. Basically, I was reading articles on the
22 business and basically - a septic removal, sewer
23 removal, drainage problems, etcetera, etcetera. I just
24 want to get a clarification if it goes to the site or
25 the site goes to them.

1 CHAIRMAN STUTO: I did not understand them.

2 MS. BURKHARDT: In other words, if they do get
3 asbestos which you said you didn't really get that much
4 of -

5 MR. KILBURN: No. I will give you an example. Our
6 sales last year were 15 1/2 million. About 1 million of
7 that was asbestos removal. About 90 million it was
8 rehabilitation of sewers, culverts, underground
9 infrastructure work and the rest of it was our
10 industrial side.

11 CHAIRMAN STUTO: He said the asbestos never comes
12 to the site. They go directly from where they do the
13 cleanup and bring it to the landfill.

14 Am I correct in that?

15 MR. KILBURN: Yes.

16 MS. BURKHARDT: You personally do it or you go and
17 pick it up and then you take it to the landfill?

18 MR. KILBURN: Our trucks do, yes.

19 MS. BURKHARDT: I was just reading about the type
20 of materials. If he was bringing them in, if someone
21 else was bringing them in and who was taking them out.

22 CHAIRMAN STUTO: They are all your employees,
23 right?

24 MR. KILBURN: We don't accept waste from somebody
25 else. That would be a whole different application or

1 DEC permits.

2 CHAIRMAN STUTO: So, it would you that you do a
3 clean-up or remediations with your own employees, you
4 containerize it, you bring it to the site with your own
5 employees. You reconfigure it onto bigger trucks,
6 temporary storage in the container area, perhaps - and
7 these are all of your employees?

8 MR. KILBURN: Yes.

9 CHAIRMAN STUTO: And then you ship it out with your
10 own employees.

11 MR. KILBURN: A different truck driver would pick
12 it up. It mostly goes to New Jersey.

13 CHAIRMAN STUTO: It will be a different company?

14 MR. KILBURN: Yes, they'll be the truck driver that
15 will actually hook up to the trailer and go. It's
16 already loaded, it's already closed up -

17 CHAIRMAN STUTO: Independent truckers or from a
18 different company?

19 MR. KILBURN: Different company

20 CHAIRMAN STUTO: Who owns the truck?

21 MR. KILBURN: They would own that truck.

22 CHAIRMAN STUTO: The bed in the back - they own it?

23 MR. KILBURN: Yes.

24 MS. BURKHARDT: Okay, that gives me a little more
25 clarification.

1 MR. KILBURN: No one brings waste to us.

2 MS. BURKHARDT: You go get it and bring it to your
3 site and they come and take it to the New Jersey site.

4 MR. KILBURN: Yes, when they split it off to
5 different facilities.

6 MS. BURKHARDT: And how long is this waste at your
7 site?

8 MR. KILBURN: We are allowed up to 10 days.

9 MS. BURKHARDT: What federal agencies come in and
10 check?

11 MR. KILBURN: New York State DEC does.

12 MS. BURKHARDT: Does EPA?

13 MR. KILBURN: No. We are regulated by DEC.

14 MS. BURKHARDT: So, nothing is burned.

15 MR. KILBURN: No.

16 CHAIRMAN STUTO: Any other residents?

17 MS. AWLING: I'm Dee Awling and I'm at 56 South
18 Kellogg Aveue. It's off of Cordell.

19 I just want to know with this site - what roads
20 are you going to be using?

21 MR. KILBURN: I assume it will be Curry Road. I
22 know that there are other tractor trailers and trucks
23 that come thorough that area. I believe that they are
24 also on Kings, but I don't know roadways. I know that
25 it's accessible through roads - and I don't know which

1 ones. For us, because we do travel quite a bit - the
2 best course would be Curry. It's a straight shot to 890
3 which would get us on the highway.

4 MS. AWLING: So, you won't be coming through - like
5 these other truckers not knowing where a facility is
6 through the neighborhoods -

7 MR. KILBURN: No. Like I said, we go to the highway
8 a lot. We travel quite a bit. I can't say all Curry Road
9 but I would say 90% Curry Road.

10 CHAIRMAN STUTO: Anybody else?

11 (There was no response.)

12 What does the Board want to do?

13 If the study strongly suggests that they move
14 it, do you have any feeling on that?

15 MR. AUSTIN: I would say that if you're going to
16 move it or you end up having to move it, then maybe you
17 could clean up the stuff that's on the existing site
18 right now and make it look nicer.

19 MR. KILBURN: We are definitely committed to doing
20 that. Whichever site we end up on, we will definitely
21 clean up all the tires and all the stuff there. There is
22 a small concrete building that is there and we'll knock
23 that down too.

24 MR. LACIVITA: I think that in moving forward and
25 in cleaning up the site - if he is asked, based on the

1 study, to move it to this location (Indicating) we can't
2 do it administratively so we'll bring it back before the
3 Planning Board to adopt a concept in order to go to
4 final. We will have one meeting to adopt the concept as
5 the only action taken because at final we will need to
6 do SEQR and we want to make sure that this is the plan
7 of record.

8 CHAIRMAN STUTO: Or they can just notify us. You
9 know how you do those updates. My understanding is that
10 they can change their plan between concept and final

11 MR. LACIVITA: Then we all agree to notify by
12 record if the study shows that we have to move it, we'll
13 put a letter in writing that we are moving to this
14 option.

15 MR. COSTA: Yes. We will be submitting that study.
16 We'll be submitting it to you.

17 CHAIRMAN STUTO: If you can submit the study, do a
18 formal letter saying that as a consequence to the study,
19 we are moving to this plan for final. Joe can read it
20 into the record.

21 MR. LACIVITA: Okay.

22 MR. COSTA: If we are not moving it, we're just
23 going to submit preliminary final.

24 CHAIRMAN STUTO: We have a gentleman with a
25 question.

1 MR. ALMY: My name is Jim Almy and I'm at 1351
2 Kings Road. I don't get no application or finding out
3 what you people are doing in the Town of Colonie. You
4 take Altamont - they get a paper that comes out.
5 Guilderland - they have a paper that comes out. Is there
6 one in the Tonw of Colonie that I can get to know what
7 is going on? I only found this on a sign put along side
8 the road.

9 CHAIRMAN STUTO: Joe, can you describe our notice
10 process?

11 MR. LACIVITA: Yes. Our notice process is that
12 anyone within 200 feet of the area gets a notification
13 of an action that is going to have Planning Board action
14 such as a concept or final. Our paper of record is the
15 Colonie Spotlight.

16 MR. ALMY: That will advertise?

17 MR. LACIVITA: We advertise when there is a public
18 hearing specific to subdivisions and so on, based on the
19 law that is written - the Land Use Law. That's how we
20 notify or do anything in writing in that newspaper.

21 MR. ALMY: That's what I was wondering. You've got
22 a newspaper where I can read.

23 MR. LACIVITA: It will not be for actions typical
24 like this. Our web site has notifications. We put our
25 actions in our Planning Board agenda on our website. We

1 have a call-in number, 783-2741. You can call in and
2 hear our bi-weekly agenda.

3 CHAIRMAN STUTO: The subdivisions component - this
4 will get in the paper, right, because we are going to
5 have a public hearing.

6 MR. LACIVITA: From a minor perspective, it's
7 administrative so it wouldn't be. Anything four lots and
8 under would be.

9 CHAIRMAN STUTO: Do we accept addresses?

10 MR. LACIVITA: I was just going to say if you want
11 to give us your address - if anybody has that capability
12 for an email, just email me or give me your address and
13 we can make sure that we put your notification in.

14 CHAIRMAN STUTO: So, even if you're not the 200
15 feet, you'll get a notice.

16 MR. LACIVITA: Correct. My email is
17 lacivitaj@colonie.org.

18 MR. ALMY: Thank you.

19 MR. LACIVITA: Just email me and ask to be put on
20 the address list.

21 MR. ALMY: Thank you.

22 MS. HAUSER: I'm Judy Hauser and I live at 981
23 Kings Road. You all talked about cleaning asbestos and
24 that type of thing. What do you use for your trucks
25 themselves and where do they get cleaned? What kind of

1 chemicals are going into the ground from that?

2 CHAIRMAN STUTO: Okay, we'll ask that. Anything
3 else?

4 MS. HAUSER: No, that should do it.

5 CHAIRMAN STUTO: Can you talk about that process?

6 MR. KILBURN: It would be in a truck facility
7 carwash. So, it would not be at our facility.

8 CHAIRMAN STUTO: You're not going to clean any
9 trucks on the site.

10 MR. KILBURN: No.

11 MR. LACIVITA: But there is also a requirement
12 before you leave a site, Todd, that there is some
13 cleaning that has to be done.

14 MR. KILBURN: For the inside, yes.

15 CHAIRMAN STUTO: Okay, anything else?

16 (There was no response.)

17 Thank you. I think that we have hopefully left
18 you with a clear direction.

19 MR. COSTA: This is what we were looking for. We
20 wanted to explain what came about from our meetings with
21 the Pine Bush Commission.

22 CHAIRMAN STUTO: So, if it changes, notify us by
23 letter and we'll read it into the record and you can
24 change your final application. Then, the public will
25 come back after that.

1 MR. COSTA: Thank you.

2 MR. KILBURN: Thank you.

3 CHAIRMAN STUTO: Thank you, everybody.

4

5 (Whereas the above entitled proceeding was

6 concluded at 7:50 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 _____

