

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 LUIZZI OFFICE STORAGE
950 5TH STREET

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled matter
7 by NANCY L. STRANG, a Shorthand Reporter commencing on
January 7, 2020 at 7:16 p.m. at Memorial Town Hall,
Loudon Road, Newtonville, New York

8 BOARD MEMBERS:
9 PETER STUTO, CHAIRMAN
10 CRAIG SHAMLIAN
11 STEVEN HEIDER
12 BRIAN AUSTIN
13 SUSAN MILSTEIN
14 CHIP ASHWORTH

15 ALSO PRESENT:

16 Kathleen Marinelli, Esq., Counsel to the Planning
17 Board
18 Joseph LaCivita, Director, Planning and Economic
19 Development
20 Joseph Grasso, RLA, CHA
21 Nicholas Costa, P.E., Advance Engineering and
22 Surveying

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1 MR. CHAIRMAN: Next on the agenda is Luizzi
2 Office Storage, 950 5th Street, application for
3 environmental SEQRA review and final approval.

4 The project is new office- 10,000 square
5 feet; warehouse - 10,000 square feet with storage of
6 15,000 square feet and a maintenance area of 15,000
7 square feet.

8 Joe, what's the acreage on that?

9 MR. COSTA: The whole site is 28 acres.

10 MR. LACIVITA: Just to get some important dates
11 on the agenda, the project was before us at the DCC
12 level back in March 2019. We have seen it through a
13 couple of renditions; from sketch plan to concept. The
14 last time that it was before the Board was September 11,
15 2018. So, we're looking to move this into final approval
16 this evening. Nick Costa is the engineer.

17 MR. COSTA: Thank you, Joe. Just to resonate
18 the comments that were made toward you, it has been a
19 pleasure working with you. As your grandfather would
20 say, buena fortuna. Hopefully we will stay in touch,
21 just like Joe said.

22 MR. LACIVITA: Thank you.

23 MR. COSTA: Nick Costa from Advance Engineering
24 and Surveying and we are here to present the proposed
25 Luizzi Warehouse/Storage facility. The address for the

1 site is 950 5th Street. We have changed the address
2 because the site is actually fronting on 1st Street. So,
3 we have given it an address of 1st Street.

4 The 28 acres is a portion of a larger track.
5 What is shown in red which is the 28 acres, but there
6 is actually about 82 acres in total. This 28 acres was
7 subdivided and this parcel was created and Mr. Luizzi
8 purchased the parcel and he is proposing to develop it
9 for warehouse his actual office building and his
10 construction yard which would be located right here
11 (Indicating). His maintenance shop would be located in
12 that building right there (Indicating).

13 There is a new access drive that's being
14 proposed right off of 1st Street to access the site
15 and another access drive that's a little further east
16 on 1st Street that would also have access to the new
17 buildings. You can see that there is a circulation
18 through the site to provide ease of access for
19 construction vehicles and tractor trailers that may be
20 using some of the space.

21 There is also a large berm that is being
22 proposed right here (Indicating). It's a 25-foot high
23 berm with landscaping that will buffer the neighbors
24 that exist in this area.

25 The site is located in an industrial area. It

1 was formerly used as the rail yard for D&H and some
2 other railroad companies. They actually maintain and
3 worked on the engine and the railcars. It has been
4 always a industrial heavy type use that the site has
5 had. There are existing rails and they do operate.
6 This is an operational railroad, so there are trains
7 that go by here on a regular basis.

8 Lincoln Avenue is located here (Indicating)
9 and that crosses over and becomes first Street and
10 then it continues over to Broadway and goes into the
11 city of Watervliet and also towards the south into the
12 Village of Menands.

13 This is the enlarged site plan. You can see
14 that the enlarged site plan shows the proposed
15 buildings - four buildings at the construction yard
16 and also the access that each building will have to be
17 utilized for the purpose of warehousing and office.
18 The office building will be here and the maintenance
19 yard will be right here (Indicating).

20 There are utilities.

21 There is a water main that is located along
22 1st Street that will provide access to municipal water
23 for the new buildings. There is also a sanitary sewer.
24 The sanitary sewer is along Lincoln Avenue. The
25 sanitary sewer will be conveyed down through a gravity

1 system and underneath the railroad tracks and connect
2 to the existing trunk line that's on Lincoln Avenue.

3 What we are doing with the stormwater is here
4 we are taking the stormwater and bringing it into the
5 stormwater management areas that are going to be
6 located here. Those stormwater management areas are
7 underground. There are not going to be any surface
8 ponds. They will be in chambers.

9 However, there is an existing pond. This
10 exists today and that will remain there. That existing
11 pond takes drainage from the entire area - the parent
12 parcel of this and also from some up-gradient flows
13 that come in from both sites. That will not be
14 interrupted. We will not be adding anymore stormwater.
15 Our stormwater will be directed towards new stormwater
16 management practices to be in conformance with the
17 Town requirements and the New York State DEC
18 requirements.

19 The site will have quite a bit of green
20 space. I think it's got 45% or 46% green space.

21 There is a rendition of the proposed
22 buildings here from different view sheds. You can see
23 the one in the middle does show the pond that will
24 remain there.

25 To improve some of the water quality, they

1 will be trying to put in some fountains. At least
2 that's what we are depicting there, if necessary.

3 We have gone through the departments with Joe
4 Grasso from CHA. We've gone through the review process
5 and received comments and we have addressed the
6 comments. There are some comments that still need to
7 be addressed and those have to do mostly with the
8 stormwater. The stormwater in the latest round of the
9 revisions to the drawings was modified. It was
10 modified because of field conditions. It was the first
11 time that CHA got to see the new stormwater system
12 design. They do have some comments that we think we
13 can address without any issues.

14 CHAIRMAN STUTO: Just for the public, we're
15 going to have comments also from our engineer who we
16 call the Town Designated Engineer. Then, we will take
17 comments from the public. If anybody from the public is
18 interested in speaking, we ask that you sign in on the
19 sign-in sheet. It's in the back of the room.

20 Now are going to hear from our engineer to
21 see what he has to say. We have seen this project
22 before.

23 Our Town designated Engineer is CHA and Joe
24 Grasso is with that firm. He's going to give his
25 comments.

1 MR. GRASSO: Okay, thanks Peter.

2 In your packets there is a letter dated
3 December 23. It summarizes our remaining technical
4 comments. As you mentioned, we have reviewed this
5 project on a number of occasions including the time it
6 came before the Planning Board for previous reviews,
7 but also there has been numerous independent reviews
8 to get it ready for consideration by the Planning
9 Board for site plan review.

10 I just wanted to mention a couple of things
11 regarding the site design that we didn't include in
12 our last comment letter. There are features that we
13 feel are very desirable things that have been
14 incorporated into the project as it has gone from
15 conception to where it is tonight.

16 The first one is regarding the layout of the
17 buildings. This is an industrial zoned site. The site
18 could be considered industrial because the set up for
19 contractors use with large storage area in the back.
20 One of the desirable features is they have placed the
21 buildings towards the front of the site, but not on
22 the road. There's a pretty significant setback from
23 5th Street. The layout of the buildings really give
24 you a little bit more of a suburban canvas-like
25 setting and not something that we would typically see

1 in an industrial type of development.

2 The buildings are located in such a way to
3 screen the parking areas which are primarily behind
4 the buildings then further screen operational areas
5 where the storage areas for the contractors are -
6 which are things that are not very sightly from a
7 public thoroughfare or front resident. So, the layout
8 of the buildings, I think, is significant. Like I
9 said, the parking is primarily in the back. The site
10 does have dual access points which is good from a
11 traffic distribution standpoint as well as it improves
12 emergency access.

13 As Nick mentioned, there is a large berm and
14 it isn't the darker green area to the top left of the
15 page. Right now it's a mound because it's such a high
16 feature. We normally don't see berms that high.
17 Because of the operation, the site is so large that
18 were able to use that real estate to start a large
19 berm that could extend further towards the north which
20 would provide a very significant visual buffer between
21 anything that occurs on the site and a residential
22 property. It is an important piece of the plan.

23 The other thing is Nick mentioned there is an
24 existing pond upfront and rather than fill or drain
25 the pond, they have incorporated it into the site and

1 have built it into their stormwater management plan,
2 which I think is the most environmentally appropriate
3 approach to working with the existing pond. We think
4 that is a salient part of the plan.

5 Lastly, I just want to mention from an access
6 standpoint, the site is really set up to have
7 additional development to the north. From an access
8 standpoint, where Nick is highlighting on the plan,
9 that is currently proposed as a private road but it is
10 being designed and will be constructed as such as it
11 will comply with Town Road standards. So, if the
12 development occurs to the back of the site, the Town
13 has the ability to decide whether or not they want to
14 take that road over as a future Town Road. That's
15 another desirable feature of the plan without
16 substantial work having to be done to the road in the
17 future.

18 With that, I'm going to go through the
19 comments in our December 23 letter. The first two are
20 regarding SEQRA. This is a nonresidential use that
21 involves a disturbance of over 10 acres. So, this is a
22 significant scale project that meets the threshold for
23 a Type I action pursuant to SEQRA which triggers
24 coordinated review by the Planning Board as lead
25 agent. The Town had initiated lead agency formation

1 back in September. There is a mandatory 30-day plan
2 period. The other involved agency besides the Planning
3 Board is the DEC and they've gotten back to us and
4 said that they haven't no interest in being lead
5 agent.

6 The applicant has filled out all the required
7 environmental assessment forms. Because it is a Type I
8 action, a full environmental assessment form is
9 required and part one of that form is completed by the
10 applicant. We have worked with the Planning Department
11 and drafted Part II and III of the EAF for the
12 Planning Board's consideration if they feel they would
13 like to make that declaration and it is appropriate
14 for the action. So, you will see that later on in your
15 packet.

16 Third, we had our last coordination meeting
17 with the applicant and Town departments back in
18 November. I would expect the Town departments to have
19 reviewed the final plans. There may be additional
20 comments regarding the water and sewer and drainage
21 system to be addressed. We recommend final review be
22 contingent by sign-off by both our office as well as
23 the Town departments.

24 Fourth is the intent of the applicant to keep
25 the proposed access drive private with the

1 understanding that it could be dedicated to the Town
2 at a later date. I just wanted to mention for the
3 record that it doesn't guarantee that the Town will be
4 forced to take over that road at some point in the
5 future. Obviously, the Town needs to review things
6 like the lighting plan and drainage system to make
7 sure that it's acceptable to the Town for dedication
8 and acceptance by the Town for future ownership.

9 Fifth, the sewer would be made public in the
10 future. Right now there was discussion by the
11 temporary sewer connection - should the applicant not
12 get the approval from the D&H rail company for the
13 proposed sewer crossing which is currently in the
14 plan, we just wanted to make that part of the record
15 that is currently proposed - they are looking to cross
16 that rail corridor for sewer crossing which is going
17 to require an easement to be obtained. If that plan
18 falls through, the backup plan is that a temporary
19 sanitary sewer connection be required. That is
20 something that we would want to work with the Pure
21 Waters department and Town just to make sure it's
22 acceptable to the Town.

23 CHAIRMAN STUTO: How do those easements usually
24 go?

25 MR. GRASSO: Dealing with the railroads are

1 extremely difficult. It's good that we are going down
2 the path that this easement is going to be obtained and
3 a connection can be paved. We've got a fallback
4 position, a temporary sewer connection that is
5 acceptable to the Town. It's just not reflected on the
6 plans.

7 CHAIRMAN STUTO: Will that tie into the same
8 line, or no?

9 MR. GRASSO: It would tie into the same line.
10 Ultimately, it discharges into the same spot.

11 MR. COSTA: If I may add, Joe, one of the
12 positive comments that we received from the railroad is
13 if the easement is going to be conveyed to the Town,
14 they would be more apt to convey that easements or
15 license; however it ends up being. They would rather
16 work with the Town than with private individuals.

17 MR. GRASSO: The long-term plan is that the
18 expectations as the development continues - this will
19 not only serve this property but multiple properties,
20 therefore they will need to be public ownership. That's
21 something that they're working on.

22 Another comment was from the Fire Services
23 Department. That was the need for fire access roads
24 being a minimum of 20-foot wide and the one entrance
25 through the boulevard has two 60-foot wide piles. Fire

1 Services will need to examine that to be sure that
2 boulevard is adequate.

3 Our next comment is regarding a hold harmless
4 agreement which is a standard requirement of projects
5 like this with these types of utilities.

6 Then, our last comment has a lot of subparts
7 regarding the drainage system. Nick went over this.
8 These are all highly technical comments that we think
9 will be able to be addressed with some additional
10 engineering and reviewed by our office and the Town.
11 I'm not concerned that they will result in any changes
12 to the plan.

13 CHAIRMAN STUTO: Okay, does the applicant have
14 any issue with any of the comments?

15 MR. COSTA: No.

16 CHAIRMAN STUTO: Did you complete your
17 comments?

18 MR. GRASSO: Yes, I would just like to close by
19 saying from a SEQRA standpoint there is a draft
20 Resolution for accepting the lead agency status and a
21 neg dec further in your packet.

22 CHAIRMAN STUTO: Did any members of the public
23 sign-up to speak?

24 (There was no response.)

25 Craig, did you have any comments?

1 MR. SHAMLIAN: I've got a couple of questions.
2 How tall is the berm?

3 MR. GRASSO: So, as of right now, because it's
4 so tall, it doesn't have a length dimension to it. It's
5 going to look like a mound at this point. The intent is
6 that it will extend with the same height north so that
7 it would become more of what we typically see as a berm
8 shield.

9 MR. SHAMLIAN: But it's still going to remain
10 20 feet or 25 feet in height. I guess one of my concerns
11 is that there was some talk about some trees on the
12 eastern side of that - - I know that sometimes we are
13 concerned about putting vegetation on the berm. This
14 looks like a recent planting. If you're on the east side
15 of that, you're just looking at a large hill and it's
16 not very attractive. I'm not looking at the landscaping
17 plan. I'm just saying you might want to put some trees
18 in there. That's one comment.

19 The other question I have is: is there any
20 plan to do fencing around the property?

21 MR. COSTA: There's already a solid fence that
22 goes along this that separates this parcel from the
23 adjacent parcel. It exists today. So, there are no plans
24 to remove that fencing even though that fence is mostly
25 on the Luizzi parcel.

1 MR. SHAMLIAN: Again, I'm mostly concerned
2 about the part that abuts residences

3 MR. COSTA: so, you're talking about here
4 (Indicating).

5 MR. SHAMLIAN: It almost seems like the
6 applicant would want some additional means of keeping
7 people from entering what is essentially an industrial
8 park.

9 MR. COSTA: I think there is already an
10 existing fence. It is a chain-link fence there. That's
11 going to remain. There is an opening, but I think that
12 fence also continues north. There is an opening that
13 residents used to go in and out of the site. That fence
14 is to remain.

15 MR. SHAMLIAN: In the front portion of the
16 parcel - - I understand there is a pond and I understand
17 the underground and filtration system, but it seems like
18 you should be able to do a little landscaping in the
19 front area. When you look at the views that you provided
20 from the streets, the pond is great especially if you
21 have fountains in them. I get they are substantial
22 distance from the road but there's very little plantings
23 in there.

24 MR. COSTA: The elevation rendering that was
25 done shows the fence and the brick and fencing that is

1 done. It doesn't show any of the landscaping that shown
2 on here.

3 MR. SHAMLIAN: There is some landscaping shown
4 on this elevation, but there's very little.

5 MR. COSTA: There's another cluster here that
6 leaves open some visual to the pond. There are some
7 additional plantings here.

8 One of the recommendations in the traffic
9 analysis was the trees existing trees be removed
10 because of site distance issues. Along this area. We
11 can certainly look at it.

12 MR. SHAMLIAN: There's plenty of space in the
13 building right there. From the street there's a clear
14 shot to that building where you can clearly put some
15 plantings near the parking lot. I just think there's a
16 spot that could use some additional trees.

17 CHAIRMAN STUTO: The fence is going in, right?

18 MR. COSTA: Yes, it will be shown on the site
19 plans.

20 MR. SHAMLIAN: Do you have any concern about -
21 - because of the gravel yard in the yard in the back -
22 with a coming out onto the road. What precautions are
23 taken to make sure they're not making a mess of the
24 road?

25 MR. COSTA: Prior to the vehicles entering the

1 pavement, there would be some construction access road -
2 for lack of a better term - which have the large stone
3 to help knock down any clumps of dirt that the trucks
4 may have.

5 MR. LACIVITA: Are you asking operationally,
6 when this is up and running?

7 MR. SHAMLIAN: Yes, not during construction.

8 MR. COSTA: Even operationally they would have
9 some type of a construction access road.

10 MR. LACIVITA: Typically when we have sites
11 like this, we do have an extensive period of gravel that
12 gets knocked off to keep dust down see you coming off of
13 pavement onto the gravel and into the yard.

14 MR. SHAMLIAN: I just want to make sure because
15 I know sometimes you go by Clemente and there's a bunch
16 of stuff on the road. I understand that is an older
17 facility.

18 CHAIRMAN STUTO: Susan?

19 MS. MILSTEIN: Can you explain the temporary
20 sanitary sewer connection as a backup? To me, temporary
21 means temporary and not permanent

22 MR. COSTA: That's correct and what is shown on
23 the drawings is the permanent connection. If we run into
24 a situation where it gets delayed in us getting the
25 license or the easement that we need to cross the rail

1 road yard, what we would do is place a pump station and
2 have a force main the takes the waste to the sanitary
3 sewer. It doesn't go underneath the rail crossing.

4 MS. MILSTEIN: What if you don't get the
5 easement, then what?

6 MR. COSTA: That's the purpose of the temporary
7 pump station.

8 MR. GRASSO: Just to clarify, it is an
9 approvable design by the Town. It's not the most ideal,
10 but the temporary could become a permanent pump
11 solution. If they said there's no way I'm granting an
12 easement to you or the Town then obviously the temporary
13 connection that has already been reviewed by the Town is
14 acceptable and would become a permanent solution. We try
15 to reduce the number of pump stations in the Town
16 because they require backup, and maintenance associated
17 with those. We prefer to rely on gravity and that's what
18 we directed the applicant. The easier thing for them
19 would be to put in a pump station, but we're kind of
20 forcing it. So we've told them we will let you have a
21 temporary connection if you get held up by the railroad
22 to the project to proceed, but we want you to pursue the
23 other. It will work in the Town has agreed that they
24 would allow it.

25 CHAIRMAN STUTO: Lou?

1 MR. MION: Nothing.

2 CHAIRMAN STUTO: Chip?

3 MR. ASHWORTH: On the backside on 9th Street it
4 looks like there was a gate there on the northeast
5 corner.

6 MR. COSTA: That's on this property.

7 MR. ASHWORTH: It looks like there's a line - a
8 road that goes through there

9 MR. COSTA: Right here (Indicating). And it's
10 off of this parcel.

11 MR. ASHWORTH: So, Luizzi has no financial
12 interest in the other -

13 MR. COSTA: No, they have an option for the
14 remaining portion.

15 MR. LACIVITA: But if they're asking about
16 access, there is no access to this site from there.
17 Everything will be coming from 1st Street.

18 MR. ASHWORTH: That's a real mess. I hope you
19 can clean it all up. There's always saplings and so on.

20 MR. COSTA: Yes, that's correct.

21 MR. ASHWORTH: The fence looks like it has ivy
22 all over it.

23 MR. COSTA: I think for security reasons, if to
24 replace that fence, they will replace that fence.

25 MR. LACIVITA: This site has been looking the

1 past couple years about a brownfield opportunity. The
2 Town received a grant for this back in 2015.

3 If I could show you one of the positive
4 aspects of this - when you talk about the truck route,
5 and this applicant is very engaged - in fact, he
6 sitting on our committee for brownfield opportunities
7 - - this is Watervliet Shaker Road (Indicating). This
8 comes out of the City of Watervliet and goes up 155.
9 Clemente Concrete is up here (Indicating). The whole
10 thing about that access road that is looking to come
11 parallel to the railroad tracks is - this, if you all
12 know the area, this is the slip ramp that now goes to
13 Lincoln Avenue. With Mr. Liuzzi bringing that road
14 through here, we now have access that comes in here
15 (Indicating). We have signage. They will work through
16 a rail crossing to keep all the concrete trucks and
17 keep all other truck traffic off of Lincoln by using
18 that connecting road. So, this is one of the positive
19 things that comes out of this project that the
20 brownfield opportunity was able to obtain.

21 CHAIRMAN STUTO: What's the next stop, the
22 environmental?

23 MR. GRASSO: Yes, but I've I could just go back
24 to one of the things that Craig said about the berm.

25 So, when you get to a berm that's over six

1 feet and this one is many times more than that, were
2 concerned about how dry it is going to be along the
3 berm and whether or not the vegetation can survive.
4 We have worked with the applicant actually taking that
5 landscaping and pushing it down to the flatter area
6 the bottom so that it will grow up and provide some
7 screening and the berm won't look like such a large
8 feature. I think you can see there on the blow-up.
9 There are some evergreen trees at the bottom. If the
10 Board would like those trees interspersed up the
11 slope, we can definitely do that it's just that
12 there's a greater risk over time that those things are
13 going to dry out over time and not survive.

14 MR. SHAMLIAN: Maybe there's some other
15 vegetation that can be planted on the berm that will
16 survive. Maybe not trees, but bushes of some kind. I'm
17 just thinking that 25 feet is pretty high. If you're
18 looking out on that and it's the wintertime, it's just
19 dead grass. Basically it's just a mound of dirt that
20 you're staring at. While right now were all talking
21 about just a small portion, if that gets extended all
22 the way north were not talking about pretty substantial
23 areas.

24 MR. COSTA: I think if we plant with some
25 wildflower - the conservation seeds -

1 MR. GRASSO: You're looking for more shrubs
2 then groundcover? We will work with the applicant to
3 figure out how that works.

4 CHAIRMAN STUTO: Next up is the environmental
5 review?

6 MR. GRASSO: So, as I had mentioned because
7 this is a Type I action, it did require the preparation
8 of the full environmental assessment. Part I is prepared
9 by the applicant which includes the detailed description
10 of the proposed project as well as the environmental
11 setting. They have gone through and made some edits to
12 Part I based on our comments.

13 The Part II is the identification of
14 potential impacts. This has to be done from the lead
15 agency side. There's a number of questions and for
16 each question there is a series of thresholds answers
17 and a no or yes. I'm going to go through these.

18 The first one is the impact on land and
19 because of the construction on the land surface - the
20 disturbance on the land, the appropriate answer is
21 yes. Then you go through a number of sub-questions and
22 for most of them the response is that there would be
23 either no impact, or small impact may occur.

24 For just a couple of these there is a
25 threshold where there could be a moderate to large

1 impact. For those instances, one is the impact on
2 land.

3 The other is an impact on the surface water.
4 Then we get into more of a detailed discussion in Part
5 III of the EAF.

6 Under the impact on land: The project
7 involves the disturbance of approximately 26 acres
8 over a three-year period, but construction activities
9 will not be constant during that period. The project
10 is required to obtain a SPDES permit and adhered to an
11 approved stormwater pollution prevention plan to
12 mitigate erosion and sedimentation in the stormwater
13 runoff.

14 Secondly, there was a threshold triggered on
15 the impacts to surface water. The narrative states
16 that there is a freshwater pond in the southeastern
17 corner of the site and it is included in the national
18 wetlands inventory mapping and it's been identified as
19 having been previously been excavated and is being
20 used for stormwater management. The plans already
21 continue to use this as a pond as part of the approved
22 stormwater management system.

23 Prior to construction activities, the
24 applicant will provide confirmation from the Corps of
25 Engineers.

1 Regarding the Corps wetlands, there is a
2 small area of Corps of Engineer jurisdictional
3 wetlands. This area is going to be protected by a post
4 and rail fence with signage.

5 There's also a Town protected watercourse and
6 national wetland inventory mapping of a stream located
7 in the southern quadrant of the site. This is an
8 intermittent stream subject to flooding and as a Town
9 protected watercourse there is a 100-foot buffer that
10 must be maintained and the applicant is not proposing
11 any work within this restricted area.

12 Those were the items that we identified in
13 Part II that required further evaluation.

14 Also within your packet - there's a draft
15 Resolution and I can go to that if you like.

16 CHAIRMAN STUTO: Are there any questions on the
17 environmental?

18 (There was no response.)

19 Would you read the whole Resolution?

20 We will ask the stenographer to put it into
21 the record.

22 MR. GRASSO: This is a Resolution of the Town
23 of Colonie Planning Board for the acceptance of lead
24 agency status. Issuance of a negative declaration and
25 notice of determination of non-significance pursuant to

1 SEQRA for the Luizzi Office Storage at 855 and 861 1st
2 Street.

3 Whereas the Town of Colonie Planning Board
4 has received an application including environmental
5 assessment form and supporting documentation; and
6 whereas pursuant to Article 8 of the Environmental
7 Conservation Law as amended in the New York State
8 Environmental Quality Review Act, the Board desires to
9 comply with SEQRA and the regulations with respect to
10 the project and where is the Board has caused the full
11 EAF to be sent to other interested involved agencies
12 including the Town of Colonie Planning Board to serve
13 as lead agency; whereas each of the involved agencies
14 and potentially involved agencies have agreed to or
15 raised no objection to the Town of Colonie Planning
16 Board serving as lead agent for a coordinated review
17 under SEQRA; Whereas the lead agency thereafter
18 continued to coordinate with its advisors and
19 consultants to review the project and its intended
20 environmental impacts and further review of various
21 studies, reports, maps, documentation and data made
22 part of the record; and where is the lead agency has
23 now therefore completed Parts II and III of the full
24 EAF as advised during tonight's discussion and has
25 considered a negative declaration for this Type I

1 action under SEQRA which has been duly circulated
2 previously to all the Board Members for review; and
3 whereas the members of the Planning Board as lead
4 agency have read the annexed negative declaration and
5 all the contents thereof and desire to adopt an issue
6 said documents as lead agency under SEQRA.

7 Now therefore be it resolved that pursuant to
8 Section 6 of the New York Codes and Regulations of
9 Article 8 of the Environmental Conservation Law, the
10 Town of Colonie Planning Board declares itself lead
11 agency and hereby adopts the annexed negative
12 declaration and notice of determination of
13 nonsignificance under SEQRA upon the vote thereon and
14 signature of the Chairman herewith. Be it further
15 resolved that this Resolution shall take effect
16 immediately.

17 CHAIRMAN STUTO: Any comments or questions on
18 the Resolution?

19 (There was no response.)

20 Do we have a motion?

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

22 CHAIRMAN STUTO: Do we have a second?

23 MR. ASHWORTH: Second.

24 CHAIRMAN STUTO: Any discussion?

25 (There was no response.)

1 All those in favor, say aye.

2 (Ayes were recited.)

3 All those opposed, say nay.

4 (There were none opposed.)

5 On the main question before the Board, which
6 is for final site plan approval, subject to all
7 conditions of the Town Designated Engineer letter,
8 comments by the Board tonight can't comments by the
9 Town departments. Do we have a motion?

10 CHAIRMAN STUTO: Do we have a second?

11 MR. ASHWORTH: Second.

12 CHAIRMAN STUTO: Any discussion? I like to say
13 thank you to the applicant for working with us,
14 considering the neighbors even though they are in a
15 different municipality. It looks like an attractive
16 reuse of the site.

17 MR. COSTA: We think so. We look forward to it.

18 CHAIRMAN STUTO: All those in favor, say aye.

19 (Ayes were recited.)

20 All those opposed, say nay.

21 (There were none opposed.)

22 Thank you.

23 MR. COSTA: Thank you.

24 (Whereas the above entitled proceeding was
25 concluded at 7:45 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

