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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

STARLITE MIXED-USE
629 COLUMBIA STREET
APPLICATION FOR FINAL SITE PLAN
AND COMMERCIAL SUBDIVISION APPROVAL

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing on
July 10, 2018 at 8:45 p.m. at The Public Operations
Center, 347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- CRAIG SHAMLIAN
- LOU MION
- BRIAN AUSTIN
- CRAIG SHAMLIAN
- SUSAN MILSTEIN
- STEVEN HEIDER

ALSO PRESENT:

- Kathleen Marinelli, Esq., Counsel to the Planning Board
- Daniel Hershberg, PE, Hershberg and Hershberg
- Joseph Grasso, PE, CHA
- Tom Sorensen
- Laura Weed, Conservation Advisory Committee
- Barbara Numrich
- Paul Falatti

1 CHAIRMAN STUTO: We will call up the final item
2 on the agenda. Starlite Mixed-Use, 629 Columbia Street,
3 application for final site plan and commercial
4 subdivision approval, Phase I, 150,000 square-foot
5 building with connector road.

6 I will give it to Joe LaCivita for
7 introduction.

8 We will be taking public comment and I will
9 put the sheet out if anyone would like to speak.

10 MR. LACIVITA: Peter, just like the last
11 project, we saw the several times, so we want to get
12 those dates at least into the record.

13 We first saw this project from a departmental
14 and a TDE component with our DCC which is our
15 Development Coordination Committee meeting August 9,
16 2017. We then went to sketch with a design October 17
17 of 2017. This Board granted concept April 10, 2018.
18 Shortly thereafter we went to a SEQR adoption which
19 allowed external agencies to start reviewing the
20 project and that was April 24, 2018. We held a meeting
21 specifically on traffic on that same evening. Then we
22 had a public hearing on the commercial subdivision
23 June 19, 2018. Tonight we are here to act on final
24 approval.

25 I will turn it over to Dan Hershberg.

1 MR. HERSHBERG: Thank you Mr. LaCivita. My name
2 is Daniel Hershberg from the firm of Hershberg and
3 Hershberg. We are representing Starlite Associates, LLC.
4 Dave Buicko is in the back of the room and Paul Fallati
5 is here. Also, is Mark Sargent from Creighton Manning
6 and Dennis Raguso, the architect. We are all here to
7 answer any questions which you folks may have on the
8 project.

9 The project is the same that we presented to
10 you when we did the subdivision application. This was
11 the subdivision map that we prepared as part of the
12 record. It shows the subdivision. The key elements of
13 the subdivision is Lot 1, which is this building and
14 Lot 2, which is the green space component of the site.

15 I'm happy to inform you that today at 6:20
16 p.m. we got an email from New York State DEC that are
17 wetland permit had been issued. They got on Board, so
18 we are getting the approval.

19 The project includes the connector road which
20 is going to be called either Johnson Road or Johnson
21 Road Extension. I don't know if there is a debate on
22 that or not. Since we started the project, we have
23 made a few adjustments. We did reduce the size of this
24 storm water treatment basin to preserve some more
25 wetlands. We added this bioretention basin along the

1 access road. We also modified the route of this trail
2 to the site to accommodate some more wetland
3 preservation.

4 Other than that, the plan had stayed pretty
5 much identical as it moves through from the first
6 presentation we made after concept and the
7 presentation that was made by Creighton Manning about
8 the traffic. Mark Sargent from Creighton Manning is
9 here, if you want him to answer any questions about
10 traffic.

11 We are doing a significant deed restricted
12 area. We have provided a map and the deed restricted
13 area that meets the requirement for the conservation
14 overlay district. I think that you folks were given
15 copies of that in your packets. If not, I will put it
16 up on the board. It is based upon a number of factors
17 and we have worked quite closely with Clough Harbor to
18 identify those. We came up with a project that meets
19 the 40% of land that has to be deed restricted.

20 We do have these parking spots that we have
21 banked. There are 44 spots. So, we did reduce the
22 parking somewhat overall. It still meets Ayco's
23 demand. This is the Phase I building. When Phase II
24 comes along, that's the one that will sit here
25 (Indicating). In order to accommodate the parking, our

1 proposal will be to build a parking lot in this
2 direction. That was figured in with the lands that we
3 could deed restrict as far as New York State DEC was
4 concerned, as well as what we could deed restrict as
5 far as the Town was concerned.

6 I don't know what other questions you may
7 have, but I am prepared to answer them rather than me
8 blabbing on about the project.

9 CHAIRMAN STUTO: This has been reviewed in
10 depth and at length on a number of occasions by our Town
11 Designated Engineer, CHA. Joe Grasso is here.

12 Joe, can you give us your comments?

13 MR. GRASSO: I am just going to touch on half a
14 dozen or so of the more significant issues regarding the
15 project. It has been reviewed multiple times through a
16 pretty expeditious review process. I'm sure it is in
17 everybody's mind - the particulars of the project.

18 Just to go through some of the highlights: in
19 terms of SEQR, obviously it is a large-scale project
20 that involves the connector road which was identified
21 in the original Boght Road Area GIS which the Town
22 updated a few years back. It involves a rather large
23 scale office building.

24 Phase I is the 150,000 square feet. The SEQR
25 actually looked at Phase II development of the one

1 parcel of the office building which would include
2 expanding that office building up to 300,000 square
3 feet. So, that was looked at in the SEQR
4 documentation.

5 The Board issued a negative declaration a few
6 months ago that included both Phase I and Phase II of
7 the office building, as well as construction of the
8 connector road. SEQR has been completed for the
9 project.

10 It is unique that the project site is in the
11 Boght Road Area GIS and that it is fully compliant
12 with those finding statements. Traffic obviously is a
13 significant component of any of the GIS' within the
14 Town. This project is not only going to be required to
15 pay its fair share for the impacts on traffic
16 operations in the area, but this project is going to
17 take on construction of the connector road which is
18 about a \$5 million infrastructure improvement
19 necessary to accommodate development that occurs not
20 only within this project site, but within the whole
21 Boght Road area within the next 15 to 20 years. The
22 cost of that connector road that the applicant is
23 going to build is far in excess - about four or five
24 times - what the fair share mitigation fees are
25 applicable to this project. It is something that is

1 required to allow this project to go forward because
2 of this project's impacts on the traffic operations in
3 the area.

4 We know from the studies that have been done
5 that there is a lot of traffic on these roads during
6 the peak hour, but we are confident that through the
7 review of the traffic studies and the scale of this
8 project that traffic operations are going to be
9 mitigated. Actually, just with the development of this
10 project, traffic operations should improve until we
11 get to that full build-out scenario at some point,
12 down the road. because of the connector road.

13 In terms of the actions - the commercial
14 subdivision that establishes the connector road right
15 away also sets up three parcels for development. Only
16 one of those parcels is being currently proposed for
17 development. That's the site plan that we have before
18 you tonight.

19 There is a separate lot being created for a
20 stormwater management area that the Town will own and
21 retain and then there is an additional parcel which
22 will be contained. One of the constrained lands within
23 the project site is a separate parcel, as well.

24 I talked about the connector road. This
25 project, because it is building more than its fair

1 share of the mitigation fees, there will be credits
2 applied that this applicant will be able to use to
3 apply for development of those two additional parcels
4 that are going to be set up for future development.
5 Or, as the Town approves other projects within the
6 Boght Road study area in the future, those mitigation
7 fees could then be applied as they are reimbursed to
8 the applicant for upfronting the cost of the connector
9 road.

10 There has been a separate agreement reached
11 with the Town Board and the applicant regarding
12 reimbursement of those mitigation fees.

13 When we talk about this commercial site plan,
14 part of the application is a partial site plan. The
15 only thing that the Planning Board has reviewed right
16 now is this Phase I of the commercial site plan which
17 is the 150,000 square feet. Even though SEQOR was done
18 for Phase II, that additional 150,000 square feet when
19 they actually go to do the final design of Phase II -
20 they will have to come back for another site plan
21 approval of that subject parcel for development.

22 So, as Dan had mentioned, a portion of the
23 project site is within the conservation development
24 overlay district. The zoning regulations require 40%
25 of the unconstrained lands within that overlay

1 district to be deed restricted. They actually do that.
2 That includes areas in the proposed Parcel 1, which is
3 the Ayco site and then Parcel 2 which is that
4 secondary open-space parcel. So, they do meet that
5 zoning requirement by deed restricting most of the
6 unconstrained lands of the project site that aren't
7 being developed with the building and parking areas.

8 When we look at greenspace on the site --
9 because of the amount of constrained lands, there is a
10 lot of greenspace afforded in this overall site plan
11 and actually there is over 80% greenspace. So, it is
12 really a green development when you look at things in
13 totality.

14 In terms of the actions before the Board, we
15 talked about the commercial subdivision. We talked
16 about the commercial site plan. Because the site is
17 occupied by a portion of the conservation subdivision
18 overlay district. There are findings that the Planning
19 Board has to act on. We have drafted those findings
20 for the Board's consideration. It talks about the
21 constraints on the property as well as the lands to be
22 deed restricted.

23 Then, lastly, there are three waivers
24 required from the Town of Colonie design standards.
25 Those include allowing a building set back greater

1 than 25 feet, which is the maximum that the design
2 standards stipulate.

3 The second is to allow parking within the
4 front yard and that was really predicated on having
5 parking on all four sides of the building to reduce
6 the walking distances to the building's entrances.

7 Lastly, to allow the construction of 125% of
8 the required number of parking spaces as per the Land
9 Use Code. Again, I mentioned that they are looking to
10 land-bank some parking spaces. The thought is that
11 they may need to build those out based on the actual
12 parking demands of the tenant.

13 A lot of times when the Planning Board is
14 reviewing projects, we don't know who the specific
15 tenant is, so we shy away from applicants
16 over-building the parking. In this unique instance we
17 actually know who the tenant is. So, they have done a
18 lot of parking studies to justify the demands and to
19 support the site plan, as proposed.

20 Also within your packet is the Land Use Law
21 Waiver Findings that would be necessary for the
22 Planning Board to act on before granting the final
23 site plan approval.

24 In terms of our technical review, there has
25 been multiple rounds of review both by our office as

1 well as all of the Town Departments that are involved
2 in the review of projects. We have gotten to the point
3 where the comments are relatively minor. In your last
4 review letter that was dated June 27 you can see,
5 based on those comments, that they are minor. They are
6 expected to result in plan changes, so we thought that
7 it was appropriate for the Planning Board to see the
8 final site plans and be ready to make a decision on
9 the application.

10 That's where we are tonight with the project.

11 CHAIRMAN STUTO: We will take comments from the
12 public.

13 No one signed up. Does anyone want to speak
14 on this?

15 Mr. Sorensen, if you don't mind, can I hear
16 from the Conservation Advisory Committee?

17 MS. WEED: When we discussed this project we
18 talked about the fact that it might be fairly easy for
19 the developer to put a wildlife corridor under the new
20 road that they are going to build. We would request
21 that happen.

22 CHAIRMAN STUTO: I don't recall that
23 discussion. Does anybody else?

24 MR. GRASSO: I don't recall that either. The
25 drainage system has been designed - I don't know if they

1 have specifically been designed as wildlife corridors.

2 Can you get into the details of the size of
3 those?

4 MR. HERSHBERG: We are building a 72-inch
5 culvert underneath the road. It's much larger than what
6 is needed to carry the water in that stream course. That
7 is meant to be large enough to accommodate wildlife to
8 pass through it. It has an earthy bottom on it, so that
9 it doesn't appear as a structure. It's very convenient
10 for small mammals and amphibians to go back and forth
11 across that area.

12 CHAIRMAN STUTO: Thank you.

13 Mr. Sorensen?

14 MR. SORENSEN: I'm Tom Sorensen, 342 Old Loudon
15 Road.

16 I'm here to talk about a few things; traffic
17 is one of them.

18 I have another question. Before the
19 Environmental Board, Mr. Hershberg received approval
20 for 1,500 parking spaces which includes, I believe,
21 Phase II. If this Board approves this tonight, are you
22 approving 1,500 parking spaces or only the 900 that
23 are initially requested for Phase I? The application
24 that was presented to the Environmental Board says
25 that this application -- they specifically state that

1 it's only for Phase I. The Board went ahead and
2 approved the additional 600 parking spaces which I
3 think were for Phase II. What are you guys going to do
4 tonight? That's the question that I have.

5 CHAIRMAN STUTO: We will answer when you are
6 done.

7 MR. SORENSEN: Number 2 - I want to talk about
8 traffic. I've had a number of discussions before this
9 Board and I presented some of my own findings for my own
10 counts. They haven't had much effect on you guys. I
11 presented some information about the intersection and
12 the Creighton Manning numbers presented for the
13 intersection of traffic traveling westbound on 9R and
14 Old Loudon Road. The last meeting two of the three
15 numbers - the right turn and the left turn numbers are
16 exactly the same as the numbers presented in 2011 for
17 the GEIS final update. Only the through-traffic was
18 different and that was 24% below what they showed in
19 2011. Apparently, that has had no effect.

20 What I have done is gone back and looked at
21 every intersection that Creighton Manning presented
22 numbers for in the 2011 presentation and in the March
23 2018 presentation. I can't believe that engineers
24 looked at this and didn't have any questions. I am
25 going to present it to you right now.

1 MS. MARINELLI: Nancy, please mark this as
2 Sorensen Exhibit 1.

3 (Sorensen Exhibit 1 was marked for
4 identification.)

5 MR. SORENSEN: If you look at the final two
6 pages, you will see that one of the pages is the 2010
7 existing p.m. peak hour traffic volumes submitted by
8 Creighton Manning for the 2012 final technical
9 memorandum Boght Road GEIS/Route 9 update. That is
10 existing traffic. The second sheet is the Creighton
11 Manning presentation of 2018 of existing traffic volumes
12 p.m. peak hour for the Starlight development. That is
13 this year. They are eight years apart. Actually, the
14 study for the 2010 existing p.m. peak hour -- if they
15 were done in 2010, they were not presented until 2011. I
16 have gone through and looked at every intersection. If
17 you look at just the front page, you can see the trend
18 of what is happening. From Dunsbach Ferry Road eastbound
19 to Route 9, you will see that in 2011 it was 106
20 vehicles for right turns and 30 vehicles for left turns.
21 It is exactly the same in 2018. If you go through this
22 report you will find that 58% of the numbers of the
23 traffic numbers presented by Creighton Manning are
24 exactly the same. They are identical to the numbers
25 presented in 2011. That is virtually impossible. The

1 only conclusion that you can draw from this is that no
2 study was done on these intersections. They simply
3 carried forward the numbers from the previous traffic
4 study. If that is true, how much confidence can we have
5 in the numbers that are presented for the intersections
6 which they say - where they actually did show changes in
7 the numbers? How can we have confidence in those
8 numbers? It is very difficult to do. So, what is going
9 on here? That's what I would like to know.

10 That's my presentation.

11 CHAIRMAN STUTO: Okay, thank you.

12 I'm going to let Joe Grasso help me out on
13 both the parking spaces in the traffic.

14 MR. GRASSO: So, in terms of what the Planning
15 Board is acting on tonight, it is just the Phase I
16 development - the 150,000 square feet. Like I said, the
17 SEQR determination was based on Phase I and Phase 2
18 which included a plan that showed 1,500 parking spaces
19 and I think that was the plan that was presented to
20 SEAMAB for their approval for disturbance within the
21 SEAMAB protected watercourse.

22 The Planning Board is reviewing just the
23 Phase I - 150,000 square feet with approximately 900
24 parking spaces for Phase I. When they go to build
25 Phase II and build additional parking, they will need

1 to come back to the Board for a new site plan
2 approval.

3 So, secondly in terms of the traffic study,
4 Mr. Sorensen is right. Some of the traffic data was
5 updated in 2018. The original study - the counts were
6 done -- Mark, help me if I'm wrong. They were in
7 2010/2011 and were the original traffic counts. They
8 were done to support the findings in the GEIS. Those
9 traffic volumes were used to apply to this project to
10 establish the overall magnitude of the transportation
11 improvements that needed to get built by this project.
12 So, we are falling within the original GEIS.

13 When this project started going through the
14 detailed design process, us, in reviewing things with
15 DOT, wanted more aggregate and updated traffic counts
16 for some of the movements to support the final
17 engineering of these intersections. So, we asked
18 Creighton Manning to go out there and update some of
19 these turning movement counts. I think it was in
20 January or February 2018, which then they would use to
21 design the final intersection signal at each one of
22 these intersections. The overall scope of the
23 transportation improvements is not different than what
24 was originally contemplated when the GEIS was updated
25 a few years back. It was just those additional counts

1 that we wanted to nail down. So, I give Mr. Sorensen a
2 lot of credit for picking this up because you're
3 really getting into the details to understand how
4 these numbers work. That's the difference. Some of the
5 numbers are the same and they are carried over. The
6 ones that we felt were important to substantiate the
7 final design of these signals was updated this spring.

8 CHAIRMAN STUTO: So, you are saying that you
9 didn't require that they re-examine them.

10 MR. GRASSO: That's right. We could rely on
11 that old data for certain scope issues regarding the
12 overall scale of the improvements, but some of the data
13 we felt had to be updated and that's why some of the
14 data did go down. Nonetheless, they are still building
15 the overall scope of the improvements that were
16 previously identified. I think that is the important
17 thing that I want to stress is that they didn't use the
18 new data to substantiate building less. They just used
19 it to support their final design of the signals.

20 CHAIRMAN STUTO: Thank you.

21 MS. NUMRICH: I name is Barbara Numrich and I
22 live at 350 Old Loudon Road and I just want to make a
23 statement.

24 To me, at the first meeting that this is
25 presented, it seemed apparent to me that this was kind

1 of a done deal. Everyone on the Board just seemed in
2 favor of it from the very first meeting. I want to say
3 that when the Comprehensive Plan was initially
4 presented to the whole Town, two issues became very
5 apparent from the survey that came back from the Town.
6 The Town people were very concerned about traffic and
7 developments. Unfortunately, the Comprehensive Plan
8 has just kind of fallen flat. It hasn't gone anywhere,
9 with traffic and development being a very big issue in
10 the Town.

11 This is a very big project and it seems too
12 big for the area that it is being placed. Columbia
13 Street is a two-lane road. Most of it is going to fall
14 out onto Columbia Street. It is a done deal. I know
15 it's going to get passed tonight and everyone keeps
16 promoting that the new connector road is going to be a
17 miracle road and solve everything. You will see when
18 it is built that it's not going to solve the problems.
19 It's going to pour out, once again, onto the Northway
20 and Alternate Route 7.

21 We're going to have another big major
22 corporation and you're going to have traffic problems
23 like you do have with Corporate Woods. I don't
24 understand why it wasn't put into another business
25 area. You going to have another big business area

1 where it doesn't belong. I don't understand why a
2 Planning Board isn't looking ahead at an issue like
3 this and realizing that it doesn't belong here and -

4 CHAIRMAN STUTO: Ma'am, I'm just going to
5 interrupt a second. It's not our decision whether this
6 type of project belongs here. It is a permitted use in
7 the zone that exists. We have no say over that.

8 MS. NUMRICH: But you are a Planning Board. You
9 are planning for the Town.

10 CHAIRMAN STUTO: Yes, that is our title.

11 MS. NUMRICH: You are a Planning Board looking
12 ahead and planning for the Town. You still are planning
13 for the Town. You should be looking for what is
14 appropriate for the Town, and where it belongs. It
15 doesn't belong here.

16 CHAIRMAN STUTO: Thank you.

17 Is if someone else from the public would like
18 to speak?

19 We will turn it over to the Board.

20 MR. SHAMLIAN: Can you just talk about signage
21 - what you are proposing for signage - a proposed
22 monument and any building signage?

23 MR. HERSHBERG: I made a mistake and told
24 Dennis that he didn't have to bring his renderings. We
25 do have a building mounted sign on the building and we

1 do heavy monument sign identifying it and a directional
2 sign down the corner. They are not big signs. They just
3 direct people to Ayco. This identifies the Ayco building
4 and then there is signage on both sides of the building.

5 MR. FELLATI: We are also looking to do office
6 park monument signage at Johnson Road and down at the
7 new road connector of Auto Park. They will identify so
8 you know where you are.

9 CHAIRMAN STUTO: Chief?

10 MR. HEIDER: With all due consideration for the
11 landscape architect who worked on this project, I just
12 feel the landscaping is a little weak considering the
13 size of the project. The roadway going down, the new
14 connector road - I would personally like to see a little
15 bit more of a boulevard-type look. I don't know if
16 Ginkgo Biloba is what is going to provide that - that's
17 if they survive the winter. I'm not going to tell you
18 what to plant there. That's not my purpose. It is a big
19 building. It is a big parking lot. I'm not asking you to
20 hide it. I'm just asking you to accentuate it. Ayco
21 being a corporation that they are - I would think that
22 Ayco would want their entranceway accentuated a little
23 bit. Those are my suggestions.

24 MR. HERSHBERG: I believe some time before we
25 apply for a CO, we are going to apply for some change in

1 landscaping items. It is undergoing constant review by
2 landscape architects. My guess is that our plant list
3 will increase.

4 CHAIRMAN STUTO: I agree with those comments,
5 wholeheartedly.

6 Joe, do you have anything to add to that?

7 MR. GRASSO: No, I am in support of the
8 changes.

9 CHAIRMAN STUTO: Will you help us through that?

10 MR. GRASSO: Yes.

11 CHAIRMAN STUTO: We have three items to vote
12 on; subdivision, the waivers and the site plan.

13 MR. GRASSO: It's the conservation development
14 findings, as well in the waivers and then site plan.

15 CHAIRMAN STUTO: How do you suggest we order
16 those?

17 MR. GRASSO: I'm going to say the Land Use Law
18 waiver findings.

19 So, those are drafted in in your packet. Do
20 you want to look through those?

21 CHAIRMAN STUTO: Sure.

22 MR. GRASSO: I'm just going to abbreviate
23 those -

24 CHAIRMAN STUTO: We will asked the stenographer
25 to put the entire Resolution to the record.

1 MR. GRASSO: So, this is a Resolution of the
2 Starlite Office Park Phase I, Land Use Law waiver
3 findings.

4 Whereas the applicant is requested a waiver
5 from the Town of Colonie Land Use Law related to the
6 following: to allow a building setback greater than 25
7 feet maximum, to allow parking within the front yard
8 and to allow the construction greater than 125% of the
9 required number of parking spaces as per the land-use
10 regulations. Whereas the Town of Colonie Planning
11 Board may waive these standards to the extent that it
12 deems necessary in order to secure reasonable
13 development of the site. In such case, the applicant
14 must establish that no practical alternatives for the
15 proposed waivers that would conform to the standard
16 and the Board shall issue a written findings stating
17 the extent of the justification for the waivers.

18 Now therefore be it resolved that the Board
19 hereby finds that the extent of the requested waivers
20 is not considered substantial and that these waiver
21 findings be a condition of site plan approval of the
22 application and be kept in the project file in the
23 office of planning and economic development
24 department.

25 CHAIRMAN STUTO: Any discussion on that?

1 (There was no response.)

2 Do we have a motion?

3 MR. AUSTIN: I'll make that motion.

4 MR. MION: Second.

5 CHAIRMAN STUTO: Any discussion?

6 (There was no response.)

7 All those in favor, say aye.

8 (Ayes were recited.)

9 All those opposed, say nay.

10 (There were none opposed.)

11 The ayes have it.

12 MR. GRASSO: Then, I recommend for

13 consideration the Land Use Law conservation findings.

14 Whereas pursuant to the Town of Colonie Land Use Law

15 conservation overlay district, the Planning Board shall

16 apply overlay district standards to commercial

17 development within the limits of the conservation

18 overlay district. Whereas the Planning Board has

19 determined that the project contains unconstrained lands

20 within the conservation overlay district worthy of

21 conservation and whereas based on the amount of

22 unconstrained lands and a base commercial density of

23 18,000 square feet per acre, the maximum allowable

24 density for the project site is 342,000 square feet. The

25 applicant is proposing 150,000 square feet of office

1 space within Phase I and an additional 150,000 square
2 feet of office space within a future Phase II for a
3 total square footage of 300,000 square feet of office
4 space which is below the maximum allowable density.
5 Whereas proposed parcel to consisting of constrained and
6 unconstrained lands totaling 20.12 acres will be deed
7 restricted for future development and where is the
8 applicant's proposing to deed restrict from future
9 developments including buildings and parking areas 40.1%
10 totaling 7.785 acres of the unconstrained lands within
11 the overlay district on Parcel 1 and Parcel 2. Now
12 therefore be it resolved that based on the Planning
13 Board review of the site plan application and
14 conservation analysis, the Planning Board hereby
15 determines that the project complies with the
16 requirements of the conservation overlay development
17 district.

18 CHAIRMAN STUTO: I will ask that the
19 stenographer put the entire Resolution into the record.

20 Any discussion on that?

21 (There was no response.)

22 Do we have a motion?

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

24 MR. HEIDER: Second.

25 CHAIRMAN STUTO: Any discussion?

1 (There was no response.)
2 All those in favor, say aye.
3 (Ayes were recited.)
4 All those opposed, say nay.
5 (There were none opposed.)
6 The ayes have it.

7 MR. GRASSO: The next to be a determination
8 that goes along with those two findings of this
9 commercial site plan application.

10 CHAIRMAN STUTO: I think you have to subdivided
11 before you do the site plan.

12 MR. GRASSO: Okay, let's subdivide it first.

13 CHAIRMAN STUTO: Okay, the question before the
14 Board is for final commercial subdivision approval.

15 Do we have a motion?

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

17 MR. HEIDER: Second.

18 CHAIRMAN STUTO: Any discussion?

19 (There was no response.)
20 All those in favor, say aye.
21 (Ayes were recited.)
22 All those opposed, say nay.
23 (There were none opposed.)
24 The ayes have it.
25 And for final site plan approval, based upon

1 all the conditions of the Town departments, the Town
2 designated engineer as set forth by the Planning
3 Board, including enhanced landscaping that we
4 discussed.

5 Do we have a motion?

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

7 MR. HEIDER: Second.

8 CHAIRMAN STUTO: Any discussion?

9 (There was no response.)

10 All those in favor, say aye.

11 (Ayes were recited.)

12 All those opposed, say nay.

13 (There were none opposed.)

14 The ayes have it.

15 Thank you.

16 MR. HERSHBERG: Thank you.

17 (Where is the above entitled proceeding was
18 concluded at 8:40 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.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309

