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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

RETAIL WAREHOUSE
2069 CENTRAL AVENUE
ACTION ON SEQ, WAIVER REQUESTS
AND FINAL SITE PLAN APPROVAL

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing on
July 24, 2018 at 9:26 p.m. at The Public Operations
Center, 347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
CRAIG SHAMLIAN
LOU MION
CRAIG SHAMLIAN
STEVEN HEIDER

ALSO PRESENT:

Kathleen Marinelli, Esq., Counsel to the Planning
Board
Michael Tengeler, Planning and Economic Development
Charles Voss, PE, Barton and Logudice
Jaffer Khan
Nia Cholakis, Esq.

1 CHAIRMAN STUTO: Joe, do you have any
2 introductory remarks on the next project?

3 MR. LACIVITA: This one is Mike's.

4 MR. TENGELER: This is 2069 Central Avenue and
5 the Board has seen this project. It came through concept
6 the last time. If the Board remembers, the property is
7 set back in the Lisha Kill area, right near Lisha Kill
8 Drive intersection. It sets back. It is between a
9 property on Atwood Drive. A former paper street drive
10 has been absorbed into this property.

11 Nick Costa is here representing Rosetti
12 Developers for final approval tonight.

13 MR. COSTA: Thanks, Mike.

14 My name is Nick Costa and I'm with Advance
15 Engineering and we've been in front of the Board a
16 couple of times on this site. This is located at 2069
17 Central Avenue. The applicant is proposing to develop
18 a one-story building located right here (Indicating)
19 which is behind - there is a carwash that is located
20 right in the Lisha Kill and Central Avenue
21 intersection. This is known as 2071 and it was
22 previously improved for a mini-mart. So, this is right
23 behind the mini-mart. The access for the mini-mart and
24 2060 will be provided by this new drive which was
25 formerly known as Earl Avenue. The site is about 1.3

1 acres in size. It has all the necessary infrastructure
2 for providing sanitary sewer service to the new
3 building. Stormwater will be taken care of on-site by
4 sharing the stormwater management system constructed
5 here and also underneath the pavement and will
6 discharge out to an existing swale ditch that
7 eventually drains into the Lisha Kill. The stormwater
8 already goes there. So, the drainage system will go
9 from Central Avenue and comes down Atwood and also
10 discharges into that system.

11 So, there will be a curb cut here which is
12 the same location as where Earl Avenue was formerly
13 located. This will be rearranged a little bit in
14 accordance to the recommendations of New York State
15 DOT when this was reviewed and also there was
16 agreement in sharing this as an access drive for both
17 sites.

18 There will be new asphalt pavement. The
19 existing pavement is broken up and it will be taken up
20 and the area for the new building will be graded.
21 Again, this is a one-story building that will be
22 utilized for storage of maintenance vehicles.

23 This is a larger review of the site. There is
24 37.5% greenspace and the redline here is the property
25 line for the 1.3 acre site. Again, this shows the

1 mini-mart here which was approved and the stormwater
2 area right here (Indicating) which will be connected
3 and was designed for this.

4 Now, 20 Atwood is located right here, which
5 will also share this drive for access to the openings
6 that they have on the side of the building. Also, it
7 will be shared by the new connection to the existing
8 parking area that is paved and will be an accessing
9 Central Avenue or a Central Avenue access too.

10 The Board has seen this and we have worked
11 closely with the Town Designated Engineer, Chuck Voss
12 of Barton and Loguidice and I think that we have
13 responded to all their comments and we are here
14 tonight to request final approval.

15 CHAIRMAN STUTO: Okay, we will take comments
16 now from our Town Designated Engineer who is working on
17 behalf of the Town, Barton and Loguidice.

18 Chuck Voss, could you give us your comments?

19 MR. VOSS: Sure, Peter; thank you.

20 As Nick mentioned, the project has undergone
21 extensive design work and some extensive review work
22 by us over the last several months.

23 I'd like to touch on some key points just
24 quickly and then go through our letter that you have
25 in front of you dated July 23rd.

1 Really, the highlight here for us and
2 certainly for Nick in working this project is that
3 they are demolishing a kind of derelict home that was
4 on the site that was a blight. A lot of the neighbors
5 complained about it. It was kind of an area where
6 people would come back in the dark of night and do
7 whatever they are doing back there. It was probably a
8 nuisance certainly for the neighbors. So, that now is
9 gone. The site it being regraded for this potential
10 reuse. The building itself was tucked quite
11 extensively far back off Central Avenue, which
12 effectively screens it not only from Central Avenue,
13 but really from the neighbors on both sides.

14 I can remember early on that we had a lot of
15 discussions with the neighbors, especially those on
16 Lisha Kill Road and the adjacent neighbors to the
17 north and the west about visibility concerns and
18 screening concerns. We asked the applicant to look at
19 the trees that were back there and through some
20 additional work Nick basically agreed to maintain that
21 existing tree hedgerow which was quite thick of
22 existing mature trees. So, that stays.

23 In addition to that, there is enhancing
24 landscaping back there behind the site. If you
25 remember early on, the building was configured in a

1 totally different way and the Board had asked -
2 basically due to some of the neighbors comments - to
3 configure that building around and kind of further
4 screen Lisha Kill Road neighbors. So, we think that is
5 an improvement. Certainly, under the primary
6 improvement on the site is the access and the
7 stormwater. If you remember early on, there were
8 questions about the interconnectivity of this site
9 with the 20 Atwood site. We weren't quite sure how
10 that worked. There were some cross-access easements
11 that were in place. There was an additional property
12 owner just along Central Avenue, just to the south of
13 the site, who had some concerns with this site early
14 on as to who had access to what. It's my understanding
15 in talking with Mike and Joe that those issues have
16 now been resolved with the 20 Atwood site. There is
17 clear definition now as to where the access easements
18 are located and how the site will be accessed
19 potentially from Atwood - potentially through the 20
20 Atwood site.

21 The extension of the road and certainly the
22 curb cut onto Central Avenue is something that we
23 looked at with DOT. They are comfortable with that
24 now. It's a two-way access in and out. They offered no
25 restrictions to that. They didn't seem to have any

1 additional concerns with what was being proposed. *I
2 think that the other key feature to that accessway
3 will be the eventual cross-connection with the
4 convenience store and the gas station that was
5 approved by this Board a few years ago. So, there will
6 be, potentially - will alleviate some of the traffic
7 on Central Avenue, as that gas station comes on-line.
8 So, that is another key feature.

9 Certainly we will work closely with Nick on
10 the drainage. There is a combined stormwater
11 management system between this site and the site in
12 front of it - the gas station side which was
13 engineered for both sites, which we are very
14 comfortable with at this point. Also, as Nick
15 mentioned, one of the other kind of interesting
16 features of the stormwater of the site is the
17 underground distension that they are proposing for
18 under the parking lot. It is a significant system in
19 terms of its size and capacity and it's functionality.
20 One of the things that we asked Nick to do was to
21 re-examine that system a little bit and upgrade it so
22 that you're actually going to potentially retaining
23 more potential stormwater in that system underground
24 before it releases. That was done through a series of
25 design changes to the site.

1 Also, we have been working closely with the
2 Town's stormwater management office. We have looked at
3 the catch basin and the drainage area to the rear of
4 the site. They make mention where it flows into the
5 Lisha Kill. The Town has done some significant
6 improvements in that swale area - that connection
7 area. So, we feel that the interconnection for the
8 potential overflow from this site to that one will
9 work really good. *The only other comments we have are
10 just minor in nature in our final letter. We feel that
11 the applicant is ready to go to final.

12 We have just a quick mention that there is
13 one waiver being requested for the setback in the COR
14 district. Other than that, we just have a few minor
15 technical comments that we made conditions of
16 approval.

17 CHAIRMAN STUTO: Okay, we will hear from the
18 public.

19 Mr. Khan, did you want to speak?

20 MR. KHAN: My name is Jaffer Khan and I have
21 the property at 2067 Central Avenue, adjacent to this
22 property.

23 One question that I had and I had the same
24 question in the previous meetings is the access on 20
25 Atwood combining this property and the access that

1 will be to 20 Atwood - as it goes over my property.
2 That was my concern and it has not been resolved since
3 then.

4 CHAIRMAN STUTO: Can you point to that on the
5 map? Can you outline your property?

6 MR. KHAN: It's right here (Indicating).
7 Basically you can see the parking spots there. First of
8 all, this map does not represent the correct accurate
9 picture of the lot. This parking lot goes all the way up
10 to here (Indicating), which was the issue to begin with.
11 It has not been resolved yet. So, that parking lot still
12 exists there.

13 This is still there (Indicating). This is the
14 issue of the access coming over because there is a cut
15 over. The cut over goes this way (Indicating) which
16 leads to my property. Going straight and also cutting
17 over this way (Indicating). Those are my concerns.

18 CHAIRMAN STUTO: I'll try to restate it. There
19 is a curb cut from your lot onto the access road,
20 correct?

21 MR. KHAN: Yes.

22 CHAIRMAN STUTO: That's the way that it is
23 depicted on here. Nick, do you agree with that?

24 MR. COSTA: Yes. This is going to be
25 constructed right here (Indicating) to access 20 Atwood.

1 It is all on 20 Atwood's property. This driveway is on
2 this side of the property line. This side of the
3 property line is 20 Atwood.

4 MR. KHAN: Are you closing this in
5 (Indicating)?

6 MR. COSTA: There is an easement through here.

7 MR. KHAN: But how are you going to route the
8 traffic and how are you going to stop the traffic going
9 through this (Indicating)? And also, the parking lot is
10 still there.

11 MR. COSTA: Right here there is an easement.

12 MR. KHAN: Right, but you are not showing this
13 parking lot which is going all the way up to here
14 (Indicating). That's a parking lot and you're not
15 showing it up here. This is the third time that you are
16 presenting a false statement there.

17 CHAIRMAN STUTO: Sir, I have to keep control of
18 the meeting. I'm not even sure that I understand your
19 question. I remember that you were here before and it
20 was confusing to me. Can you state what your issue is
21 again?

22 Does the applicant say that they own the curb
23 cut that they are proposing - to the access road?

24 Okay, the answer is yes. They are responding
25 yes, just for the record.

1 MR. KHAN: Well, that's not true because the
2 curb cut is coming in right here (Indicating) and as he
3 just showed it to you - the problem that he is not
4 showing you the true picture of the map. So, if you look
5 at the true picture - you can pull up Google Earth or
6 whatever and it will show you.

7 This parking lot right here - it goes all the
8 way here (Indicating). There is an opening here. What
9 he is trying to do is cut the curb over the parking
10 lot - is he closing this curb near the cut, or is he
11 getting rid of the parking right here which is the
12 dispute that we have been fighting over for over two
13 years now.

14 CHAIRMAN STUTO: Nia, do you want to try to
15 give your explanation?

16 MS. CHOLAKIS: Sure.

17 CHAIRMAN STUTO: I'm going to give Nia the
18 floor and try to explain what is going on here.

19 MS. CHOLAKIS: Hi, my name is Nia Cholakis with
20 Rosetti Development Companies.

21 As Nick indicated, the curb cut -- this red
22 line right here is the property line (Indicating) of
23 Mr. Khan's property. It's the adjoining line between
24 the two. It goes in this direction and then it goes
25 out to Central Avenue and it goes in this direction

1 (Indicating) so that it's essentially a rectangle.

2 This cross hatched area is an easement which
3 is of record. We have been in litigation since 2014 so
4 I don't know how any of this changes. We still have
5 rights to this. We still have an access.

6 MR. SHAMLIAN: It's not part of this
7 application.

8 MS. CHOLAKIS: It's not part of this
9 application. We show it here, knowing that Mr. Khan
10 would be here tonight so that we could show that in fact
11 the access point from the subject property onto 20
12 Atwood is, in fact, on our property.

13 CHAIRMAN STUTO: And that's how it shows on
14 this drawing that we have.

15 MS. CHOLAKIS: The rest of this is an access -
16 a parking easement that we have rights to. Everything
17 that is in that cross hatch - we still have rights over
18 that. That has nothing to do with this particular
19 application. We just showed it knowing that he would be
20 here tonight.

21 CHAIRMAN STUTO: So, you have an easement.

22 MS. CHOLAKIS: Correct.

23 CHAIRMAN STUTO: Does anybody have any
24 questions?

25 (There was no response.)

1 I don't have any.

2 Mr. Khan, you get the floor again.

3 MR. KHAN: My concern is they have an easement
4 for 20 Atwood and not the lot that they are trying to
5 develop. They are going to push the traffic through for
6 this lot.

7 CHAIRMAN STUTO: I still don't understand your
8 issue.

9 MR. KHAN: My issue is how they are going to
10 route the traffic. If the traffic comes through this cut
11 here (Indicating), how are they going to route the
12 traffic - okay, not this cut but go straight out.

13 CHAIRMAN STUTO: Chuck, do you think that's a
14 problem?

15 MR. VOSS: No. It's just a direct access
16 easement between the two properties.

17 MR. KHAN: This property does not have an
18 easement (Indicating). The property at 20 Atwood has an
19 easement and not this property. You're trying to push
20 the traffic from this area to this area (Indicating).

21 MR. VOSS: The subject property will be granted
22 an access easement to use the 20 Atwood site through
23 that curb cut on that side.

24 MR. KHAN: I'm sorry, what are they doing?

25 MR. VOSS: They are creating a new curb cut

1 from the parking lot of 20 Atwood up to the new
2 driveway. It won't even affect your property.

3 MR. KHAN: It will because you're not blocking
4 this. There is a driveway that goes right in here
5 (Indicating).

6 MR. VOSS: They are not going there. They are
7 going right down along 20 Atwood out to Atwood Drive.

8 MR. KHAN: Then, how are you closing this right
9 here? How are you going to route the traffic - if I see
10 a way -

11 MR. HEIDER: I think that people would rather
12 go straight than taking a right and cutting through the
13 other lot.

14 MR. KHAN: That's the assumption.

15 MR. HEIDER: I think that's pretty safe to say.

16 MR. KHAN: Right, but it's not -

17 CHAIRMAN STUTO: I'll ask the Town Designated
18 Engineer.

19 MR. VOSS: No, I don't see it as an issue. We
20 looked at the access issue extensively for the last year
21 and a half and folks accessing the 2069 site will come
22 through the primary driveway which is off Central
23 Avenue. If in the event that somebody decides that they
24 want to go east on Central Avenue and they don't want to
25 go out to the curb cut, they have the ability to come

1 through that new curb cut from 20 Atwood Drive out to
2 Atwood Avenue and then out to Central Avenue.

3 CHAIRMAN STUTO: Okay, our engineer is saying
4 that it's not a major problem.

5 MR. KHAN: But how are they controlling the
6 traffic with those two driveways?

7 MR. VOSS: They are just allowing people to
8 drive through the way that they normally do today.

9 CHAIRMAN STUTO: There are commercial
10 properties that are opened up to other commercial
11 properties.

12 MR. KHAN: I understand that. They have no
13 right to push the traffic from that property over to my
14 property.

15 MR. VOSS: They are not going on your property.

16 MR. KHAN: Well then they're not blocking the
17 access so how are they not going on my property?

18 MR. VOSS: I will show you up close. I don't
19 understand what you are asking. If somebody wants to
20 access this site in the back - here is Central Avenue
21 and here is your property (Indicating). They come down
22 the driveway across here and out Atwood (Indicating).
23 They're not going to go in this way, they are going to
24 come this way (Indicating).

25 MR. KHAN: You have been to the site, right?

1 MR. VOSS: Yes.

2 MR. KHAN: Does the site look like this?

3 MR. VOSS: It does.

4 MR. KHAN: It does not.

5 MR. VOSS: You can put a barrier on your side,
6 if you want.

7 CHAIRMAN STUTO: Does he see on the access?

8 MR. VOSS: Peter, he is concerned that somebody
9 is going to come down in front of 20 Atwood -

10 CHAIRMAN STUTO: From where?

11 MR. VOSS: From the subject site.

12 CHAIRMAN STUTO: What is on the other side?

13 MR. VOSS: The 2069 property. He is concerned
14 that they are going to swing basically to the west -

15 CHAIRMAN STUTO: To try to get to Central
16 Avenue.

17 MR. KHAN: They will just cut over.

18 MR. VOSS: There is a virtually open parking
19 lot between the two sites that is not barricaded in any
20 way. So, the suggestion was that if he wants people not
21 to come through his site, he can barricade his property
22 line.

23 CHAIRMAN STUTO: Whether that interferes with
24 the easement, I don't know.

25 I will say this: my comment to that is we are

1 getting advice from our engineer that it is not a
2 major issue and also on the access road to the subject
3 property they're installing landscaping along there.
4 So, it's confining to that one curb cut. So, by logic
5 they are probably going to take a straight line. If
6 they is any kind of visual impediment, I think that
7 they are going to take the straight line. There are
8 commercial properties that are opened up to other
9 commercial properties all over the place. You have to
10 do on your property what you think that you need to
11 do.

12 MS. CHOLAKIS: I'd like to make one additional
13 point. If anybody is going east on Central Avenue - to
14 cut across Central Avenue, as everybody knows, it's not
15 the easiest thing in the world. They are going to go
16 back to 2071, the car wash, and they are going to come
17 out at the light at Lisha Kill. So, the likelihood of
18 people just cutting through for the sake of cutting
19 through makes no logical sense - to try to take a left
20 onto Central Avenue when they have a light that is right
21 there.

22 MR. KHAN: Just to answer that, I see people
23 coming through all the time - through my driveway
24 because right now it's open.

25 CHAIRMAN STUTO: Okay, we are going to direct

1 comments through here and we're not going to debate it
2 back and forth. You can direct your comments here. If
3 you have something new to say, I'll listen to it but I
4 have made up my mind with respect to that issue.

5 MR. KHAN: Well, that's fine but it's still my
6 concern and it still hasn't been resolved. That's all I
7 have to say.

8 CHAIRMAN STUTO: Anybody else want to say
9 anything at this point?

10 MR. MION: I think that they did a good job of
11 moving the curb cuts near your property. I'm satisfied.

12 CHAIRMAN STUTO: Is there anybody else who
13 wanted to speak on this project from the public?

14 (There was no response.)

15 Okay, we are going to turn it over to the
16 Board now. I don't know of any other major outstanding
17 issues.

18 Do you have any comments?

19 MR. MION: I have spoken mine.

20 CHAIRMAN STUTO: Craig?

21 MR. SHAMLIAN: Yes. I have a couple of
22 questions.

23 What stand of trees is remaining?

24 MR. COSTA: I know that this is small scale but
25 back here through this area (Indicating), those trees

1 are going to remain.

2 MR. SHAMLIAN: How many feet are we talking
3 about?

4 MR. COSTA: I think that it's about 25 feet.

5 MR. SHAMLIAN: Because you're putting in eight
6 blue spruce over 175 feet; is that right?

7 MR. COSTA: Yes, that's correct. We are also
8 going to be planting along here (Indicating) and we're
9 also putting a white vinyl fence -- it's actually not
10 white. I think that it matches the fence that Rich used
11 to have over here. It's more like a tanish color.

12 MR. SHAMLIAN: I think that ideally a few more
13 trees would be warranted.

14 MS. CHOLAKIS: There are all trees behind
15 there.

16 MR. SHAMLIAN: But they are deciduous for the
17 most part; right?

18 MR. COSTA: Right.

19 MR. SHAMLIAN: But over 175 feet does not
20 provide any screening for the residents.

21 MS. CHOLAKIS: The distance between that
22 property line and the back of those homes - you can see
23 that on the map. Right now there is a dilapidated house
24 there.

25 CHAIRMAN STUTO: I will support Craig on that.

1 Those are not big requests, are they?

2 MS. CHOLAKIS: No.

3 MR. SHAMLIAN: What are the hours that you are
4 going to operate here?

5 MR. COSTA: This is going to be used for
6 vehicle storage. So, they will be here in the morning to
7 pick up the vehicles. I think that three vehicles will
8 be stored here. They will be anywhere from -

9 MS. CHOLAKIS: That will be 7:30 to 3:30,
10 typically.

11 MR. SHAMLIAN: I didn't see the lighting plan.

12 MR. COSTA: I think that on the detailed plans
13 there is a landscaping plan. There is a lightbulb right
14 here (Indicating). Then, there are lights that are put
15 on the building. Again, they are typical down-cast with
16 shields so that they don't impact the neighbors.

17 CHAIRMAN STUTO: Lets resolve the tree issue.

18 Chuck, do you have an opinion?

19 MR. VOSS: Nick, what were you proposing? They
20 were six-foot trees, basically - evergreens?

21 MR. COSTA: Yes.

22 MR. VOSS: At the time of planting they are
23 going to look like they are relatively sparce. Spruce
24 will grow to a diameter of 30 or 40 feet five or ten
25 years out. They will grow pretty high and pretty big.

1 So, over time that will certainly fill in as a wall, but
2 they can maybe add a couple more trees and stagger them
3 along that back line.

4 CHAIRMAN STUTO: I don't expect it to be
5 instantaneous.

6 MR. COSTA: It won't be that quick.

7 CHAIRMAN STUTO: Do you want a couple more to
8 stagger them?

9 MR. COSTA: We have to stagger them anyway.

10 MR. VOSS: I would suggest staggering them and
11 maybe another four or five back there, just to thicken
12 it up a little bit.

13 MR. SHAMLIAN: There is no vehicle maintenance
14 going on there, correct?

15 MR. COSTA: No. There are no floor drains.
16 There are no grease traps.

17 MR. SHAMLIAN: It doesn't mean that there isn't
18 vehicle maintenance going on.

19 MR. MION: Is there a dumpster area?

20 MR. COSTA: Yes, there is a dumpster area. We
21 relocated that.

22 MR. MION: Because you're so close to the
23 houses, you might want to make sure that the pick up
24 isn't until 7:00 in the morning.

25 MR. COSTA: I think that the typical signing

1 that goes onto the dumpster -

2 MR. TENGELER: It's usually 7:00 a.m. to 7:00
3 p.m.

4 MR. MION: I hope that it is because I know
5 that there is another property down the street that
6 wasn't that way. I'm not so sure that it still isn't the
7 same. It was 4:30 in the morning.

8 We are a little bit closer to the houses now.

9 MS. CHOLAKIS: We will be contracting now with
10 the waste company, as opposed to the tenant at the other
11 facility who is responsible for that.

12 CHAIRMAN STUTO: Chief, do you have any
13 comments?

14 MR. HEIDER: You say that you're going to store
15 three vehicles in a 7,000 square foot building. It's a
16 6,700 square foot building and you're putting three
17 vehicles in that building?

18 MR. COSTA: No, I take that back. There are
19 four doors.

20 MR. HEIDER: Your property is basically backing
21 up to the Lisha Kill Road neighbors.

22 MR. COSTA: Well, not exactly -

23 MR. HEIDER: I'm talking about the back of the
24 building.

25 MR. COSTA: We are because as we said before,

1 the elevation -

2 MR. HEIDER: I get it. Even though they may
3 grow together in the future - I agree with Craig that it
4 may need more.

5 MR. SHAMLIAN: The back side of the building -
6 you're putting block on the back side of the building
7 about half way up as well, or are you intending that to
8 be all metal?

9 MR. COSTA: I think that's metal. I don't think
10 that is very visible because of the elevation
11 difference.

12 MR. SHAMLIAN: It's not.

13 MR. COSTA: I think that the masonry will be
14 around three sides.

15 CHAIRMAN STUTO: Okay, anything else?

16 (There was no response.)

17 Chuck, can you walk us through the
18 environmental review?

19 MR. VOSS: Sure. The applicant submitted a
20 short EAF in their application package which we have
21 reviewed and it is complete. You also completed Part II
22 and Part III of the EAF and the SEQR recommendation --
23 as the Board knows, this is an unlisted action. Based on
24 that initial assessment, it's not anticipated that the
25 project will have a significant affect on the

1 environment.

2 I can walk through the Part II questions. I
3 will go through those quickly.

4 Will the proposed action create a material
5 conflict with an adopted land use plan or zoning
6 regulation? The answer is no, or small impact may
7 occur.

8 Will the proposed action result in a change
9 to the use or intensity of land use? Again, the answer
10 is no. or small impact may occur.

11 Will the proposed action impair the character
12 or quality of the existing community? The answer was
13 no.

14 Will the proposed action have an impact on
15 the environmental characteristics and cause the
16 establishment of a critical environmental area? There
17 is no CEA in this location, so the answer is no.

18 Will the proposed action result in an adverse
19 change in the existing level of traffic, or affect
20 existing infrastructure for mass transit, biking or
21 walkway? The answer is no.

22 Will the proposed action cause an increase in
23 the use of energy and fails to increase reasonably
24 available energy conservation or renewable energy
25 opportunities? The answer again is no.

1 Will the proposed action impact existing
2 water supplies, or public or private wastewater
3 treatment utilities? The answer is no to both.

4 Will the proposed action impair the character
5 or quality of important historic archeological,
6 architectural or aesthetic resources? Again, the
7 answer is no.

8 Will the proposed action result in an adverse
9 change to natural resources; for example wetlands,
10 waterbodies, groundwater, air quality, flora or fauna?
11 Again, the answer is no.

12 Will the proposed action result in an
13 increase in potential for erosion, flooding or
14 drainage problems? Again, the answer is no.

15 Will the proposed action create a hazard to
16 environmental resources or public health? The answer
17 is no.

18 Based on that determination, it is determined
19 that based on the information provided and the
20 application's analysis above and any supporting
21 documentation that the proposed action will not result
22 in any significant adverse environmental impacts.

23 The Resolution is prepared and the reasons
24 for the determination of non-significance - again, the
25 lead agency has reviewed the application, site plans,

1 project description and all supporting documentation
2 and such further investigation of the project and its
3 environmental effects that the lead agency deems
4 appropriate. Based on this review, the lead agency has
5 determined that the action will have no significant
6 affects on the environment.

7 CHAIRMAN STUTO: Do we have a motion on that
8 negative declaration?

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

10 CHAIRMAN STUTO: Second?

11 MR. HEIDER: Second.

12 CHAIRMAN STUTO: Second by Chief Heider.

13 Any discussion?

14 (There was no response.)

15 All those in favor, say aye.

16 (Ayes were recited.)

17 All those opposed, say nay.

18 (There were none opposed.)

19 The ayes have it.

20 With respect to the main question before the
21 Board -

22 MR. VOSS: We have waivers, Peter.

23 CHAIRMAN STUTO: Okay. Walk us through that
24 please.

25 MR. VOSS: Sure. The Board has prepared a

1 waiver Resolution for the Board. If you like, I will
2 just go through the "now therefores".

3 CHAIRMAN STUTO: Yes and we will ask the
4 stenographer to put the entire Resolution into the
5 record.

6 MR. VOSS: This is Resolution for 2096 Central
7 Avenue Warehouse, 2096 Central Avenue. This is a Land
8 Use Law waiver findings.

9 Now therefore be it resolved that the Board
10 hereby finds that to the extent of the requested
11 individual waivers is not considered substantial; and
12 be it further resolved that the Board finds that the
13 applicant has established that there are no practical
14 alternatives to the proposed waivers that would
15 conform to the standards and that the waivers are
16 necessary in order to secure reasonable orderly safe
17 development of the project site. Therefore, be it
18 resolved that the Board hereby issues a waiver from
19 the backyard setback and be it further resolved that
20 these waivers findings be a condition of site plan
21 approval of the application and be kept on file in the
22 office of the Planning and Economic Development
23 Department.

24 CHAIRMAN STUTO: Do we have a motion on that?

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

1 MR. SHAMLIAN: Second.

2 CHAIRMAN STUTO: Any discussion?

3 (There was no response.)

4 All those in favor, say aye.

5 (Ayes were recited.)

6 All those opposed, say nay.

7 (There were none opposed.) The ayes have it.

8 The main question before the Board is for
9 final site plan approval subject to the conditions
10 discussed today including the trees in the back, among
11 other things, subject to the Town Designated
12 Engineer's conditions and the conditions set forth by
13 the various Town Departments. Do we have a motion?

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

15 MR. HEIDER: Second.

16 CHAIRMAN STUTO: Any discussion?

17 (There was no response.)

18 All those in favor, say aye.

19 (Ayes were recited.)

20 All those opposed, say nay.

21 (There were none opposed.)

22 The ayes have it.

23 Thank you.

24 MR. COSTA: Thank you.

25 (Whereas the above entitled proceeding was

1 concluded at 10:05 p.m.)
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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter and
Notary Public in and for the State of New York, hereby
CERTIFY that the record taken by me at the time and
place noted in the heading hereof is a true and
accurate transcript of same, to the best of my ability
and belief.

Dated: _____

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

