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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

STARLITE MIXED-USE
APPLICATION ACTION FOR SEQ
ENVIRONMENTAL DETERMINATION

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing
on April 24, 2018 at 7:27 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
LOUIS MION
KATHLEEN DALTON
SUSAN MILSTEIN
BRIAN AUSTIN
STEVEN HEIDER

ALSO PRESENT:

Michael C. Magguilli, Esq., Town Attorney
Joseph LaCivita, Director, Planning and Economic
Development
Joseph Grasso, PE, CHA
Daniel Hershberg, PE, Hershberg and Hershberg
Susan Weber
Leonard Van Ryn
Tom Sorensen

Exhibits
Sorensen #1.....Pg. 39

1 CHAIRMAN STUTO: Okay, the next and final item
2 on the agenda is Starlite Mixed-Use, application action
3 for SEQR environmental determination, 629 Columbia
4 Street.

5 Obviously, the Board knows that they have
6 seen this project several times before.

7 Joe LaCivita, do you want to give us an
8 introduction?

9 I would just remind everybody that we are not
10 here for site plan review. We are not here to vote to
11 approve the project. We are here on the environmental
12 review, which we have already accumulated a lot of
13 information on the record. Traffic is one of the most
14 important environmental impacts that we reviewed. Just
15 to reiterate the point, we are not here for site plan
16 approval. Were just here for the environmental review.

17 Joe LaCivita, do you have anything to say
18 before we proceed?

19 MR. LACIVITA: No, I think you did a great job
20 introducing it.

21 CHAIRMAN STUTO: Joe Grasso with CHA is our
22 Town Designated Engineer. He has been reviewing this
23 project for the Planning Board.

24 Joe, we will make this your presentation on
25 the environmental review on this project.

1 MR. GRASSO: The applicants and their
2 consultants are here tonight. I didn't think that it was
3 necessary for them to give a presentation, but the
4 project design has not changed since what the Planning
5 Board has reviewed in the past. I'm just going to go
6 right through where we are with our review and the
7 Town's review and the other agencies that are involved.
8 The project has already received concept acceptance a
9 few months back. Applications have been submitted by the
10 applicant's team to multiple agencies, including the
11 Planning Board. Our office and the Town departments have
12 initiated a final site plan review of the project.

13 The last meeting that we had with the
14 Planning Board, which was on April 10, we asked the
15 applicant to focus on the traffic related impacts and
16 mitigation of the project. We had that meeting a
17 couple of weeks back. Before us tonight is really for
18 a decision for a SEQR determination. What that will
19 establish is that whether or not the Planning Board
20 believes that the project will not require completion
21 of an environmental impact statement and that it will
22 not have a significant impact on the environment.
23 Together with that determination, allows the other
24 agencies that have applications that they are ready to
25 complete the review of the project - that will allow

1 them to finish their review of the project.

2 We issued a comment letter related to SEQR
3 dated April 19 which is in your packets. So, our
4 letter basically describes where we are in the process
5 and get some highlights about the project.

6 Just to reiterate regarding the SEQR review:
7 the applicant is seeking final site plan approval for
8 Phase 1 of the project which is 150,000 square feet of
9 office to accommodate the Ayco as the sole tenant.

10 Phase 2 of the project is an expansion of the
11 project as an expansion of the building - the 300,000
12 square feet. So, there will be an additional 150,000
13 square feet. Because the site has been designed to
14 accommodate that, we have asked the applicant to
15 address all of the impacts associated with both phases
16 one and two within the SEQR documentation so that we
17 understand all of the impacts. So, our first comment
18 in the letter basically goes through that. In terms of
19 the SEQR review, this is a little bit different than
20 most projects because of the scale of the project.
21 Because it involves a nonresidential development over
22 10 acres and involves over 100,000 square feet of
23 commercial development, it triggers a Type I action.
24 What that triggers is the need to provide a full
25 environmental assessment form which has been submitted

1 and reviewed and it also requires the Planning Board
2 to go through a coordinated review process. So, that
3 process has been undertaken by the Town.

4 I'm just going to go through some of the
5 other involved agencies. It involves the Town of
6 Colonie Town Board, obviously yourselves as the
7 Planning Board, the Albany County Planning Department,
8 the Significant Environmental Management Area Appeals
9 Board, the Town of Colonie Industrial Development
10 Agency, DOT and the New York State DEC.

11 The Town Attorney's office did initiate
12 coordinated review with the request to have the
13 Planning Board be lead agent. That 30 day lead agency
14 request. That has expired and no other involved
15 agencies have indicated any intent to be lead agent.

16 As such, we recommend that the Planning Board
17 tonight except lead agency status and work towards a
18 determination of significance.

19 So, because of the large amount of
20 information included with the concept application
21 materials, and the fact that the site is in the Boght
22 Road/Columbia Street GEIS study area, we believe that
23 the Planning Board has sufficient information to
24 render determination of significance in advance of a
25 final determination on the final site plans and

1 subdivision plat.

2 Regarding the SEQR and the additional
3 information in your packets, the applicant's
4 consultant prepares part one of the EAF which is about
5 13 pages of questions and answers that basically
6 describes the environmental setting of the project, as
7 well the specifics regarding the type of development
8 that is proposed. Again, that is including phases one
9 and two of development. So, the EAF, although it's
10 prepared by applicant's consultant, we reviewed it and
11 had comments on the part one. We provided those
12 comments back to the applicant's team. They revised it
13 in resubmitted it. So, what you have in your packet is
14 a revised part one that addresses the comments that we
15 previously raised to make sure that the document
16 really does a good job describing clearly the
17 application that is being sought for the neg dec.

18 On behalf of the Planning Board, we have
19 drafted parts two and part three of the full EAF for
20 the Planning Board's consideration. I'm going to walk
21 through the part two and part three. Every time you
22 identify an issue that could result in a significant
23 or large impact, we need to go to the part three of
24 the description of the impact and how it's going to be
25 mitigated, where the impact will no longer be

1 significant.

2 I just want to reiterate in terms of the
3 preparation of the final site plans: those have
4 already been prepared by the applicant's consultant.
5 We have reviewed the first draft of those. We have
6 provided detailed technical comments back to the
7 applicant's team. That review process which is still
8 going on proves to us that we don't think that the
9 project is going to materially change in scope or
10 scale or design from what we have already gotten
11 before. That's why we feel comfortable that the
12 Planning Board can make a negative declaration tonight
13 on SEQOR knowing that the final site plan details are
14 still being worked on.

15 I'm going to go right into the full EAF. Like
16 I had mentioned, part one is the project site in the
17 setting. I'm going to walk through Part II two which
18 are the questions that try to help the Planning Board
19 determine the level of significance. So, that's also
20 in your packet.

21 The first question is: The impact on land:
22 Will the proposed action involve the construction on
23 or the physical alteration of the land surface of the
24 proposed project site? The answer to that is yes.

25 Then, you go through a series of

1 sub-questions to determine whether or not there could
2 be a moderate to large impact. There are about 10
3 questions on the first one. There were two flags that
4 triggered the response to moderate to large impact may
5 occur.

6 The first one: The proposed action may
7 involve construction on land where bedrock is exposed
8 or within 5 feet of the land surface.

9 The second thing is the proposed action may
10 result in increased erosion, whether from physical
11 disturbance or vegetation.

12 So, anytime you've got an answer in that
13 third column where it says moderate to large impact
14 may occur, it requires us to then delve deeper into
15 that impact and the mitigation. So, that's what
16 creates the narrative for part three which is also in
17 your packets. Those pages start out looking like this.

18 The first one is a response on impact on
19 land. I'm going to paraphrase just to hit the
20 highlights of the response to the impact on land.
21 Areas were identified with a depth of bedrock could be
22 less than 5 feet which could require blasting or
23 special construction techniques related to
24 foundations. If blasting is required, the applicant
25 would be required to adhere to the New York State's

1 Bureau of Mines Blasting protocol as identified in the
2 1989 Boght Road GIS which we have already identified
3 that this could occur. The project is going to result
4 in a disturbance of over one acre. So, it's going to
5 require coverage under the state SPDES Gen. permit for
6 stormwater discharges. The entire project will take
7 more than one year to complete. Each phase will last
8 less than one year, adhering to the requirements of
9 the SWPPP plan and will mitigate potential impacts
10 regarding the phasing of the project.

11 Going back to the part two of the full EAF.
12 The second question is the impact on geological
13 features.

14 Will the proposed action result in the
15 modification or destruction or inhibit access to any
16 unique or unusable landforms on the site? The answer
17 to that was no.

18 Number three is impacts on surface water.
19 Will the proposed action affect one or more wetlands
20 or other surface water bodies? The answer to that is
21 yes.

22 The one question that triggers a moderate to
23 large impact occurring is letter H. The proposed
24 action may cause soil erosion or otherwise create a
25 source of storm water discharges that may relate to

1 siltation or other degradation of receiving water
2 bodies.

3 So, again on part three the narrative - we
4 elaborate on the impact to surface water.

5 Approximately .37 acres of DEC wetlands in 8.1 acres
6 of wetland buffer are proposed to be disturbed to
7 accommodate the grading and installation of the
8 pavement and the storm water management areas. A
9 proposed nature trail will also be installed within
10 the wetland buffer areas. In addition, there are
11 federal jurisdictional wetlands on the site.

12 The site development will require that
13 wetland permits be obtained prior to any disturbance
14 on the site and I have listed those permits which
15 include both DEC and the Army Corps. Those permits
16 will outline specific mitigation measures that must be
17 implemented as part of the project construction.
18 Included within mitigation will be establishment of
19 permanent conservation easements over wetland and
20 buffer areas to remain located outside of the proposed
21 easements and right of way and construction areas.
22 These actions fall within the thresholds and
23 requirements also outlined in the 1989 Boght Road GIS
24 findings.

25 The next question in the Part II is the

1 impact to groundwater.

2 The proposed action may result in new or
3 additional use of groundwater or may have the
4 potential to infuse contaminated groundwater or an
5 aquifer. The answer to that is now.

6 The next is the impact on flooding. Will the
7 proposed action result in development on land subject
8 to flooding? The answer to that is no.

9 The impacts on air: Will the proposed action
10 include a state regulated air emissions source? The
11 answer to that is no.

12 Impact on plants and animals: Will the
13 proposed action may result in a loss of flora or
14 fauna. The answer to that is yes.

15 So, then we went through with the
16 sub-questions and the one trigger that could result in
17 moderate or large impact is letter H. The proposed
18 action requires the conversion of more than 10 acres
19 of forest, grassland or other regionally or locally
20 important habitat.

21 So, on the part three narrative we said the
22 proposed project will cause the permanent displacement
23 of locally common wildlife species including deer,
24 squirrels, raccoon, fox, coyote, mice, insects and
25 birds. The project will also result in a loss of

1 approximately 20 acres of forested lands. The project
2 site does not contain any plant or animal species or
3 habitat that is listed by the federal government or
4 New York State as endangered or threatened and has not
5 been identified as a habitat for endangered or
6 threatened species.

7 Going back to part two, the next question is:
8 impact on agricultural resources. The answer is no.

9 Next is the impact on aesthetic resources.
10 The question is with the land use of the proposed
11 action the obviously different from or in sharp
12 contrast to current land-use patterns between the
13 proposed project and scenic or aesthetic resources.
14 The answer to that is no.

15 Number 10 is the impact on historical or
16 archaeological resources. Would the proposed action
17 occur in or adjacent to a historical or archaeological
18 resources? The answer to this question is yes.

19 Then it says that you need to go through all
20 of the sub-questions in the answer to each of those
21 was no or small impact could occur. Therefore, it does
22 not require additional descriptions within the part
23 three narrative.

24 Number 11 is the impact on open space and
25 recreation. With the proposed action result in the

1 loss of recreational opportunities or reduction of an
2 open space resource as designated in any adopted
3 municipal open space plan? The answer is no.

4 Number 12 is the impact on critical
5 environmental areas. The answer to that is no.

6 Number 13 is the impact on transportation.
7 I'm going to save this one for the last because this
8 will have the longest explanation. I will come back to
9 that one. *Number 14 is the impact on energy. The
10 proposed action could result in an increase in the use
11 of any form of energy. The answer to that is obviously
12 yes.

13 Then, the two triggers that trigger the
14 response to moderate to large impact could occur is:
15 the first is letter C - the proposed action may
16 utilize more than 2,500 MWh hours per year in
17 electricity. The second is the proposed action may
18 involve heating and/or cooling of more than 100,000
19 square feet of building area when completed.

20 So, flipping to the narrative back on impact
21 on energy - it is anticipated that the proposed
22 project will require approximately 4,500 MW per hour
23 per year of electricity to power a 300,000 square feet
24 building which could result in a moderate to large
25 impact. Contact with National Grid has identified that

1 they can adequately provide a 3,000 amp service and
2 energy demands from the existing lines which would
3 serve both phases one and two with no impacts on
4 facilities.

5 Going back to Part II - impact on noise, odor
6 and light. The proposed action may result in an
7 increase of noise, odors or lighting. The answer to
8 that is yes. So, if that answer is yes, then you need
9 to go to the sub-questions and the accurate answer to
10 each of those sub- questions was no, or small impacts
11 would occur.

12 Number 16 is the impact on human health. The
13 answer was no.

14 Number 17 is the consistency with the
15 community plans. Is the proposed action inconsistent
16 with adopted land-use plans. The answer to that is no.

17 Number 18 is consistency with community
18 character. Is the proposed project inconsistent with
19 existing community character? The answer to that is
20 no.

21 I'm going to go back to item number 13 on the
22 Part II. That's the impact on transportation. The
23 question is: Will the proposed action results in a
24 change to existing transportation systems? The answer
25 to that is yes. So, I'm going to go through each of

1 the sub- questions.

2 The first one is: could the projected traffic
3 increase may exceed the capacity of the existing road
4 network? The answer to that is no or small impact may
5 occur.

6 Will the proposed action result in a
7 construction of paved parking areas for 500 or more
8 vehicles? The answer is yes, a moderate or large
9 impact could occur.

10 Letter C, the proposed action would degrade
11 existing trees and access? The answer is no or small
12 impact would occur.

13 Letter D, the proposed action would degrade
14 existing pedestrian or bicycle accommodations. The
15 response is no, or small impact may occur.

16 Letter E, will the proposed action may alter
17 the present pattern of movement of people or goods and
18 the answer is moderate to large impact could occur.

19 Regarding our description of the impact on
20 transportation: as noted above, the traffic impacts as
21 well of the improvements were reviewed in light of the
22 2013 GEIS in the findings and as part of the
23 evaluation, Creighton Manning documented a trip
24 generation of the proposed starlight project and
25 compared to the assumptions to the growth outlined in

1 the original GIS and findings. The trip generation
2 analysis indicated that the new trips generated by the
3 proposed 300,000 square feet single tenant office
4 building would generate fewer trips than originally
5 projected in the 2013 GIS and the findings for this
6 parcel. So, both the Town of Colonie Planning
7 Department and the Capital District Transportation
8 Committee have reviewed this project as it relates to
9 potential traffic impacts and agreed that the project
10 will be accommodated by the mitigation identified in
11 the 2013 GIS and planning statement.

12 By reference, the March 9, 2018
13 correspondence from Creighton Manning to the Town of
14 Colonie Planning and Economic Development Department
15 addresses the traffic comments by both the Town and
16 CDTC. That is to be included as part of the SEQR
17 record.

18 I'm going to go through the proposed traffic
19 mitigation which was identified in the 2013 GIS and
20 the findings that is required as part of this initial
21 project development.

22 There are three major parts. One is what we
23 consider the linkage improvements which includes the
24 connector road. Number two is the Route 9/Latham Auto
25 Park Drive intersection.

1 Number three is the Route 9R/Johnson Road
2 intersection. In terms of the connector road, it
3 includes a continuous connector road from Route 9 and
4 Auto Park Drive to the Route 9/Johnson Road
5 intersection. That road will be a Town road
6 constructed to Town road standards. It will include
7 realignment of Old Loudon Road to the new connector
8 road east of Route 9 and one-way northbound access on
9 Old Loudon Road will be provided.

10 Going back to the original GIS, those
11 improvements have an estimated cost of \$3,027,000 in
12 the findings. That estimate cost is based on \$2018 was
13 \$3,579,577.

14 Number two, in terms of the improvements at
15 Route 9 and Auto Park Drive include installation of a
16 signal and coordination of the signal with the
17 adjacent signals providing exclusive left through and
18 right turn lanes eastbound on Auto Park Drive in
19 providing a shared left through lane and exclusive
20 right turn lane westbound on the connector road. It
21 includes pedestrian accommodations and in terms of the
22 original cost which was \$1,412,000, the estimated cost
23 in 2018 dollars is \$1,669,924.

24 The last component is the Route 9R/Johnson
25 Road intersection which includes a realignment of the

1 connector road across from Johnson Road constructing
2 northbound and southbound left turn lanes and
3 restriping the eastbound approach to provide an
4 exclusive left turn lane, installing pedestrian
5 accommodations, coordination of adjacent signals and
6 in terms of the cost, that improvement was previously
7 estimated at \$1,399,000. Based on 2018 dollars it's
8 currently estimated to cost \$1,653,702. So,
9 construction of those improvements in totality will
10 maintain acceptable levels of service within the study
11 area. The total estimated cost of the above
12 improvements deemed the same as the GIS assigned value
13 of the improvements is \$6,903,203.

14 Those above improvements will be constructed
15 as part of the proposed project. Then, I touch on the
16 project including Phase 1 and Phase II will only
17 utilize a certain percentage of the reserve capacity
18 that these improvements create. The additional reserve
19 capacity is going to accommodate future development in
20 the study area and additional background growth that
21 occurs outside the study area. The amount of capacity
22 projected to be used by the development within the
23 study area is considered the private share and the
24 amount of reserve capacity that could accommodate
25 future background growth is considered the public

1 share. We basically included tables that go through
2 the value of the improvements being built, which I
3 just went through.

4 Then, the mitigation costs based on the final
5 traffic generation that is expected out of the Phase 1
6 and Phase II development. In summary, we break it down
7 by private share in public share.

8 For Phase 1 which is based on 308 trips, the
9 private share mitigation fee is \$998,640. Phase 2 will
10 add an additional 184 trips. The private share of that
11 would be \$596,590. In total, were looking at about
12 \$1.6 million as the mitigation fee which includes the
13 private share.

14 The GIS costs that we go through include
15 construction design supervision and right-of-way in
16 2018 dollars. So, the finding states in an instance
17 where a project exceeds its fair share of contribution
18 to the actual construction of the improvement, the
19 applicant shall be reimbursed after future projects
20 submit their mitigation fees. The schedule for
21 reimbursement shall be as directed by the Town of
22 Colonie town board.

23 So, that came right out of the statement of
24 findings which was adopted in 2013. As a requirement
25 of this project SEQR determination, the Colonie Town

1 Board and the applicant shall enter into a memorandum
2 of agreement that shall stipulate the crediting of the
3 constructed improvement values against the projects
4 fair share mitigation costs, as well as establishing
5 the method of reimbursement of any mitigation credits
6 due to the applicant. Furthermore, the applicant has
7 indicated that they may seek approvals for additional
8 development within the study area and the above
9 credits may be applied to those project's mitigation
10 fees. Those projects and their required mitigation
11 contributions would be subject to additional SEQR
12 review by the Town.

13 So, that's going through where we are
14 regarding the SEQR review. I will hold up on going
15 through the actual negative declaration and open it up
16 to questions or comments by the Planning Board.

17 CHAIRMAN STUTO: I would suggest this just so
18 that we can have an orderly question and answer period -
19 we will open up to the Board. Let's go with non-traffic
20 questions and try to get those questions answered and
21 then we will move on to traffic.

22 To the Board Members have any questions or
23 comments on non-traffic and environmental impact
24 issues?

25 (There was no response.)

1 Okay, I have a couple. You talked about
2 impact on water, on land and on wildlife. After Phase
3 II of this project, how much on the north side of the
4 connector road remains to be developed after that?
5 What I'm driving at is how many acres will not be
6 developed? I would like to get a number.

7 MR. GRASSO: You mean how many areas that are
8 reserved for possible future additional development on
9 the other side of the connector road?

10 CHAIRMAN STUTO: You can answer it anyway that
11 you would like. I want to find out in the end after it's
12 all developed, how many acres of woods and undisturbed
13 land will we have over there.

14 MR. GRASSO: On the Starlite side of the
15 connector road -- do you remember with the green space
16 or the acreage was? I don't have the data on the top of
17 my head. I could find it in the EAF, but I'm going to
18 see if Dan has any data.

19 CHAIRMAN STUTO: And while we are thinking
20 about that, the walking path - whether that's open to
21 the public -

22 MR. GRASSO: Okay, so I will put it in this
23 context. Out of a 58 acre project site, 25 acres are
24 being developed. So, you have over half of the project
25 site that will remain undeveloped.

1 CHAIRMAN STUTO: Permanently.

2 MR. GRASSO: Yes.

3 MR. HERSHBERG: Daniel Hershberg, neither the
4 honorable or eminence. I understand that the term honor
5 is meant for people who are elected. The eminence is
6 taken in this area by bishops. I will claim neither of
7 those titles. I thank you for the pleasure of serving
8 this Board.

9 There is a lot of area that is around the
10 site in the dark green. DEC has insisted that the
11 applicant make those permanently dedicated for lands
12 that will be preserved. That's one of the requirements
13 that DEC has. Other than this development on the north
14 side of the connector road, there is no further
15 development. There is a walking path. We are working
16 with DEC to minimize the impacts of that on wetlands
17 and areas there. Other than that, everything else will
18 be forever wild.

19 CHAIRMAN STUTO: Will those paths be open to
20 the public?

21 MR. HERSHBERG: We are still discussing that
22 with DEC. I think that their position is that it should
23 be, but we still have to work it out.

24 MR. GRASSO: Dan, do you know the acreage to be
25 protected by conservation easement yet?

1 MR. HERSHBERG: It's about 21 acres.

2 MR. GRASSO: So, in response to your question,
3 it's about 21 acres of permanent protection. The
4 additional 7 acres or so could be developed at some
5 point in the future.

6 CHAIRMAN STUTO: Thank you. *Kathy?

7 MS. DALTON: I want to go back to the
8 historical and archaeological resources. You say yes,
9 but then there is a sub box that is checked.

10 MR. GRASSO: That's right. It is a conservative
11 way to answer it. It forces us to then go and drill down
12 deeper. There are a couple of questions on the part two
13 or even if you check yes, it doesn't trigger a part
14 three narrative response, but it does force you to go
15 through each of the sub questions. As long as the
16 answers to each of the sub questions is no or small
17 impact would occur, then it doesn't trigger going
18 further.

19 MS. DALTON: But not all of your boxes are
20 checked.

21 MR. GRASSO: No, they should of been checked
22 know for each of those. The second one we had checked.
23 The first one should have been checked. The third one
24 should have been checked and the fourth one is other
25 impacts.

1 CHAIRMAN STUTO: So, can we correct that for
2 the record?

3 MR. GRASSO: Yes.

4 CHAIRMAN STUTO: Any other non-transportation
5 questions?

6 (There was no response.)

7 Any transportation questions?

8 MR. MAGGUILLI: What exactly is being corrected
9 for the record?

10 MR. GRASSO: It is page 6 of 10 on Part II,
11 under impact on historical and archaeological resources.
12 Letter A and C should be checked no, or small impact may
13 occur.

14 MR. MAGGUILLI: Thank you.

15 CHAIRMAN STUTO: Kathy, any transportation
16 questions?

17 MS. DALTON: I understand that based on the
18 GEIS and the mitigation activity that we are taking,
19 there is an explanation that is involved. In a -
20 projected traffic increase may exceed capacity of
21 existing road network. It says no. Should not be yes?
22 Existing road network -

23 MR. GRASSO: No. That includes the improvements
24 that are proposed as part of the project. So, since day
25 one those improvements have always been planned. So,

1 that's why we felt that we could accurately check that
2 answer no.

3 MS. DALTON: I think that's misleading.

4 MR. GRASSO: You could do it both ways. Like I
5 said, for that whole topic - the impact on
6 transportation - obviously, we did a long write up
7 explaining the impacts.

8 MS. DALTON: That's why I think because you did
9 do an explanation and you talk about - convincingly and
10 appropriately about the plan expansions and changes, I
11 would suggest that we change A to moderate to large
12 impact.

13 MR. GRASSO: Yes, and I am comfortable with
14 that.

15 CHAIRMAN STUTO: If there is no objection from
16 the other Board Members, we will do so.

17 MR. SHAMLIAN: You then need to explain in your
18 narrative a little bit more about -

19 MR. GRASSO: I think that the narrative already
20 talks about it. It does a good job explaining the
21 traffic increase.

22 MR. SHAMLIAN: Does the narrative then have to
23 explain what the new road connector -- a little more
24 about what the new road connector is?

25 MR. GRASSO: I think that it does that. I think

1 that the description is already comprehensive enough.

2 MS. DALTON: I thought that the description was
3 good but when I looked at this I didn't understand.

4 MR. GRASSO: Understood.

5 MR. LACIVITA: It is page 8 of 10.

6 MR. GRASSO: It's, it's page 8 of 10 under
7 number 13, impact on transportation, letter A, projected
8 traffic increase may exceed capacity of existing road
9 network will be changed from no or small impact may
10 occur to moderate to large impact may occur.

11 MR. MAGGUILLI: Thank you.

12 MS. DALTON: Actually, following up on that - C
13 is also existing transit access. Shouldn't that be
14 changed, as well? It's talking about existing
15 conditions.

16 MR. GRASSO: I think our thought there was that
17 there is no existing transit access that would be
18 impacted by the project. It is creating additional
19 demand, but there is no existing transit access out
20 there.

21 CHAIRMAN STUTO: Define transit how?

22 MR. GRASSO: Bus service - CDTA.

23 MS. DALTON: Okay.

24 MR. GRASSO: Again, that's why it's good to
25 have this discussion. This is really a document of the

1 Planning Board. So, like I said, there is discretion
2 applied to each of these answers.

3 CHAIRMAN STUTO: Any other transportation
4 questions from the Board Members?

5 (There was no response.)

6 We obviously had a big presentation two weeks
7 ago at the last Planning Board. The traffic engineers
8 for the applicant came out and made a presentation.
9 There was a spirited question and answer session.
10 Hopefully we got a lot of the questions answered.
11 Maybe now we are narrowed down to fewer questions, at
12 least from the Board. The public is still going to
13 speak on this.

14 I do recall, as others probably do, that
15 Kevin Bette who represents the development on the
16 other side of Route 9, Century Hill Plaza, had some
17 questions/criticisms and we suggested that there be a
18 meeting so that any of his questions - make sure that
19 they got attention -- any of his questions and/or
20 comments. Can you give a report on that?

21 MR. GRASSO: Yes. To follow up on that, we did
22 have that meeting. We had it on April 18. So, I think it
23 was last Wednesday. I was there. A traffic engineer from
24 our office was there. Jeff Pangburn from Creighton
25 Manning, Mark Sargent from Creighton Manning, Dave

1 Jukins from CDTC actually attended. Edna May Riley was
2 representing Jim Morelle. I think that Kevin Bette may
3 have invited her and she attended. Kevin Bette,
4 obviously from first Columbia. Jack Cunningham was
5 there. Chuck Voss from Barton and Loguidice was there
6 because Barton and Loguidice was assigned the review of
7 Kevin Bette's projects, or could be involved in the
8 other review of projects in the Boght Road/GEIS study
9 area. I thought it was important to invite him. Then,
10 Mr. Hershberg was there.

11 I didn't take minutes. I hosted the meeting
12 but did not take minutes. I did jot down some notes
13 and I will just go through some of those.

14 Some comments made by Kevin Bette and
15 obviously we were there to hear him out. He indicated
16 that he is a strong supporter of the GEIS and the
17 overall traffic plan. He indicated that traffic
18 improvements must be planned properly. We must be
19 extremely thorough in the analysis. We only have one
20 shot to get it right. He spoke about the twin bridges
21 being a bottleneck and is pushing development to the
22 north. He indicated that he is in favor of the
23 connector road in the connector road obviously helps.
24 He described how Old Loudon Road between Johnson Road
25 and Route 9 a bottleneck along the Route 9R corridor.

1 He question the 380 cars exiting the Ayco site in the
2 peak hour. That was something that we spent a lot of
3 time discussing.

4 He questioned the trip distribution
5 assumptions and what if the assumptions are wrong. We
6 explained how we assigned trip distributions and that
7 they come from CDTC. Also, just to speak to that topic
8 the level of detail -- we actually went to the future
9 tenant of the building, Ayco, and we got there
10 addresses from their employees and we applied them to
11 the site and did a distribution analysis based on the
12 actual tenant mix that could occur. It's rare that
13 your actually able to get into that level of detail.
14 That was something that CDTC worked with us on.
15 Getting into some more detail -- as you know Kevin
16 Bette is a traffic engineer. He questioned 127 trips
17 making the right and going to the Northway, seeing
18 that number was light. We went into the back up of
19 that. He talked about the 2011 update that included
20 the Walmart on Auto Park Drive and obviously that's no
21 longer going in. So, what are the potential changes to
22 the GEIS as a result of that project not going in. We
23 talked a lot about that. He questioned the no lefts
24 from the connector road westbound onto Route 9. Edna
25 May Riley had a couple of questions. She questioned

1 about consideration for access onto Johnson Road for
2 some of the properties that they own or control. Then,
3 she requested the opportunity to add a right turn lane
4 into their hotel directly from Route nine. That is
5 something that sounds like they approached DOT with in
6 the past and DOT has not been receptive. We think
7 actually that section of Route nine right of way is
8 right of way without access. That may be why DOT is
9 not able to even consider granting access there. It's
10 kind of unrelated to this project. It was a good
11 discussion. The meeting went about an hour and a half.
12 I think everybody in attendance was comfortable with
13 the discussion. It was a great open dialogue. I think
14 everybody felt really comfortable with the work that's
15 been done and where things stand regarding this
16 project moving forward.

17 CHAIRMAN STUTO: Specifically as a follow-up,
18 there was some discussion about widening and/or creating
19 another lane on Route 9R in the westbound direction.
20 That would be going towards Route 9. Can you explain
21 that? That is identified in the GEIS.

22 MR. GRASSO: It is identified. It is an
23 identified improvement that is funded through the
24 collection of mitigation fees. My recollection is that
25 about half-million dollar improvement. That is to add an

1 additional through Lane westbound on Route 9R between
2 Johnson Road and Route 9. Our analysis determined that
3 improvement is not a required improvement as part of the
4 starlight project, but it is expected to be required
5 when additional development occurs within the study
6 area. If there is additional development there, there is
7 a connector Road that could trigger it. If there's any
8 sizable projects on Auto Park Drive, I would think those
9 would trigger it.

10 First Columbia is looking to build on Auto
11 Park Drive. They got concept review for 390,000 square
12 feet of development. That's larger than the project
13 that we are talking about tonight. That could trigger
14 the need for that improvement, as well as there are
15 additional vacant land on auto Park Drive by Paul
16 Amedore. I think he spoke at the previous meeting.

17 Those parcels could handle a lot of
18 development and that could trigger the need for that
19 going in. The need for that improvement is done
20 through the detailed traffic analysis that are done
21 when projects go through this process. It is a review
22 and a decision by really the Town and the Town's DPW
23 is really the administrator of the GEIS. It's through
24 that study that we felt that this project needs to
25 build certain improvements but certain improvements

1 would come as additional development takes place in
2 the study area.

3 CHAIRMAN STUTO: So, you think the meeting was
4 beneficial?

5 MR. GRASSO: It was extremely beneficial. I
6 think that it was great. It was great to have everybody
7 there all around the table and could hear the
8 discussion. Barton and Loguidice was there and they were
9 involved in the GIS. They are not involved in a review
10 of the Starlight project, but they're going to be
11 reviewing other projects in the study area. I think was
12 really great to have them at the meeting so that when
13 they do get into the review, they can understand the
14 background of things in the level of detail that was
15 expected of this applicant, which I think is something
16 that will be - it is the standard that will be held to
17 all and future applicants within the study area that
18 have these types of projects.

19 CHAIRMAN STUTO: Thank you for that summary and
20 thank you for having the meeting.

21 Any other comments or questions from the
22 Board on traffic before we turn it over to the public?

23 (There was no response.)

24 Susan Weber?

25 MS. WEBER: I just have a couple of things.

1 Mr. Grasso, could you explain - you went
2 really fast through the SEQR. Could you explain the
3 third element that you were talking about - the
4 connector road intersection with Route 9R and Johnson
5 Road - the realignment?

6 MR. GRASSO: Sure. So, there are three major
7 improvement areas that were identified that this project
8 would be required to build. One is the connector road
9 itself. Then, we look at the intersections on both
10 sides. So, the second one is the intersection of Route 9
11 and Auto Park Drive. The third one is the other end of
12 the connector road which is the intersection of Route 9R
13 and Johnson Road. Each of those items was identified
14 separately in the GIS with a detail as to which goes to
15 each one and what the costs were of each one. We weren't
16 sure if all of those improvements would be done by one
17 project or multiple projects.

18 MS. WEBER: No, I just didn't understand - you
19 went through what was going to be done there quick and I
20 didn't understand what that was.

21 MR. GRASSO: Do you want me to do the connector
22 road or -

23 MS. WEBER: Just the Johnson Road.

24 MR. GRASSO: Okay, so it includes realigning
25 Johnson Road, across from the connector road - so there

1 is a realignment that's shown on that plan. Constructing
2 northbound and southbound left turn lanes and restriping
3 the eastbound approach to provide an exclusive left turn
4 lane.

5 MS. WEBER: Tell me that one more time.

6 MR. GRASSO: So, it's restriping the east bound
7 approach - so, you're going that way on 9R (Indicating)
8 and it's to provide an exclusive left turn lane onto the
9 connector Road.

10 MS. WEBER: Okay.

11 MR. GRASSO: And then it's installing
12 pedestrian accommodations on all four legs of the
13 intersection and coordinating the traffic signals to the
14 left; so that would be Old Loudon Road and Route 9.

15 MS. WEBER: But not expanding the other lanes

16 MR. GRASSO: It's not. That would be an
17 improvement held for another project or future
18 development or the Town could take it on when they had
19 sufficient funds in escrow to cover the cost. It's not
20 required of this project. The traffic studies that were
21 done to document the levels of service that was done at
22 the last meeting were done without that improvement
23 going in so that we could understand what that short
24 impact was going to be.

25 MS. WEBER: I think that a lot of people who

1 have been looking at this who are not traffic engineers
2 intuitively think that there is going to be - right now
3 there is very bad traffic coming down 9R. When Ayco goes
4 in with all of those extra people, no matter what the
5 numbers show, there is an intuitive belief that more
6 people are going to be going this way to get on the
7 Northway (Indicating). You're not going to be allowing
8 them to make a left turn on 9 up there, correct?

9 MR. GRASSO: No, you're allowed to, it's just
10 that we didn't anticipate how many vehicles were going
11 to take that because we thought that they would stay on
12 Route 9R.

13 MS. WEBER: Yeah, I think that they will stay
14 on Route 9R, but that would be a wonderful thing to do -
15 improve that. I'm not going to say anymore. I'm not a
16 traffic engineer.

17 MR. GRASSO: You bring up a great point and
18 it's a great analysis. Most of the improvement to the
19 intersection is done by the connector road, creating a
20 diversion of a certain number of trips. A smaller amount
21 of benefit is included by adding that additional
22 westbound lane. I'm sure that the applicant would have
23 loved to done that one and not done some of the other
24 improvements that were identified, besides the connector
25 road.

1 CHAIRMAN STUTO: Okay, Joe, I don't want to
2 have a conversation. She can ask questions and we'll
3 give answers.

4 Do you have any other questions or
5 statements?

6 MS. WEBER: I just have one other question. Mr.
7 Stuto asked about the rest of the development here and I
8 think that maybe you were thinking about the lands that
9 are north of here. I believe that there is quite a large
10 parcel - maybe 60 acres or so up there that is wetlands
11 that borders Canterbury Crossings and the property is on
12 West Skyview drive. That is, I believe, owned by some of
13 the people in the room or the owner is represented by
14 someone in the room and I think that it would be a
15 really good idea to think about the development of that
16 - for you guys to address the development of that -
17 likely coming down the road, which would be really,
18 really lovely and the connector road would help that a
19 lot. So, that's just a point that I wanted to make.

20 CHAIRMAN STUTO: Thank you.

21 Tom Sorensen.

22 MR. SORENSEN: Thank you. I'm Tom Sorensen, 342
23 Old Loudon Road. You know why I'm here.

24 In listening to you speak about the meeting
25 that took place on April 18th - may I ask who

1 represented the public in that meeting?

2 MR. GRASSO: I don't think that anyone was
3 representing the public -

4 MR. SORENSEN: Was anyone invited?

5 MR. GRASSO: No.

6 MR. SORENSEN: Since apparently there was
7 interest from people like myself in this particular
8 issue.

9 CHAIRMAN STUTO: I'm going to answer that. He
10 represents the Planning Board. Jack Cunningham was there
11 who is a department head and he represents the Town. So,
12 not every meeting is a public meeting. I do think that
13 we were well represented by him. He is transmitting the
14 information. To imply that it's something less than open
15 is somehow wrong. I just want to say that it's full
16 disclosure and I think that it was correct that he did
17 it the way that he did it.

18 MR. SORENSEN: I'm not implying anything. Mr.
19 Bette is a private citizen also and you know very well
20 that at least myself and some others have been talking
21 about this issue and it would have been nice if one of
22 us was invited.

23 MR. LACIVITA: I think that Mr. Bette has a
24 project in the corridor and that's why he was here for
25 that meeting.

1 CHAIRMAN STUTO: None of the Planning Board
2 members were there. Our policy is to do our listening in
3 the public. So, I think that we have adhered to that. If
4 you had a private meeting with someone in the Town for
5 something having to do with your property, I don't'
6 think that you necessarily have to invite the public to
7 that.

8 MR. SORENSEN: I just wanted to know; that's
9 all. Thank you.

10 I listened to the discussion indicating that
11 there would be no capacity impact that would be
12 unbearable on the current structure of the roadway by
13 the developer of this property. In listening to
14 Creighton Manning - their presentation on traffic, at
15 the last meeting, I presented the documents that
16 showed my counts at the intersection of 9R and Old
17 Loudon Road and my counts were based on averages. What
18 Creighton Manning did in their analysis was to pick
19 the worst hour within the peak hours. That is that
20 they did the study over the peak hours and I'm
21 assuming that they looked at the peak hours and said
22 what hour is the worst hour of all and that's what
23 they did their analysis on, I think. What I have done
24 with my data is done the same thing. I have an
25 addendum that I'd like to give you. The document that

1 I submitted in the last meeting takes the worst hour
2 in the peak hours for both morning and evening and
3 shows what happens to traffic at that particular time
4 and I'd like to submit it at this time.

5 CHAIRMAN STUTO: Sure, we'll be happy to take
6 it into the record. Do you have more than one document?

7 MR. SORENSEN: Yes, it's just one page.

8 CHAIRMAN STUTO: We're going to mark it for the
9 record. That's fine.

10 Our attorney suggests that we mark this
11 Sorensen 1.

12 (Exhibit Sorensen 1 was marked for
13 identification.)

14 MR. SORENSEN: Essentially what this document
15 shows is that it's a further analysis of the same data
16 that was presented in the document at the last meeting.
17 Essentially what shows is the worst hour of my counts.

18 Just for some definition, the traffic light
19 cycle is when a traffic light changes from green to
20 red and then back to green. That's one cycle. The
21 delays of a vehicle facing the green traffic signal
22 cannot proceed through the intersection due to the
23 traffic back-up on Route 9. That intersection, again,
24 is Route 9 and Old Loudon Road.

25 If you look at the morning figures, it shows

1 the total vehicle count in the worst hour is over
2 1,000 and in one case it was over 1,100 and the
3 number of delays is 60% in one case and over 70% in
4 another case. That is current. That happens currently.
5 In the evening with about 750 cars per hour, the
6 delays are much less. What this proposal is going to
7 do is it's going to raise the evening traffic up to
8 the morning levels. Common sense tells you that you're
9 going to have a problem at 9R and Old Loudon Road.
10 You're going to have a problem with traffic. If any of
11 you have driving to Long Island during rush hour and
12 seen what happens when you start to get delays day
13 after day facing the same delay, you see the same kind
14 of traffic behavior that you don't want to see.

15 Most of the analysis that I have seen was
16 based on 900 cars in the parking lot. At the
17 environmental appeals meeting Mr. Hershberg made a
18 presentation that showed that they're not planning a
19 900 car parking lot. They are planning a 1,500 car
20 parking lot. They're going to build another parking
21 facility right there that is going to accommodate
22 another 600 cars. We're talking about 1,500 cars.
23 That's two times the existing amount of traffic level
24 on Route 9R. What do you seriously think is going to
25 happen on 9R with that kind of traffic volume?

1 Now, Mr. Hershberg also said at that meeting
2 that development may take place in four year, five
3 years, ten years. They don't know, but it could also
4 take place in a couple of years. They could be back
5 here in a couple of years saying that we want
6 additional 600 car parking facility so that we can put
7 1,500 cars in this facility. That's a lot of cars to
8 put on 9R. I don't know if you people were aware of
9 that, but that's the situation. Route 9R cannot
10 accommodate in its current configuration that number
11 of cars. It's going to struggle to accommodate Phase I
12 and Phase II.

13 That's all I really have at this point. I
14 wanted to make sure that you guys were aware of that.
15 Thank you.

16 CHAIRMAN STUTO: Joe, do you mind responding to
17 those comments?

18 MR. GRASSO: I'll try to.

19 I appreciate the level of effort that you
20 went through with the data and I assume that all of
21 this data is accurate. The establishment of delays and
22 the percentage of delays, the methodology that he did
23 is not what we typically do as part of a traffic
24 analysis. I think that we tried to explain it at that
25 last meeting. Basically, we agree that any time that

1 you add development, you're adding more traffic on the
2 adjacent roadway network. The p.m. peak hour is the
3 worst. The period of traffic - so that's what we focus
4 on. We take those additional trips which we validated
5 and that they are going to be accurate for Phase I and
6 Phase II - and apply it to the roadway. With no
7 improvements the levels of service would be worse than
8 it is today. If we were right back today, it would be
9 worse.

10 With that said, there are improvements that
11 are being built by this project and there are some
12 additional improvements that will be built by
13 additional development when it occurs. That will make
14 the traffic conditions better than what they are
15 today. So, that's what our analysis shows and that's
16 what we are confident with. We agree that without
17 building any improvements, traffic would continue to
18 get worse. That's why we build improvements and we
19 have mitigation done as part of the project.

20 CHAIRMAN STUTO: Thank you.

21 Leonard Van Ryn.

22 MR. VAN RYN: Hello, I'm Leonard Van Ryn and I
23 live at 28 West Skyview Drive. One of the most important
24 things in the SEQR review is that you carefully identify
25 the property that is covered by the review. I noticed to

1 avoid segmentation they put Phase I and Phase II
2 together. I'm still a little bit confused about where
3 the SEQR review - what property it ends at. Attached to
4 their EAF is a schematic map that matches this one. It
5 kind of ends here, where the Niagara Mohawk Power
6 Corporation power line is (Indicating). That seems to be
7 the property that the SEQR review that it is restricted
8 to. Then, you look at their trail map and their trail
9 map extends beyond the Niagara Mohawk Power lines into
10 this area here (Indicating). Then it seems that the same
11 property owner - if you look at the tax map - also owns
12 that property and the property beyond the Salt Kill up
13 to Canterbury Crossing and West Skyview Drive. So, I
14 guess I just want to make sure that the SEQR review is
15 restricted only to this property, even though the trail
16 goes beyond it. Also, I want to ask at this point what
17 plans there are for that extra property.

18 CHAIRMAN STUTO: Okay, we'll answer that. We
19 will respond to that.

20 MR. VAN RYN: One other point that needs to be
21 raised I think - beyond the Salt Kill about 20 years ago
22 at the time they were building Latham Farms and then
23 Staples and Pizzeria Uno - the additions to Latham Farms
24 - there was talk as I understand it trade wetlands were
25 required to build that additional part of the plaza.

1 What we were told is that trade wetlands would be
2 constructed on the east side of the Salt Kill. In fact,
3 something -- they were constructed. A great deal of
4 effort was put into bringing excavators and bulldozers -
5 - there was a temporary road. There was a pond which you
6 can see using Google Earth. It's small. It's probably
7 less than 1 acre. It sits there and the land was cleared
8 apparently for trade wetlands. If you look at the
9 wetlands map, they are not on there.

10 CHAIRMAN STUTO: Okay, we will answer that as
11 well, if we can.

12 Does that have to do with this project?

13 MR. VAN RYN: I don't think so. If you are
14 convinced that the SEQR review is only going to apply to
15 this property and that the trail beyond the power lines
16 is just an add-on and not part of the SEQR review at
17 this time, then you really don't need to answer that
18 question at this time. If the SEQR review applies to the
19 whole property - everything they own, then you do.

20 CHAIRMAN STUTO: Okay, we will try to respond
21 to that.

22 MR. GRASSO: I'm going to refer to Dan first
23 and then I can fill in.

24 CHAIRMAN STUTO: If you can have a seat and
25 then if you have follow-ups, we will ask you to come

1 back up.

2 MR. HERSHBERG: The mitigation wetlands that
3 the gentleman mentioned does exist and it is classified
4 as part of the TN-11 New York State DEC wetlands. It is
5 included. It does include a small pond and an area
6 around it that was constructed and maintained for five
7 years under the DEC and the Army Corps of Engineers
8 regulations for establishing wetlands.

9 The area that is north of the National Grid
10 or actually the Niagara Mohawk Power Corporation
11 right-of-way is not part of this project. It is not
12 covered by the SEQR that we just talked about. The
13 extension of that area is a proposed room for a trail
14 that if we can arrange to have the trail for public
15 access, we would like to be able to do it there.

16 Again, we are working with DEC to figure out
17 how to reduce the impact of that. A lot of that trail
18 is just proposed in that area, although we think that
19 eventually it will be there. We don't think that it
20 materially affects the impact because we are carefully
21 instructed not to impact any wetlands.

22 CHAIRMAN STUTO: Who owns the property north of
23 the Niagara Mohawk -

24 MR. HERSHBERG: The same entity that owns this
25 property.

1 CHAIRMAN STUTO: But it is a different lot.

2 MR. HERSHBERG: It's a different parcel. It is
3 entirely separate and it is separate by not only the
4 National Grid right-of-way or Niagara Mohawk
5 right-of-way but there is a significant amount of
6 wetlands between that and there are some uplands there
7 that are developable, but that is not part of this
8 project.

9 CHAIRMAN STUTO: Do you have any follow-up?

10 MR. VAN RYN: No. Thank you.

11 CHAIRMAN STUTO: Any other questions from the
12 public?

13 (There was no response.)

14 Any other comments from the Board before Joe
15 tries to wrap this up?

16 (There was no response.)

17 Joe, help us please.

18 MR. GRASSO: Part III of the full EAF actually
19 goes through the issuance of the negative declaration
20 based on the analysis and part three. The lead agency
21 must decide whether to require an environmental impact
22 statement to further assess the proposed action or
23 whether available information is sufficient for the lead
24 agency to conclude that the proposed action will not
25 have a significant adverse environmental impact. By

1 completing the certification on the next page, the lead
2 agency can complete its determination of significance.

3 So, under the three options, we have checked
4 box a which is the project will result in no
5 significant adverse impacts and therefore an
6 environmental impact statement need not be prepared.
7 Accordingly, this negative declaration is issued. That
8 is something that is acted on by Resolution of the
9 Planning Board. If you want me to read the Draft
10 Resolution?

11 CHAIRMAN STUTO: Please do.

12 MR. GRASSO: Resolution of the Town of Colonie
13 Planning Board adopting it and issuing a negative
14 declaration notice of determination of non-significance
15 under SEQR for the Starlite project.

16 Whereas the Town of Colonie Planning Board
17 had received an application including an environmental
18 assessment form and supporting documentation, whereas
19 pursuant to Article 8 of the Environmental
20 Conservation Law as amended in the New York State
21 Environmental Quality Review Act, the Board desires to
22 comply with SEQR in the regulations with respect to
23 the project; and whereas the Board has caused the full
24 EAF to be sent to other potential involved agencies
25 indicating the Town of Colonie Planning Board's desire

1 to serve as lead agency; whereas each of the involved
2 agencies and potentially involved agencies has agreed
3 to or raised no objection to the Town of Colonie
4 Planning Board serving as lead agent for a coordinated
5 review under SEQR; whereas the lead agency thereafter
6 continue to coordinate with its advisors and
7 consultants to review the project and its intended
8 environmental impacts and further review of various
9 studies reports, maps, documentation and data made
10 part of the record; whereas the lead agency has now
11 therefore completed parts two and three of the full
12 EAF as revised and during tonight's discussion and has
13 considered the negative declaration for this type one
14 action under SEQR which is duly been circulated
15 previously to all the Board Members for review;
16 whereas the Members of the Planning Board as lead
17 agency have read the annexed negative declaration,
18 know the contents thereof and desire to adopt and
19 issue said documents as lead agency under SEQR.

20 Now therefore be it resolved that pursuant to
21 six NYCRR of the regulations of Article 8 of the
22 Environmental Conservation Law, the Town of Colonie
23 Planning Board declares itself lead agency and hereby
24 adopts the annexed negative declaration, notice of
25 determination of nonsignificance under SEQR upon the

1 vote thereon and signature of the Chairman here with;
2 and be it further resolved that this Resolution shall
3 take effect immediately.

4 CHAIRMAN STUTO: Any discussion on that
5 Resolution?

6 (There was no response.)

7 Do we have a motion?

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

9 CHAIRMAN STUTO: Do we have a second?

10 MS. DALTON: Second.

11 CHAIRMAN STUTO: Any discussion?

12 (There was no response.)

13 All those in favor, say aye.

14 (Ayes were recited.)

15 All those opposed, say nay.

16 (There were none opposed.)

17 The ayes have it.

18 Thank you.

19 MR. GRASSO: So, the next step in this projects
20 process -- obviously, they will complete their
21 application with the other involved agencies. Basically,
22 they would expect to come back to the Planning Board and
23 seek final site plan approval.

24 CHAIRMAN STUTO: Anything else from the
25 applicant?

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MR. HERSHBERG: No, thank you.

CHAIRMAN STUTO: Thank you. Have a good night.

(Where is the above entitled proceeding was
concluded at 8:35 p.m.)

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.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
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NISKAYUNA, NY 12309