

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 ALBANY MED EMURGENT CARE
5 1019 LOUDON ROAD
6 APPLICATION FOR ENVIRONMENTAL SEQ
7 R DETERMINATION, FINAL REVIEW

8 *****

9 THE STENOGRAPHIC MINUTES of the above entitled Public
10 Hearing by NANCY L. STRANG, a Shorthand Reporter,
11 commencing on June 20, 2017 at 7:50 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 KATHLEEN DALTON
18 STEVEN HEIDER
19 SUSAN MILSTEIN
20 CRAIG SHAMLIAN
21 BRIAN AUSTIN

22 ALSO PRESENT:

23 Michael C. Magguilli, Esq. Town Attorney
24 Joseph LaCivita, Planning and Economic Development
25 Department
Joseph Bianchi, PE, MJ Engineering
Richard Rosen
Charles Voss, PE, Barton & Loguidice

1 CHAIRMAN STUTO: Okay we'll call up the next
2 project on the agenda.

3 Albany Med Emurgent Care, 1019 Loudon Road,
4 application for environmental SEQR determination, final
5 review, raze existing building - which is the old
6 Michael's Banquet House - and replace with a 30,000
7 square-foot one-story medical office.

8 Joe LaCivita, do you have any preliminary comments
9 before we start with the presentation.

10 MR. LACIVITA: Yes, I just want to commend the
11 applicant through the course of this process for the
12 adaptive reuse and redevelopment of the site. There
13 will be mitigation that the site will produce based on
14 demolition the amount of about \$35,600. That's based on
15 betting the 18,500 demolition and the 30,000 square
16 foot.

17 This project was before the DCC on November 2, 2016.
18 You saw it here for sketch and then it came in for
19 concept February 28, 2017. Tonight we are here for
20 final and SEQR determination.
21 I will turn it over to MJ Designs.

22 MR. BIANCHI: Joe Bianchi with MJ Engineering.
23 I am here with Rich Rosen, the applicant.
24 Joe had indicated the last time that we were here was
25 February with the Board granted us concept

1 approval.

2 There were two items that the Board had
3 requested on the plans that we had committed to. They
4 were not on the plans at the time. They were sidewalks
5 - we would show sidewalks along Route 9 which the
6 current plans do. Also, the connection between the
7 building and the sidewalks. We were committed to those
8 and have provided those

9 The third item was better disbursement of the
10 accessible parking. Before we had primarily shown that
11 in front of the building. The Board had asked can it
12 disperse it amongst the medical users and employees. We
13 provided 10 out front and then two in the rear for
14 employees. So, we spread those out.

15 The homework that the Board had given us - there
16 are three things that they wanted from us. They are
17 proposing the ornamental fencing along the front. I have
18 provided a photo of the front. These details are within
19 the plan, that this is actually what it would look like.
20 This picture is actually of the project this Board
21 approved.

22 The other thing that the Board had asked for was sort
23 of illustratively showing where landscape was going.
24 The plans show this. We are showing the plan and showing
25 you the species that would be planted around the site.

1 There are a lot of native species and sort of mixing it
2 with the development.

3 The third comment was showing some of the
4 internal and external signage. I believe the focus was
5 because we have a restricted exit - restricted for
6 deliveries and inventory. We show it here being
7 restrictive internally. We show that do not enter sign
8 and prohibit the general public from using that northern
9 exit out only. We have provided that on the plan.

10 We received staff comments, TDE comments, comments from
11 DOT. The plans that the Board has have captured all of
12 those outstanding comments. We have responded to them
13 and obviously those departments and agencies have
14 confirmed that we have responded to those comments.

15 With that, any comments or questions from the Board
16 are welcome.

17 CHAIRMAN STUTO: This has been reviewed by our
18 Town Designated Engineer, Chuck Voss, of Barton and
19 Loguidice.

20 Chuck, can you give us your comments?

21 MR. VOSS: Certainly, Peter. Thank you.

22 The Board should have their packet a letter dated
23 May 18. Actually, it is a very brief final site plan
24 review. As Joe mentioned, the applicant met every one
25 of the final conditions that the Board had asked them

1 at the last site plan meeting. Certainly, there were
2 particular concerns.

3 I will just reiterate slightly the fact that the
4 sidewalk interconnect is now there on-site. That
5 sidewalk interconnect works well with the slope change
6 from the parking area, as the Board pointed out early
7 on. I think it works very well now.

8 The restricted access to that northerly curb cut -
9 I think it is well represented on the site plan. In
10 particular, with the signage, the Board had a concern
11 with people circulating on the inside of the site and
12 using that access way. It should be fairly clear to
13 most folks that would now be the primary means of
14 ingress or egress to the site.

15 The landscaping plan, we had our landscape architect
16 take a look at and examine the species that were
17 proposed. They are certainly in line. The applicant
18 certainly has tried to use the native species that you
19 are seeing now which is certainly an asset to the site
20 as being a primary redevelopment site. There was
21 additional landscaping here. The landscaping plan looks
22 good.

23 Stormwater - we worked through Joe and his team to
24 come up with a solution that would address the storm
25 water. We are comfortable now with the designs and

1 working with John Dzialo as well -- the applicant's
2 materials reflect the DEC's concerns with that as well.
3 Those comments are included in your packets.
4 Other than that, we don't have any additional concerns
5 outside of the waivers that you have in your packet.

6 There were three waivers. They are certainly
7 consistent with not only a redevelopment site but also
8 with developments that the Board has approved.

9 We would support the Board taking a positive
10 approach to these waivers. We have a waiver finding
11 which I will show you in a few minutes.

12 Other than that, you have your SEQR recommendation
13 which is an unlisted action. We certainly support that.
14 Those are all of our comments. The applicant did a
15 great job.

16 CHAIRMAN STUTO: Were there members of the
17 public that want to speak on? I did not see anybody
18 signed in.

19 MR. LACIVITA: Do you walk through the
20 elevations one more time before we get into any
21 comments?

22 CHAIRMAN STUTO: Sure.

23 MR. BIANCHI: So, when we first came in I
24 think the tenant liked it that I think the Board did
25 not. It was not a warm welcome. So, from the comments

1 that we took back and the architect worked hard -- is
2 adding some improved skin - some cultured stone and
3 some differentiation of colors with earth tones.

4 The front of the building facing Route 9. this is
5 actually the primary entrance which is on the side. So,
6 the Board said can you bring some relief to this. We
7 did. We had it bumped out and had some various
8 elevation refinements. I think the Board was very
9 receptive to that.

10 There are rooftop units and then we have a wall
11 screen to screen the rooftop units from the road.

12 MR. MION: Is that all the way around?

13 MR. BIANCHI: It goes on three sides. Yes, it
14 would be on the left, right and the front. There is no
15 need to screen the back because it's just vacant
16 property back.

17 MR. MION: Right now. It could be developed.

18 MR. BIANCHI: It could be would remember the
19 site drops off pretty drastically. Route 9 is much
20 higher, so we want to screen Route 9 understanding that
21 there could be development back there. That elevation
22 is much lower. So, at the rear property line it may
23 look like a two-story building because it's so much
24 lower.

25 MR. LACIVITA: One of the other things that

1 happens back there - we tried to get cross connectivity
2 to Canterbury Crossings and out to the light. That is a
3 wetland crossing that rear portion of the plan. I think
4 the comment of possibly being developed may in fact be
5 because the wetland is there.

6 MR. BIANCHI: Yes, the state wetland is in the
7 back; For several acres.

8 MR. AUSTIN: The one elevation that we had --
9 on that one window side with the overhang, we have an
10 extension penned in.

11 CHAIRMAN STUTO: All the way to the roofline.
12 There is some penned drawing in here.

13 MR. LACIVITA: Joe, you guys look like you put
14 in a cornice in on all of them. It's a nice little
15 detail.

16 MR. BIANCHI: I have never seen that before.

17 CHAIRMAN STUTO: So, that is not part the plan.

18 MR. BIANCHI: No.

19 MR. LACIVITA: Does the Board like it?

20 CHAIRMAN STUTO: Hard to say.

21 MR. SHAMLIAN: I know the free standing sign
22 that's out by the street -- you have a sign that's out
23 there, correct?

24 MR. BIANCHI: Actually, we just got approval
25 for it.

1 MR. SHAMLIAN: Can you go over placement and
2 size of sign on the building? I'm not sure where it
3 is. I see there is one facing Route 9.

4 MR. BIANCHI: This is the primary sign is
5 basically the same location as Michael's. We used the
6 same location but really we made it look more
7 presentable considering what is going there. Their
8 smaller signage in here way-finding direction, because
9 there are two or three doorways.

10 On the building - it is a smaller sign. Again, this
11 is the front facing Route 9. Then, there is another
12 small sign on this location which on your site plan is
13 here (Indicating). You've got one over here and want
14 here.

15 MR. SHAMLIAN: What are the sizes of those two
16 signs?

17 MR. BIANCHI: I would have to check.

18 CHAIRMAN STUTO: It's not a LED sign, right?

19 MR. BIANCHI: No, it's not an LED sign.

20 CHAIRMAN STUTO: Any other comments or
21 questions from the Board?

22 (There was no response.)

23 Okay, we have seen this a number of times so we
24 have worked on this a lot and that's why we don't have
25 a lot of questions.

1 Chuck, do you want to walk us through the
2 environmental review? We have to do that before we do
3 the Resolutions.

4 MR. VOSS: The Board should have in their
5 packets the SEQR recommendation which was issued by
6 Rebekah Kennedy from the Town Attorney's Office. This
7 is your standard SEQR recommendation.

8 The first page lists the action as an listed action.
9 The recommendation that we recommend based on the
10 attached EAF -- the Board determines that the action
11 will not have a significant effect on the environment.
12 Page 2 are the standard 11 questions from Part II. The
13 Board will note that all 11 of those are checked no or
14 small impact. We certain concur with that with this
15 project.

16 The last part is Part III which is the determination
17 of significance. Rebekah has checked the box at the
18 bottom that says check this box if you determine that
19 the information and analysis above and any supporting
20 documentation - that those action will not result in
21 any significant adverse environmental impact.

22 CHAIRMAN STUTO: We need to discuss these
23 things. That's one of the requirements and make sure
24 that we've given it careful review.

25 You can either read one through 11 or we can take a

1 minute to review.

2 Why don't you go through them quickly and we'll
3 interrupt you if we have any questions or comments.

4 MR. VOSS: Number one is will the proposed
5 action create a material conflict with an adopted land
6 use, plan or zoning regulations. The answer is no.

7 Will the proposed action result in a change in the
8 use or intensity of land use? The answer was no.

9 Will the proposed action and pair the character and
10 quality of the existing community? The answer again
11 was no or small impact.

12 Will the proposed action have an impact on the
13 environmental characteristics that cause establishment
14 of a critical environmental area? There is no CEA:
15 Here on the site.

16 While the proposed action results in an
17 adverse change to the existing level of traffic or
18 affect existing infrastructure for mass transit, biking
19 or walkway? To answer was no or small effect.

20 Will the proposed action cause an increase in the
21 use of energy and fails to incorporate reasonably
22 available energy conservation and renewable energy
23 opportunities? The answer is no or small impact.

24 Will the proposed action impact existing public or
25 private water supply, public or private wastewater

1 treatment facilities? Answer is no to all of them.

2 Will the proposed action impair the character or
3 quality of import or historic, archaeological,
4 architectural or aesthetic resources? The answer is
5 no.

6 Will the proposed action result in an adverse change
7 to natural resources such as wetlands, waterbodies,
8 groundwater, impair quality for fauna? Again, the
9 answer is no.

10 Will proposed action results in an increase in the
11 potential for erosion, flooding drainage problems? The
12 answer is no.

13 Lastly, will the proposed action create a
14 hazard to environmental resources or human health?
15 the answer was no.

16 CHAIRMAN STUTO: Given that this is a
17 redevelopment, it is not surprising that the impacts
18 are minimal.

19 Anybody have any questions or comments on those?

20 (There was no response.)

21 The last page the negative declaration. I will
22 ask the stenographer to include that entire thing in
23 the record.

24 We have a motion on the negative declaration?

25 MS. DALTON: I will make a motion.

1 MR. MION: Second.

2 CHAIRMAN STUTO: Discussion?

3 All those in favor, say aye.

4 (Ayes were recited.)

5 All those opposed, say nay.

6 (There were none opposed.)

7 The ayes have it.

8 Can you talk to us about the waivers.

9 MR. VOSS: Peter, we have prepared for the
10 Board a waiver Resolution. Again, it's standard, but I
11 will go through the three requested waivers and the
12 rest of the Resolution.

13 Whereas the applicant is requesting a waiver from
14 the Town of Colonie Land Use Law, Article 9, Chapter
15 1090-9 design standards for the commercial office
16 retail zone.

17 This is the first one; 190-40(a)(1)(c)(1), the
18 maximum building frontbacks; the major road shall be 25
19 feet. The second waiver is the new parking in the
20 proposed front yard shall be prohibited.

21 The third is parking is greater than 20 stalls, a
22 minimum of 20 square feet of landscaping island shall
23 be included in the interior parking area of each stall.
24 Whereas the Town of Colonie Planning Board may waive
25 these standards to the extent it deems necessary in

1 order to secure reasonable development of the site. In
2 such case the applicant must establish that there are
3 no practical alternatives to the proposed waiver that
4 would conform to the standard and the Board shall issue
5 a written findings statement stating the extent of
6 justification of the waiver.

7 Whereas the use of the site is suitable for
8 approval, approved commercial uses along New York State
9 Route 9 in the Town, and

10 Whereas the building setback is consistent with the
11 setback of other preexisting commercial structures
12 located proximally to the site, and.

13 Whereas parking within the frontyard setback is
14 consistent with other pre-existing commercial uses in
15 proximity to the site and will afford a higher level of
16 safety to patrons accessing the site given their
17 anticipated medical constraints.

18 Now therefore be it resolved that the Board hereby
19 finds that the extent of the requested waivers is not
20 considered substantial and be it further resolved that
21 the Board finds that the applicant has established that
22 there are no practical alternatives to the proposed
23 waivers that would conform to the standards and that
24 the waivers are necessary in order to secure reasonable
25 development to the site and be it further resolved that

1 the Board hereby issues a waiver to the prohibition
2 from parking in the front yard setback, and be it
3 further resolved that the Board hereby issues a waiver
4 for the maximum front building setback of 25 feet, and
5 be it further resolved that the Board hereby issues a
6 waiver of the 20 square feet of landscaped island to be
7 included within the interior parking areas, and be it
8 further resolved that these waiver findings be a
9 condition of site plan approval and the application be
10 kept on file in the office of Planning and Economic
11 Development.

12 CHAIRMAN STUTO: You may have read all of them,
13 but I will ask out stenographer to make sure that the
14 entire Resolution is in the record.

15 Do we have any questions or comments on the waivers?

16 (There was no response.)

17 Do we have a motion on the waiver resolution?

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

19 MR. AUSTIN: Second.

20 CHAIRMAN STUTO: Any discussion?

21 (There was no response.)

22 All those in favor, say aye.

23 (Ayes were recited.)

24 All those opposed, say nay.

25 (There were none opposed.)

1 The ayes have it.

2 On the main question before the Board, which is for
3 final site plan approval based upon the conditions of
4 all the Town Departments, conditions placed here
5 tonight by the Board and conditions in the TDE review
6 letter -

7 MR. LACIVITA: One other condition is that we
8 brought up comments as to the signage - it's going to
9 be an adaptive use of the signage itself. We also heard
10 that there will be no LED use on the site. If the
11 future if there change of that site be brought to sign
12 review, it should be received here before this Board
13 for recommendation?

14 CHAIRMAN STUTO: Yes.

15 With all those conditions, do we have any
16 discussion?

17 (There was no response.)

18 Do we have a motion?

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

20 MS. DALTON: I'll second.

21 CHAIRMAN STUTO: Any discussion?

22 (There was no response.)

23 All those in favor, say aye.

24 (Ayes were recited.)

25 All those opposed, say nay.

1 (There were none opposed.)

2 The ayes have it.

3 Thank you.

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6 (Whereas the above entitled proceeding was concluded at

7 8:15 p.m.)

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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 _____

