

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 MABEY'S SELF STORAGE
5 4290 ALBANY STREET
6 REVIEW AND ACTION ON CONCEPT ACCEPTANCE
7 *****

8 THE TAPED AND TRANSCRIBED MINUTES of the above
9 entitled proceeding BY NANCY STRANG-VANDEBOGART
10 commencing on May 11, 2010 at 7:14 p.m. at the
11 Public Operations Center 347 Old Niskayuna Road,
12 Latham, New York 12110

13 BOARD MEMBERS:

- 14 CHARLES J. O'ROURKE, CHAIRMAN
- 15 THOMAS NARDACCI
- 16 MICHAEL SULLIVAN
- 17 TIMOTHY LANE
- 18 ELENA VAIDA
- 19 PETER GANNON
- 20 PAUL ROSANO
- 21 PETER STUTO, Jr. Esq., Attorney for the Planning Board

22 Also present:

- 23 Joe LaCivita, Director, Planning and Economic Development
- 24 Joe Romano, Clough Harbour and Associates
- 25 Joe Bianchine, ABD Engineers
- 26 Neil Gifford, Albany Pine Bush Preserve Commission
- 27 Don Allard
- 28 Jennifer Barone
- 29 Judy White
- 30 John Wilcox

1 CHAIRMAN O'ROURKE: Next on our agenda
2 this evening is Mabey's Self Storage,
3 4290 Albany Street, four self storage
4 buildings totaling 35,250 square feet. They're
5 looking for review and action on concept.

6 Joe, you want to bring us up to date?

7 MR. LACIVITA: Sure. This project has
8 come before the DCC on August 12, 2009. It's
9 been designed by ABD Engineers and it's been
10 under TDE review since the inception, since it
11 has come to the Town of Colonie and you
12 summarized it by four storage buildings
13 totally 35,000 square feet.

14 CHAIRMAN O'ROURKE: Thank you, Joe.

15 Mr. Bianchine?

16 MR. BIANCHINE: I'm Joe Bianchine from
17 ABD Engineers and I'm here representing
18 Mabey's Self Storage facility at 4290 Albany
19 Street, which is just west of Kavanaugh Drive,
20 where the white warehouses are there
21 (Indicating). It's maybe a quarter mile west
22 of New Karner Road where Mabey's also has an
23 existing self storage facility. Mabey's bought
24 this property. I think that it's two parcels.
25 They bought it two years ago. They combined

1 the two parcels into one parcel now and
2 they're operating a self storage facility in
3 this area of this existing building here
4 (Indicating).

5 The site is four acres and it's zoned
6 industrial and it's in a conservation overlay
7 development district. They would like to put
8 up four new buildings. Building two would be
9 about 12,000 square feet and it would be a
10 high-bay building. They would lease that out
11 to specialty contractors and probably divided
12 up to four spaces inside that.

13 Building three, four, and five would be
14 the typical metal self storage buildings that
15 you would see at their other facility at the
16 corner of Albany Street and New Karner Road.
17 Buildings three and four would have the
18 accesses here (Indicating).

19 They would add a six-foot security chain
20 link fence around the property line with an
21 access control gate here (Indicating) that
22 would be accessed by a card or something along
23 those lines. There would be security lighting
24 and cameras around the facility to make sure
25 that it's secure.

1 There is already water and sewer and
2 they're connected to that. We would have the
3 new stormwater management facility for this
4 area in here (Indicating) to drain out here.
5 The site does contain a small amount of
6 federal wetlands here (Indicating). That
7 factors in to the calculations on the
8 conservation development overlay district. We
9 have laid out the site such that we have
10 maintained at least 40% greenspace, not
11 counting the federal wetlands. Overall there
12 is about 42% greenspace on the overall site.

13 We have been before the DCC committee and
14 I think that we have answered all of their
15 questions. We did get some comments in from
16 Clough Harbour, the town designated engineer.

17 If I can answer any questions, I would be
18 happy to.

19 CHAIRMAN O'ROURKE: Tom, do you have
20 questions?

21 MR. NARDACCI: Have you had
22 correspondence with the Corp of Engineers?

23 MR. BIANCHINE: No.

24 MR. NARDACCI: Would you need to reach
25 out to them?

1 MR. BIANCHINE: Not if we're not going to
2 disturb anything.

3 MR. NARDACCI: One of the staff comments
4 was that there wasn't correspondence with the
5 Corp of Engineers and that they thought that
6 there should be.

7 MR. BIANCHINE: We can do that. We can
8 get a letter saying that they don't need any
9 permits because they're not disturbing the
10 wetlands.

11 MR. NARDACCI: I think that it's
12 important. C.J., do you want Clough Harbour's
13 comments?

14 CHAIRMAN O'ROURKE: Yes. I missed
15 Mr. Romano.

16 I apologize, Joe.

17 MR. ROMANO: I'll briefly run through
18 some of the comments. As was stated, they were
19 in front of the DCC on August 12th and in
20 general, it appears that the comments from
21 that meeting have been addressed.

22 The response letter from the applicant
23 indicates that an archeological consultant was
24 preparing a report regarding the site's
25 archeological and historic significance. That

1 report should be provided for our review.

2 MR. BIANCHINE: That report has been
3 done. They didn't find anything out at the
4 site and we did submit it to the town about
5 two weeks ago.

6 MR. ROMANO: That was one of the things
7 that we wanted to make sure that we had. You
8 know, in terms when we get into the discussion
9 regarding SEQRA.

10 CHAIRMAN O'ROURKE: Procedurally, if that
11 went to the town, Joe -

12 MR. LACIVITA: It should be in the
13 packet.

14 MR. NARDACCI: It is in the packet. I
15 have it.

16 MR. GANNON: I have it.

17 CHAIRMAN O'ROURKE: But you don't have
18 it, Joe?

19 MR. BIANCHINE: Not yet. I don't think
20 that we receive the same packets that the
21 board has.

22 CHAIRMAN O'ROURKE: I'm just saying
23 procedurally if you're representing the town,
24 that should certainly be something that you
25 should have for these meetings. I'm sorry to

1 interrupt. Procedurally, I just want to ensure
2 that the TDEs get that also.

3 MR. ROMANO: As was mentioned, the site
4 contains potentially federally jurisdictional
5 wetlands. We just have the comment that even
6 if it may not be determined jurisdictionally
7 by the Army Corp. We thought that it was
8 significant enough an area to try to preserve,
9 which the applicant is doing.

10 The project site is located in the Albany
11 Pine Bush Preserve Commission study area, but
12 not within the Albany Pine Bush Preserve. If
13 it can be confirmed that all the proposed work
14 associated with this application is within
15 previously disturbed area, a site specific
16 investigation may not be warranted with
17 respect to threatened or endangered species.
18 If this disturbance is proposed in undeveloped
19 areas, we support an investigation of the site
20 by a qualified biologist.

21 There are some significant trees along
22 the frontage of the site that should be
23 retained and protected from disturbance as the
24 plans are advanced.

25 Joe had mentioned use of infiltration as

1 a stormwater management practice. That was
2 based on the test pits and soil conditions out
3 there. We would agree with that as a
4 management practice. As was mentioned, the
5 project is within the conservation overlay and
6 they provided that calculation which supports
7 maximum development of 70,524 square feet,
8 which they are under. Being in that overlay
9 district requires a minimum of 40% greenspace
10 of unconstrained lands. They meet that by
11 providing 40.2%.

12 You had mentioned potentially leasing to
13 construction companies. We just had a comment
14 that if outdoor storage is planned, it should
15 be evaluated during the site plan review
16 process. If it's not planned, then notes would
17 be added that there won't be outdoor storage.

18 We just went through some of the issues
19 regarding the whole environmental assessment
20 form. In general, we didn't find anything that
21 we felt would be a significant impact. There
22 was the threatened and endangered species
23 notification, or walk by a wetland biologist
24 and the archeological investigation. Those
25 were really the only two items that we thought

1 that we needed information on at this time.

2 I think that covers our letter.

3 CHAIRMAN O'ROURKE: Thanks, Joe.

4 MR. NARDACCI: On the Corp of Engineers,
5 just because Clough mentioned that it was a
6 significant area - not significant to this
7 plan, but significant to this area,
8 corresponding with the Corp of Engineers, I
9 think, is important. There is a department
10 memo that said that there appeared to be some
11 previous disturbance. Conservation Advisory
12 Council as well as Clough Harbour and the
13 staff mentioned preserving trees. Could you
14 mention what trees are being preserved? What
15 about other plantings that are indigenous?

16 MR. BIANCHINE: We're adding plantings
17 along the front of the building here and there
18 is existing plantings here (Indicating) and
19 the rest of the site is not on our property
20 but it's surrounded by woods.

21 MR. NARDACCI: For the plantings, could
22 you submit a memo?

23 MR. BIANCHINE: Sure.

24 MR. NARDACCI: That's all I have right
25 now, thank you.

1 CHAIRMAN O'ROURKE: Thanks.

2 I just ask that anybody with cell phones,
3 please take this opportunity to turn them all
4 off.

5 Paul?

6 MR. ROSANO: There will be no outdoor
7 storage? No RVs?

8 MR. BIANCHINE: Right now we don't show
9 any.

10 CHAIRMAN O'ROURKE: Thank you.

11 Elena?

12 MS. VAIDA: I think that there was a very
13 thorough job done by CHA and there is quite a
14 few comments in here which I assume that you
15 have received this letter -

16 MR. BIANCHINE: We received it a few days
17 ago.

18 MS. VAIDA: Have you had a chance to
19 comment on any of these or respond to any of
20 these issues?

21 MR. BIANCHINE: Most of them are not
22 really issues, as Joe mentioned. They are
23 really things to consider for the final report
24 and not issues that have to change the design.

25 MS. VAIDA: No, I don't think so at all.

1 You don't have any problem with any of them,
2 though?

3 MR. BIANCHINE: No.

4 MS. VAIDA: I don't have any other
5 further comments or questions.

6 CHAIRMAN O'ROURKE: Thank you.

7 Tim?

8 MR. LANE: Going down that line of
9 questioning, would you consider the SEQRA is
10 still incomplete, then?

11 MR. BIANCHINE: I don't, no.

12 MR. LANE: Based on the comments - and
13 not major issues, but comments such as: Is the
14 land forested? It was checked yes. Then the
15 amount of acreage of the forest was checked
16 zero.

17 MR. BIANCHINE: It wasn't checked yes by
18 me. It's not forested and you can go out there
19 and look.

20 MR. LANE: It can't be contradictory,
21 though.

22 MR. ROMANO: I think that was in part
23 one. I think it was labeled acreage of forest
24 in one area.

25 MR. BIANCHINE: There are no forested

1 areas out there.

2 MR. ROMANO: And I think that it
3 indicated that on a section of part one.

4 MR. LANE: It shouldn't be contradictory
5 information.

6 In reference to the aquifer, it is
7 apparently over an aquifer and it was checked
8 that there was no aquifer source.

9 MR. BIANCHINE: That was an aquifer for
10 Schenectady wells.

11 MR. LANE: Well, you could qualify it in
12 your response. That would be my suggestion.
13 These are not big things, but make it all in
14 agreement.

15 There was one comment in the April 27th
16 memo from Mr. Reardon in regard to the truck
17 movements. The truck tracking is
18 shown -- results in the vehicle
19 performing -- unsafe turning movements depict
20 potential conflicts with the building.
21 Therefore that should be revised to eliminate
22 these issues.

23 Not having seen that, I'm not sure quite
24 what that alluded to. If you have a large
25 vehicle, is there a constricted space where

1 they would have difficulty?

2 MR. BIANCHINE: It's tight right there
3 (Indicating). If we slide this over a little
4 bit -

5 MR. LANE: Then that's something that you
6 could accommodate?

7 MR. BIANCHINE: Very easily.

8 MR. LANE: I don't think that I have
9 anything else at this time.

10 CHAIRMAN O'ROURKE: Thanks, Tim.

11 Mike?

12 MR. SULLIVAN: I was going to comment on
13 the truck tracking diagram to be sure that the
14 building was adjusted to allow that it would
15 fit smoothly.

16 MR. BIANCHINE: We don't expect that
17 we're going to get tractor trailers in there.
18 They can make it through, though.

19 MR. SULLIVAN: Can a fire engine make it
20 through?

21 MR. BIANCHINE: Yes.

22 MR. SULLIVAN: Thank you. That's all I
23 had.

24 CHAIRMAN O'ROURKE: Peter?

25 MR. GANNON: In both the Clough letter

1 and the DCC meeting notes there are some calls
2 for some type of permeable or porous pavement.
3 Your response to the DCC comment - you
4 indicate that the use of the porous pavement
5 isn't feasible in this climate. Could you
6 provide an explanation of that statement?

7 My second question would be to Clough.
8 How serious of an issue would that be at this
9 site?

10 MR. BIANCHINE: Porous pavement lets the
11 water drain right down through it. In this
12 climate in the ice and winter time, you use
13 sand and salt and so forth. That's just going
14 to go through right into those pores. It's my
15 opinion that you should not be doing that in
16 this area. I know that it is encouraged in
17 some places, but I don't feel that it's
18 appropriate where you do have a lot of traffic
19 and vehicles and people walking around.

20 MR. ROMANO: It has been utilized in the
21 market. Obviously when an applicant or owner
22 decides to use it, there is a level of
23 maintenance that is required in order for it
24 to be maintained and be able to infiltrate
25 during cold weather periods. We just brought

1 it up as a recommendation. I think that they
2 can meet the New York State DEC stormwater
3 requirements by use of an infiltration basin.
4 As long as they do that, I don't know if you
5 necessarily want to be forcing an applicant
6 into certain maintenance requirements.

7 MR. GANNON: The narrative is very
8 thorough. We have heard a lot about porous
9 pavements and I was just curious about your
10 comment.

11 MR. ROMANO: It's still relatively a new
12 use in the market.

13 MR. GANNON: Is it more fashionable? It
14 seems like we're seeing it more.

15 MR. ROMANO: In the new DEC design
16 manual - I don't know if it's finalized yet,
17 but I've seen a draft of it. It does mention
18 the use of porous pavement and provides
19 calculations and such for it. I don't know how
20 well it's applied in practice. It has been
21 used and there are test cases out there for
22 its use. I think that we're going to see more
23 of it in the future, but it's still relatively
24 new.

25 MR. GANNON: That's all I had.

1 CHAIRMAN O'ROURKE: It depends on the
2 area, doesn't it? The more sandy soils that a
3 project has, it works better. It could work,
4 but it's a maintainable issue. This board has
5 seen porous pavement projects come through in
6 fairly large size. Lia Auto Group is going to
7 use it up on Central Avenue, but certainly
8 they're parking vehicles on it.

9 MS. VAIDA: I have one other question for
10 you after I heard your response to Tim's
11 questions. Number 11 talks about providing
12 more information to determine the potential
13 impact on plants and animals.

14 MR. BIANCHINE: Most of the site is
15 already disturbed. If you go out to the site,
16 this is all blacktopped and gravel - all the
17 way back to here (Indicating). The only
18 portion that is grass or whatever is just a
19 little bit along this side, the federal
20 wetlands, and there is a little bit back here
21 (Indicating).

22 MR. LANE: There was actually mention
23 that was done without town approval.

24 CHAIRMAN O'ROURKE: It's right next to
25 Crumb Rubber.

1 MS. VAIDA: When I asked you if you had
2 any issues with the report, you said that
3 there weren't any issues. It does appear that
4 there are some issues with some of the
5 comments and requests that have been made,
6 right?

7 MR. BIANCHINE: We disagree on them but -

8 MS. VAIDA: What other issues haven't
9 been pointed out?

10 MR. BIANCHINE: I'm not aware of any; are
11 you, Joe?

12 MR. ROMANO: No. In terms of the
13 threatened and endangered species - if there
14 is going to be land disturbed that's not
15 disturbed now, we would be more comfortable if
16 a biologist or someone versed in that does a
17 field walk and provide a letter to the board
18 so that you have the information that you need
19 when it comes time to make a SEQRA
20 determination.

21 MR. BIANCHINE: The only area that hasn't
22 been disturbed is just a small area over here
23 (Indicating). And we can get someone out there
24 to look at that small area.

25 MR. LANE: When was this small area

1 disturbed? How long ago has that been cleared
2 prior to this project?

3 MR. BIANCHINE: Six months or a year.

4 MR. LANE: So it's still fairly recent.

5 MS. VAIDA: So any request for additional
6 information that had been made - you're going
7 to provide that?

8 MR. BIANCHINE: Yes, we will provide
9 that. But as I said, we just got this letter
10 last week. We haven't had any chance to do
11 anything on it yet.

12 CHAIRMAN O'ROURKE: I had a couple of
13 issues myself. I hate to start off with it but
14 the bike racks in this area - I cannot imagine
15 that we're paying a town employee to come up
16 with bike racks at Mabey's Self Storage. It
17 just doesn't fit.

18 Joe, where do you, as a town designated
19 engineer stand on cross walks?

20 MR. ROMANO: I think that in the letter
21 we addressed the crosswalks. If there aren't
22 sidewalks already out there, we don't see the
23 need for a crosswalk across a private drive.

24 Similarly, I think that we would have the
25 same position on the bike racks. If there was

1 a use where we thought that people would be
2 biking to, I think that it's a legitimate
3 comment.

4 CHAIRMAN O'ROURKE: The only people
5 biking to Mabey's would be homeless people
6 with their bags. I'm not trying to make light
7 of that. It just doesn't make sense to a
8 reasonable person, which I try to think like.

9 The outdoor storage, I would have to tell
10 you, Mr. Bianchine, I would be adamantly
11 opposed to any outside storage. Once it's
12 allowed in a place like this, then it gets
13 into backhoes and excavators and things of
14 that nature. I would not be willing to see
15 that outside storage. I would ask you to go
16 back to the owner and ask them if they would
17 rethink the possibility of outside storage.

18 MR. BIANCHINE: One thing that they were
19 contemplating possibly would be RV storage. We
20 can discuss that with them.

21 CHAIRMAN O'ROURKE: I really would hate
22 to see paving equipment for the winter. Those
23 companies always have the need to rent space
24 and park that kind of equipment and certainly
25 other types of construction equipment. It was

1 mentioned for the high-bays. I think that
2 there is need for some of that. I just would
3 ask that the owner revisit that and really
4 think about that before coming back for the
5 final.

6 My issue with SEQRA is much more
7 procedural. I would like to see clean forms
8 come before the board. Between the town
9 designated engineers and the applicants, if
10 it's an aquifer, tell us that it is. You know,
11 just so we're not guessing. Forested or not
12 forested. Not all the time do the board
13 members have the opportunity to go to the
14 site. I have been to the site and I tend to
15 agree with Mr. Bianchine that this site is all
16 ripped up and blacktopped. I don't know how
17 else you would describe it.

18 To ask the applicant to spend money on a
19 biologist to dig through pavement scraps, just
20 doesn't go to reasonableness.

21 MR. ROMANO: I think that our comment
22 said that if it was determined that the
23 development is within disturbed areas and the
24 board is comfortable, then we're okay with
25 proceeding in that direction.

1 CHAIRMAN O'ROURKE: Because even the
2 Karner Blue is not flying in this area.

3 That's what I had in terms of my issues.

4 They are looking for an action on concept
5 acceptance.

6 I'm sorry. I need to open this up to
7 public comment. Does anyone in the audience
8 want to comment or have questions?

9 Yes, sir.

10 MR. ALLARD: Don Allard. I live at
11 92 New Shaker Road in Colonie.

12 I would take exception to the idea of
13 negating the possibility of the bicycle use on
14 Albany Street. I was actually talking with a
15 gentleman from Albany County recently and they
16 seem to think that would be an ideal link from
17 Route 155 connecting up with Schenectady.
18 Albany Street requires, as you know - and if
19 you've driven on it recently, a great deal of
20 work. I don't know if it directly relates to
21 what we're talking about tonight, but I do
22 envision Albany Street at some point as having
23 either a separate bike path or a widened road
24 base to accommodate a bike path. I just want
25 to mention that.

1 CHAIRMAN O'ROURKE: I certainly can
2 appreciate that. I look at it as though this
3 is a company that's going to put up property
4 and we, as a board, or a town, shouldn't be
5 mandating that they put a bicycle rack on
6 their development.

7 MR. ALLARD: I won't comment on that, but
8 I just want to mention that Albany Street is a
9 prime candidate for encouraging bicycle use in
10 the Capital District.

11 CHAIRMAN O'ROURKE: And I appreciate your
12 comment and I'm not adverse to bicyclists.
13 What I do intend to go against is mandating
14 that someone who owns a business put something
15 there that just doesn't make sense. It's a
16 cost to the business owner that I don't
17 believe that this board or anyone should be
18 determining that they have to put on their
19 site.

20 Yes, sir.

21 MR. WILCOX: I'm John Wilcox. I think
22 that bicycle racks would be appropriate - not
23 necessarily mandated. Some of them might be
24 used by employees.

25 I don't think that it's necessarily true

1 that it might not be worthwhile to have a
2 biologist or hydrologist to examine the place.

3 CHAIRMAN O'ROURKE: Thank you.

4 Yes, ma'am.

5 MS. BARONE: I also don't think that
6 although this area has been disturbed that you
7 should necessarily say that it doesn't need to
8 be looked at by a biologist.

9 MR. ROSANO: Could you give us your name
10 and address please?

11 MS. BARONE: Jennifer Barone,
12 Morris Road.

13 I live off of Albany Street and I think
14 that there are a lot of bicyclist and joggers
15 that use the area for recreational purposes.
16 Just because something has been disturbed, it
17 doesn't mean that something shouldn't be
18 environmentally reviewed. If it was illegally
19 disturbed and he admitted that it had been
20 done within the last year, you'd have to ask
21 what was there before that.

22 CHAIRMAN O'ROURKE: Have you been out to
23 that site, ma'am.

24 MS. BARONE: No. I'm not sure what site
25 you're talking about.

1 CHAIRMAN O'ROURKE: The address is
2 4290 Albany Street. Do you know where Crumb
3 Rubber is?

4 MS. BARONE: Is it on the 155 side?

5 CHAIRMAN O'ROURKE: Yes.

6 MS. BARONE: Still that area is still
7 pretty mixed, but there is a significant
8 amount of woods around that area since it's
9 close to the Pine Bush.

10 CHAIRMAN O'ROURKE: There isn't any of
11 the Pine Bush on this site.

12 MS. BARONE: I think that it should be
13 reviewed anyway.

14 CHAIRMAN O'ROURKE: There has been a full
15 EAF done. That is an environmental assessment
16 form. So that whole thing will lead into a
17 SEQRA review which is an environmental review
18 that this board is held by. That will all be
19 done.

20 Joe, why don't you explain about what
21 your comment was regarding.

22 MR. ROMANO: With not being familiar with
23 this site, Joe, could you just point out -

24 MR. BIANCHINE: This part up to here
25 (Indicating) is already blacktopped up.

1 MS. BARONE: Is it right on the corner
2 with 155?

3 MR. BIANCHINE: No. Do you know where the
4 warehouses are?

5 MS. BARONE: Yes.

6 MR. BIANCHINE: It's just to the west of
7 that. It used to be Admiral Supply. Just about
8 all of this back here is either blacktop or
9 stone (Indicating). The only thing that was
10 with it was back in here and the trees have
11 been cut down. You can see in here that the
12 ground has been disturbed previously because
13 there is concrete.

14 MS. BARONE: So mainly the things on that
15 property would be things like stormwater
16 run-off and drainage things?

17 MR. ROMANO: As this project moves
18 forward, they're going to be held in
19 compliance with New York State DEC
20 regulations. If they're using infiltration
21 practices - because it's over an aquifer,
22 there is an additional separation requirement
23 that's needed. They will be held to that as
24 they move forward.

25 CHAIRMAN O'ROURKE: Thank you.

1 Neil?

2 MR. GIFFORD: Thank you, Mr. Chairman.

3 I'm Neil Gifford and I'm the Conservation
4 Director of the Albany Pine Bush Preserve
5 Commission. First of all, thank you for
6 opening the floor for public comment.

7 The commission staff did review this
8 project and submitted a letter on April 21st.

9 For context, part of the property is
10 within the area that's recommended for full
11 protection, but the footprint for what's being
12 proposed is not. Based on the information that
13 the commission had, the footprint was within
14 an area that was previously disturbed.

15 Therefore, it is not likely to have a
16 significant adverse impacts on the
17 commission's ability to create and manage a
18 viable preserve.

19 We appreciate that the applicant working
20 with the town and the TDE has worked to
21 incorporate the guidelines that are
22 encompassed within the conservation
23 development overly district; specifically
24 avoiding the basic plan and trying to use
25 native plants, if that's practicable, as well

1 as the outdoor lighting - the downward facing
2 high pressure sodium vapor lighting rather
3 than mercury. Mercury has a tremendous
4 negative impact on nocturnal animals. Using
5 the cheaper sodium actually has a beneficial
6 impact. We'll leave it at that.

7 The commission appreciates the
8 opportunity to comment on this project. Thank
9 you.

10 CHAIRMAN O'ROURKE: So in all, the
11 commission has no issue with this project
12 moving forward?

13 MR. GIFFORD: Correct. Based on the
14 information that we saw, it's fully
15 encompassed within the area that was
16 previously disturbed.

17 CHAIRMAN O'ROURKE: Thank you,
18 Mr. Gifford.

19 Yes, ma'am.

20 MS. WHITE: My name is Judy White and I
21 live at 24 Chestnut Hill Road. I want to know
22 if this board approved the paving over of this
23 particular spot. It says that there is
24 pavement and it was disturbed. Did that come
25 before you?

1 CHAIRMAN O'ROURKE: No. Mr. Bianchine,
2 can you just give us some history?

3 MR. BIANCHINE: The site was previously
4 used by Admiral Building Supply before this
5 project. I don't know how many years they used
6 it. They put in the pavement and blacktop and
7 so forth many years ago.

8 MS. WHITE: You said that last couple of
9 months -

10 MR. BIANCHINE: No, just some clearing
11 was done within the past few months.

12 MS. WHITE: What kind of clearing?

13 MR. BIANCHINE: There were some trees
14 back in this corner here (Indicating) and they
15 cut them. The pavement has been there for a
16 number of years and it shows up on all the
17 aerial photos and everything back from quite a
18 few years. There probably was a site plan that
19 was presented to the town.

20 CHAIRMAN O'ROURKE: Thank you.

21 Anyone else?

22 **(There was no response.)**

23 CHAIRMAN O'ROURKE: The applicant is
24 looking for an action on concept acceptance.
25 Do I have a motion?

1 MR. NARDACCI: I'll make the motion.

2 CHAIRMAN O'ROURKE: Do I have a second?

3 MR. GANNON: Second.

4 CHAIRMAN O'ROURKE: All those in favor?

5 ***(Ayes were recited.)***

6 CHAIRMAN O'ROURKE: All those opposed?

7 ***(There were none opposed.)***

8 CHAIRMAN O'ROURKE: Keep the process

9 moving forward, Mr. Bianchine.

10

11 ***(Whereas the proceeding concerning the above***

12 ***entitled matter was adjourned at***

13 ***7:52 p.m.)***

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CERTIFICATION

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4 **I, NANCY STRANG-VANDEBOGART, Notary**
5 **Public in and for the State of New York,**
6 **hereby CERTIFY that the record taped and**
7 **transcribed by me at the time and place noted**
8 **in the heading hereof is a true and accurate**
9 **transcript of same, to the best of my ability**
10 **and belief.**

11
12
13
14 **NANCY STRANG-VANDEBOGART**

15
16
17 **Dated June 1, 2010**

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Legal Transcription

518-542-7699

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