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PLANNING BOARD COUNTY OF ALBANY  
TOWN OF COLONIE

\*\*\*\*\*  
SCHUYLER OFFICE  
581 LOUDON ROAD  
APPLICATION FOR CONCEPT ACCEPTANCE  
\*\*\*\*\*

THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on February 15, 2011 at 7:01 p.m. at the  
Public Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- THOMAS NARDACCI
- LOUIS MION
- PAUL ROSANO
- KATHY DALTON
- ELENA VAIDA, Esq., Attorney for the Planning Board

Also present:

- Joseph LaCivita, Director, Planning and Economic Development
- Dan Cleary, Bohler Engineering
- Bill Luke
- Robert Ballard
- Patrick Carney
- Mark C. VanSluyters

1           CHAIRMAN STUTO: Next on the agenda is  
2 Schuyler Office, 581 Loudon Road.

3           Bohler Engineering is presenting, I  
4 believe.

5           Joe, do you want to give us an  
6 introduction?

7           MR. LACIVITA: Sure. Actually, before Dan  
8 makes his presentation, this property is on  
9 the corner of Homestead and Loudon Road,  
10 addressed as 581 Loudon Road. It is an  
11 8,000 square foot office. That number right  
12 there would typically say that it's a minor  
13 application because it's under 10,000 but the  
14 entire project is over 10,000 square feet of  
15 area disturbed and is inclusive of the paved  
16 area. It's before the Planning Board for  
17 approval and site review.

18          CHAIRMAN STUTO: Joe Grasso, are you on  
19 this one?

20          MR. GRASSO: Yes. Can I go after their  
21 presentation?

22          CHAIRMAN STUTO: Sure.

23          Can you tell us who you're with?

24          MR. CLEARY: Sure. Dan Cleary, Bohler  
25 Engineering. I'm here representing Schuyler

1 Companies.

2 CHAIRMAN STUTO: Thank you.

3 MR. CLEARY: As Joe pointed out, the site  
4 is across the street from Schuyler's Newton  
5 Plaza right on Route 9, New Loudon Road, at  
6 the corner of Homestead Drive. Currently it's  
7 basically an open field. There is wooded area  
8 along this area (Indicating) as well as this  
9 area here. There is a sewer easement that runs  
10 in this direction across the back.

11 The Schuyler Companies is proposing to  
12 develop an 8,000 square foot office building  
13 on this site. Right now we're calling it  
14 general office. We don't have any specific  
15 tenants for the building right now. There  
16 could be medical use in there and there could  
17 be some commercial use, but we're referring to  
18 it for the purposes of this application as  
19 general office.

20 CHAIRMAN STUTO: Can I ask if your client  
21 owns it or if they have it under contract?

22 MR. CLEARLY: They own it.

23 In addition to the building, we are  
24 proposing 50 parking spaces which is about  
25 five parking spaces above the general office

1 requirement. We will get to the reason for the  
2 additional parking in a minute.

3 The building positioning on the site is  
4 rather unique because we're in the NCOR  
5 district, but were bordering on the south side  
6 and east side by residential. As a result of  
7 that, you have to respect setbacks for both  
8 the building and the parking from that  
9 residential zone. Parking has to be 50 feet  
10 from the residential zones and the building  
11 has to be 100 feet. So, it will be more  
12 restricted that respect, and in these  
13 directions.

14 Additionally, in the NCOR district, the  
15 building has to be a minimum of 20 and a  
16 maximum 25 feet off of the street. We have  
17 streets on the other side. So basically, if  
18 you take all those restraints into  
19 consideration, it's challenging but it's  
20 basically what we are proposing.

21 There's a 50 foot buffer in this area  
22 (Indicating). The primary access would be  
23 Homestead Drive, in this location  
24 (Indicating). Full access right in/right out,  
25 left in/left out at this location

1 (Indicating). Currently, we're showing this is  
2 a right in only drive coming off of  
3 Loudon Road. We propose that initially because  
4 it provided better access from a loading  
5 perspective for us. It gave us the driveway  
6 without having dead-end parking in this  
7 location (Indicating). DOT has responded.

8 I'm sure that Joe will get into this.  
9 DOT's access policy prefers that if you have  
10 access from a side street, that you not access  
11 it from the main road. We originally showed a  
12 right-in and then right-out and took out the  
13 right-out. I know that's going to be an issue  
14 that we discuss going forward for the  
15 preliminary design.

16 We have provided the 80 percent coverage  
17 for landscaping, fencing, and those amenities  
18 along the frontage to meet the design  
19 requirements of this zone. This particular  
20 plan, except for the parking, satisfies all  
21 the requirements for the zone.

22 There is one other issue that came up in  
23 the TDE's review and that is the interior  
24 landscaped area. We're proposing 50 parking  
25 spaces. We're not quite sure what the tenant

1 mix is going to be.

2 When we met with the neighborhood back in  
3 November, the biggest issue that came up  
4 during that was the parking that occurs along  
5 the side, currently (indicating). We've  
6 provided additional parking in order to make  
7 sure that we have enough parking for our  
8 tenants and that the problem is not  
9 exacerbated going forward. Depending upon  
10 where we end up, if we have to provide  
11 additional islands in here (indicating) and if  
12 we end up losing this, we end up losing a few  
13 more spaces. So it's something that we want  
14 the Board to consider going forward. If we end  
15 up that way, we want to have some leeway with  
16 respect to what happens on the internal  
17 coverage inside of the parking area.

18 Another thing to consider is: We've got  
19 over 50 percent open space on the site because  
20 of the zoning constraints that we have. We're  
21 kind of pushed up against here (indicating).  
22 We're really very limited as to what we can  
23 do. There really isn't anything that we can do  
24 with our parking to expand and to get that  
25 additional green in there. We've got a couple

1 issues at play here with the parking being an  
2 issue for the neighborhood as well as the  
3 constraining nature of the lot with respect to  
4 being abutted with residential.

5 I did mention that we did have a meeting  
6 with the neighbors back in November, prior to  
7 filing. It was very well attended. The issue  
8 that came up primarily was the on-street  
9 parking issue that the Town has out on  
10 Homestead. There were operational issues.  
11 They've been neighbors to the Newton Plaza for  
12 some time and they brought up some issues with  
13 regard to service and noise and things  
14 associated with that. We are working to  
15 address that, as well.

16 CHAIRMAN STUTO: The on-street parking is  
17 generated by the office across from Homestead?

18 MR. CLEARY: It's my understanding that  
19 it's Dr. Clark's office. Primarily, there may  
20 be some people that catch the bus. That's what  
21 I'm told.

22 CHAIRMAN STUTO: So it's medical office?

23 MR. CLEARY: Medical office, yes.

24 Other than that, we haven't done all of  
25 the technical analysis yet. This is only a

1 concept level, but we are proposing a water  
2 pond retention area in this location  
3 (Indicating). We would be draining into the  
4 area over here and channeling it to here,  
5 which is where the storm water goes today.

6 All the utilities are located in this  
7 area (Indicating). The utilities for  
8 Homestead Drive will be connecting to the  
9 sewer easement back here. We have met with the  
10 DCC and met with all of the Town Departments  
11 with regard to utilities and there were no  
12 issues in that regard. I think the water and  
13 sewer one is to try to utilize some existing  
14 stuff that might be on the site now. We have a  
15 couple of them identified in the survey, and  
16 will continue to work with them to try to  
17 utilize some as far as our project is  
18 concerned.

19 CHAIRMAN STUTO: Which waivers would you  
20 be seeking?

21 MR. CLEARY: Right now, were looking at  
22 parking.

23 CHAIRMAN STUTO: And that's five extra  
24 spaces?

25 MR. CLEARY: This is five extra spaces.



1           And again, we haven't responded to the  
2           comments yet. We will in a preliminary set,  
3           but we have to do an inventory of exactly how  
4           we came up with that. We are quite generous  
5           with the amount of green space that we have.  
6           If we end up losing this driveway here, we  
7           will have additional green space along the  
8           front (Indicating).

9                   CHAIRMAN STUTO: Mr. Grasso?

10                   MR. GRASSO: We issued a letter on  
11           January 20<sup>th</sup> - concept site plan application.  
12           There are some here that are worthy of some  
13           follow-up discussion by the Planning Board.

14                   Seeing a short EAF has been provided in  
15           the application materials and although the  
16           form provides the necessary information, given  
17           the small size of the project and lack of  
18           significant environmental impacts, we feel the  
19           short form appears appropriate although we  
20           don't see the potential for significant  
21           environmental impacts. The Board may wish to  
22           withhold making a SEQRA determination until  
23           final plans are prepared.

24                   Future sidewalks are shown along  
25           Route 9 and are shown within the project site.

1 We support the construction of sidewalks along  
2 each of these roads and recommend that they be  
3 incorporated into construction of the project  
4 rather than developed at a future date. We  
5 have seen that the Town and DOT prefer that  
6 sidewalks be located within the project site  
7 and outside of the public right-of-way,  
8 thereby reducing ownership and maintenance  
9 responsibility of the Town and DOT. The Town  
10 and DOT should take an official position  
11 regarding a preference for the locations of  
12 the sidewalks as well as the timing of their  
13 construction. If the Town is amenable to  
14 taking on the ownership and maintenance of the  
15 sidewalks, they should either be located in  
16 the public right-of-way's easement. The  
17 proposed location of the crosswalk crossing  
18 the entranceway along Homestead causes concern  
19 for the pedestrian safety. We recommend the  
20 sidewalk and the crosswalk be relocated. We  
21 then make some references to the design  
22 standards.

23 In addition, we are concerned with the  
24 terminus of the sidewalk in the southwest  
25 corner of the site, as a side lot appears to

1 be aligned with the large significantly  
2 landscaped berm on the property to the south.  
3 Consideration should be given to ending the  
4 side walk at the rights and curb cut.

5 In response to the DCC comments, this  
6 indicates a waiver for additional parking  
7 above the zoning maximum of 46. According to  
8 the Land Use Law the maximum allowable number  
9 shall not exceed the minimum number by  
10 25 percent. The plan proposes a 50 spaces as  
11 proposed as either general office, medical  
12 office or some combination of the two,  
13 depending on tenancies. For this office  
14 building a minimum of 36 spaces and a maximum  
15 of 45 spaces are required. Assuming  
16 100 percent medical use, it would require a  
17 minimum of 46 and a maximum of 58 spaces.  
18 Given the uncertainty as a type of office, we  
19 recommend the application be viewed as needing  
20 a waiver for five spaces, more than the  
21 maximum of 45. This is basically looking at it  
22 as a general office building.

23 The response letter indicates that the  
24 plan provides 1,600 square feet of interior  
25 landscaped islands within the parking area and

1 ask that it complies with the Town's design  
2 requirements. It does not appear, however,  
3 that the requirements were met based on a  
4 minimum of 20 square feet of landscaped island  
5 per stall, 1,000 square feet of interior  
6 landscaped islands is going to be required to  
7 support the 50 parking spaces. Then they make  
8 reference to the design standards.

9 Based on this definition, the concept  
10 plan does not appear to comply with the  
11 requirements. In order to verify the intended  
12 landscaped areas meet the intent of the  
13 definition, we recommend separate marked-up  
14 plan be provided that shows the intended  
15 interior landscaped islands.

16 Based on our cursory review of the plan,  
17 we believe approximately seven parking spaces  
18 will require conversion to interior landscaped  
19 islands to meet code requirements.

20 If that comment is addressed the way that  
21 we described, that would potentially negate  
22 the need for a parking waiver.

23 Moving the proximity of the adjacent  
24 residences and associated noise impacts, we're  
25 concerned with the use of the standard

1 dumpster on the site. We recommend  
2 consideration be given to the use of standard  
3 residential sized waste and recyclable  
4 containers which can be wheeled streetside and  
5 curbside just as the residences on Homestead  
6 Drive.

7 As per the Town's design standards, a  
8 minimum four-foot wide landscaped buffer  
9 planted with grass and one large deciduous  
10 tree at least 35 feet of road frontage should  
11 be provided between the sidewalk and street.  
12 Based on the sites frontage, it appears  
13 15 trees would be required, but only four are  
14 shown.

15 As long as the lights in the one-way  
16 access from Loudon Road is appropriately  
17 signed a striped in accordance with the Manual  
18 of Uniform Traffic Control Devices, we believe  
19 the proposed access arrangement for the site  
20 is acceptable. Concurrence with DOT should be  
21 sought.

22 I'm not going to go through the rest of  
23 my comments because I think that they are  
24 relatively minor.

25 I would just like to dovetail that last

1 comment in with comments which DOT has  
2 provided which should be in everyone's  
3 packets.

4 Just to clarify, when DOT issued their  
5 comments on January 18<sup>th</sup>, they were actually  
6 looking at this plan. So, they're  
7 understanding that it's a right-in only  
8 proposed on Route 9. I'll paraphrase out of  
9 their letter. They said:

10 Our previous comments during the DCC  
11 review included a recommendation to review the  
12 proposed access directly to Route 9 from the  
13 concept plan. As you know, good access and  
14 arterial management calls for limiting the  
15 number of concept points by controlling the  
16 number and spacing of driveways and side road  
17 intersections. DOT supports these traffic  
18 engineering principals and incorporates into  
19 our policy standards.

20 The reference to the policies and  
21 standards specifically speaks to parcels with  
22 frontage on both the state highway and another  
23 public road. In this case, it's Homestead  
24 Drive. It also refers to the benefits of  
25 providing exclusive access to and from the

1 side road.

2 Sight distances of concern on Route 9 in  
3 the northbound direction along the existing  
4 horizontal curve and on an inherent and  
5 unnecessary pedestrian conflict would be  
6 created with the crossing of the envisioned  
7 sidewalks on the side of Route 9. DOT does not  
8 see that sufficient justification exists to  
9 support and strongly recommends the site  
10 design be revised to eliminate the proposed  
11 direct access to Route 9.

12 CHAIRMAN STUTO: Can you explain the  
13 sight distance from what they have? I'm not  
14 sure that I understand.

15 MR. GRASSO: I believe that they are  
16 concerned with northbound traffic not being  
17 able to have a clear line of sight to and from  
18 pedestrians, which could be crossing a  
19 sidewalk on that side of Route 9, which would  
20 thereby be crossing that right-in access  
21 drive.

22 CHAIRMAN STUTO: So they're saying if a  
23 pedestrian happen to be in the driveway and  
24 someone was coming in and they wanted to whip  
25 in right -

1 MR. GRASSO: Yes.

2 MR. CLEARY: There is a curb right here  
3 and there is some trees -

4 MR. GRASSO: That's the landscaping that  
5 we had just discussed.

6 MR. CLEARY: They're concerned that at  
7 design speed, you wouldn't be able to see  
8 someone coming in there.

9 MR. GRASSO: And I think that their  
10 concern is dutiful. It's about the sight  
11 distance, but also about limiting the number  
12 of curb cuts on the roadway system.

13 MR. CLEARY: We ran into the same thing  
14 when we did the Berkshire Bank at Glennon Road  
15 where they stayed the same policy. We actually  
16 have a driveway out onto Route 9 kind of  
17 contingent to future development. In this  
18 case, we're somewhat limited. We don't have to  
19 go for additional access. It does provide us  
20 with better on-site circulation, but we do  
21 note their concern about the sight distance.

22 MR. ROSANO: Can you touch on the  
23 evergreens that are there? Have they always  
24 been there?

25 MR. CLEARY: They've very mature. They're



1 quite tall. It's quite filled in.

2 CHAIRMAN STUTO: Is that screening from  
3 the residential neighbors?

4 MR. GRASSO: Yes, they are on the  
5 adjacent residential property to the south.

6 Before we get off the topic of the curb  
7 cut, there were comments in the packet from  
8 the Town's Highway Safety Committee. They  
9 comment on the access arrangement and say:

10 "The committee has a concern with the  
11 curb cut from Loudon Road into the lot. It  
12 appears to be a right-in only. On the plans  
13 the Committee feels that this curb cut is not  
14 necessary. There was a curb cut on Homestead  
15 Avenue and the Committee feels that this is  
16 sufficient."

17 CHAIRMAN STUTO: Paul, do you have any  
18 questions or comments?

19 MR. ROSANO: Just a comment. It seems  
20 like this always happens to us. Because we  
21 don't have tenants, we don't really talk about  
22 parking. If it's a general use, it's one; if  
23 it's medical use, it's another. We're trying  
24 to make a decision. You don't have a tenant  
25 yet so it's hard to sit here and talk about

1 parking when it might not be needed. Or it  
2 might possibly be something that we have to  
3 see six months from now if the tenants end up  
4 being different than what you're talking about  
5 tonight.

6 MR. CLEARY: Well, that's correct. But  
7 the other reason that we added additional  
8 parking or we are requesting additional  
9 parking is that is demonstrated by what  
10 happens out in the street here, we want to  
11 make sure that we have enough. Again, we're  
12 within five of what the maximum is and we're  
13 well below what the maximum would be for  
14 medical office. So, if it were medical office,  
15 we'd be in the same situation where we would  
16 be less than what the maximum would be. So,  
17 we're somewhere in the middle there. Depending  
18 on how we end up with our calculations of  
19 internal greenspace, and if we end up losing  
20 this, there are some changes that are going to  
21 be made that are going to affect the parking  
22 on the negative side, as well. Those five  
23 spaces right now are somewhat tenuous. If we  
24 were able to make it work, we'd like to have  
25 those additional spaces just for the

1           uncertainty of who might be our tenants in  
2           that building and to make sure that we don't  
3           exacerbate an existing problem.

4           CHAIRMAN STUTO: Tom?

5           MR. NARDACCI: So is there concern on the  
6           parking that if you have less spaces that  
7           people visiting these offices would end up  
8           parking on Homestead? Is that a concern?

9           MR. CLEARY: That's what is happening  
10          today. It came up during our meetings with the  
11          neighbors. It came up during the DCC comments.  
12          It's something that happens out there today.

13          MR. NARDACCI: You're going to have  
14          entries on Homestead Avenue for people to  
15          access?

16          MR. CLEARY: The main entrance is the  
17          front entrance here and these are rear  
18          entrances to the building (Indicating), but  
19          they're going to look like front entrances  
20          because they're facing the street.

21          MR. NARDACCI: Will the public be able to  
22          enter those?

23          MR. CLEARY: No.

24          MR. NARDACCI: Joe mentioned a discussion  
25          about the dumpsters. Did you have a reaction

1 to that comment?

2 MR. CLEARY: We can do what they  
3 suggested. We have a space for a dumpster to  
4 be moved in over here but again, depending on  
5 what happen here (Indicating), if it's a  
6 standard of office tenant - probably just  
7 wheeling them out to the street would be fine.  
8 But if you get into a situation where maybe  
9 there is a medical use there, you may need to  
10 have something secured for different kinds of  
11 waste that need to be taken care of. We would  
12 pay the accommodations for that, but we're  
13 certainly fine with the suggestion.

14 MR. NARDACCI: What is your planning for  
15 screening all the residences around you? What  
16 are you leaving? What are you adding?

17 MR. CLEARY: This green area right here  
18 is all staying.

19 MR. NARDACCI: That's all on your  
20 property?

21 MR. CLEARY: This green area on here is  
22 ours. Remember that this is mainly an open  
23 field right now and we're adding the detention  
24 in this area, but we will be adding landscaped  
25 screening along this side to enhance it along

1 the top of the retention basin (Indicating).  
2 We also added some screening in this area. It  
3 may be a little bit of overkill, but we wanted  
4 to make sure that the neighbors felt that we  
5 were providing enough buffer. Again, we're  
6 quite a ways away from the neighborhood, but  
7 we did add some landscaping along these sides  
8 to try to bolster that.

9 MR. NARDACCI: Moving forward, I would  
10 like to see you provide us a landscaped plan.

11 MR. CLEARY: Yes.

12 MR. NARDACCI: You're talking about  
13 landscaping and I'm assuming that you're  
14 talking about some trees that will provide  
15 some additional screening.

16 MR. CLEARY: We haven't put it through  
17 the full plant selection yet but yes, it will  
18 be something that will grow up over time.

19 MR. NARDACCI: Because it shouldn't just  
20 be left on the neighbors. They have their  
21 trees, but you should be adding your own trees  
22 to provide additional screening.

23 MR. CLEARY: This is primarily us right  
24 here (Indicating). This is almost  
25 30-something feet of existing vegetation that

1 is going to stay.

2 MR. NARDACCI: And what is the vegetation  
3 that's staying? What kind of vegetation?

4 MR. CLEARLY: There are trees along the  
5 back. I didn't bring any photographs, but  
6 there are trees along the backside and there  
7 is kind of a wet lower area here.

8 MR. NARDACCI: My understanding is that I  
9 don't recall the trees over there.

10 MR. CLEARLY: Basically, it's in its  
11 natural state. We're not going to change it.

12 MR. NARDACCI: What I'm getting at is  
13 that where trees don't exist - I'd like to see  
14 in your landscaped plan where you would  
15 provide trees so that they provide screening  
16 to the residential neighborhood. You have one  
17 home right there (Indicating). You really need  
18 a buffer.

19 On the southside - the neighbor there  
20 should really have additional trees and not  
21 just low level landscaping.

22 MR. CLEARLY: Yes, and I described that  
23 the trees would be some type of pines.

24 MR. NARDACCI: And we'll see that in the  
25 landscaping plan in the next phase.

1           MR. GRASSO: Tom, it may be beneficial  
2           for us to get some photos taken from the  
3           interior of the site, looking through the  
4           trees that are there - seeing that the site is  
5           already cleared and they're not looking to  
6           clear trees. We've got the benefit of the  
7           season that if he can take some shots looking  
8           towards the adjacent residences, then we can  
9           see what kind of buffering might be warranted.

10           MR. CLEARY: We'll put that together for  
11           the Board to see.

12           MR. NARDACCI: Where there are  
13           gaps -- we're always very sensitive to  
14           screening neighbors when a commercial property  
15           abuts residential. This is a consistent  
16           concern that this Board addresses. There is  
17           nothing new here tonight.

18           The other question that I had was the  
19           issue of sidewalk maintenance. I would like to  
20           see a discussion with the Town in regards to  
21           the sidewalk on Route 9. I think that the  
22           sidewalk on Homestead - the remaining interior  
23           makes sense. As far as Route 9 goes, I mean,  
24           there has been a lot of discussion on a  
25           comprehensive sidewalk plan. It's not adopted,

1 but one of the areas of discussion that took  
2 place was about having connectivity sidewalks  
3 from Siena through Newton, and especially now  
4 with Fresh Market. So, that's something that  
5 I'd like to get an answer from the Town  
6 leaders and the Attorney's office.

7 The folks in DPW that don't want to take  
8 on any sidewalks because of maintenance, but  
9 there are areas of the Town where sidewalks  
10 make sense and this is one of them.

11 MR. CLEARY: We ran into the same issue  
12 with Berkshire Bank. If you remember, we ended  
13 up putting money into escrow in that case.  
14 We'll go either way in that respect. We've  
15 showed them to see how it would look on the  
16 plan, but we definitely understand the issue  
17 and we'll try to negotiate that through the  
18 PEDD and figure out what the best way to serve  
19 that is.

20 MR. NARDACCI: I'd just like to get a  
21 clear answer on that and how we're going to  
22 handle that. If you're going to do sidewalks,  
23 it does make sense to build them with the  
24 project, but we need a determination if  
25 they're going to be on the right-of-way or in



1 the private properties. I'm glad to see them  
2 proposed, actually.

3 The last question that I had is in regard  
4 to the architectural. A part of our preview is  
5 architectural review. What you're proposing is  
6 fairly plain. In just looking at it, the  
7 materials that you're using - there isn't any  
8 discussion of materials. What are we looking  
9 at?

10 MR. CLEARY: It's basically a  
11 clapboard-type siding. A lot of the design  
12 came out of the direction of the DCC that they  
13 wanted a residential flavor. As a transition  
14 from a commercial to residential -- and  
15 actually when we met with the neighbors, they  
16 actually went into the design. It's also in  
17 keeping with what Schuyler's original design  
18 was.

19 CHAIRMAN STUTO: Joe, do you have any  
20 comment on that?

21 MR. GRASSO: No.

22 CHAIRMAN STUTO: Do you agree with that?

23 MR. NARDACCI: One of the suggestions  
24 that I have is could you do a stone veneer on  
25 the bottom? Could you do something rather than

1 just the siding from top to bottom?

2 MR. CLEARY: We can take a look at that.

3 MR. NARDACCI: It won't add a lot to  
4 costs.

5 MR. CLEARY: I can't answer that today  
6 because the architect isn't here. I don't know  
7 what the cost is.

8 MR. NARDACCI: When you come back with  
9 these plans, I'd like to see the materials  
10 pointed out. What are the materials that we'll  
11 be looking at? It's one thing to see it on a  
12 sketch with colors, but in actuality, what  
13 materials are being used - we'd like to see  
14 that.

15 MS. DALTON: One of the things that we  
16 were thinking is blowing up the entrances that  
17 you have on either side so that at least it  
18 would be more consistent with your middle  
19 entrance. It would give it a little bit more  
20 presence, if you will. That's something that  
21 you might consider. I think that it would make  
22 it a little bit more architecturally  
23 interesting.

24 I am troubled by the whole usage, slash,  
25 parking consideration with regard to what Joe

1 was saying before about the amount of  
2 greenspace that you have. If you do have a  
3 large amount of medical use, then you're going  
4 to have not enough parking. If you meet the  
5 requirements and we don't give you a waiver  
6 for the greenspace - if I'm understanding what  
7 you're saying correctly - then we might wind  
8 up with a similar situation where you have, in  
9 fact, not too many but too few parking spaces.  
10 So, I'm not sure what you would suggest in  
11 regard to either changing the plan or limiting  
12 the use or making the building a bit smaller,  
13 but I think that all of the considerations  
14 could collide and we could be having a  
15 problem.

16 I just want to add one other thing. Paul  
17 mentioned at the last meeting that if it were  
18 to be a medical use, one of the things that we  
19 would like to see is a frontage that has more  
20 of an awning. That way you could pull up  
21 front, drop people off who are handicapped and  
22 not have them be in any kind of weather  
23 situation. So, that would take even more  
24 space.

25 MR. CLEARY: The problem is that it is

1 more than likely to be a mixed use. We bring  
2 up the medical issue only because that's what  
3 is across the street. We do meet the medical  
4 requirement for parking - minimum requirement.  
5 We don't get to the maximum, which I think  
6 that Joe said was 58.

7 MR. GRASSO: Right.

8 MR. CLEARY: But if it was going to be  
9 all medical office, we would need it to meet  
10 the zoning for parking.

11 MR. NARDACCI: The minimum is 46.

12 MR. GRASSO: That's right.

13 MR. CLEARY: So, we're in that range.  
14 That's why I was trying to tell the Chairman  
15 earlier that we're kind of in between on this  
16 one. It's likely that it will be some type of  
17 mix. We may not have any medical tenants. We  
18 just don't know at this point. It's a spec  
19 office building. Until we start getting  
20 tenants, it's hard for us to predict.

21 Again, we're looking at the other factor  
22 which is what is happening in real time right  
23 now off the street. You've got a medical  
24 tenant across the street with not enough  
25 parking, and people are parking on the street.

1 We've heard from the neighbors and other  
2 people that this is just not something they're  
3 comfortable with.

4 MS. DALTON: I don't know if there's a  
5 solution with this building, but I just want  
6 it to be on record as saying that given all  
7 the other constraints, that apparently there  
8 is already a lack of parking in the area.

9 CHAIRMAN STUTO: I'm going to hold my  
10 comments to the end. We've already covered a  
11 lot of ground.

12 Bill Luke, 22 Maxwell Road.

13 MR. LUKE: My name is Bill Luke and I  
14 live on Maxwell Road.

15 First of all, I'm not against any  
16 commercial or residential development. It  
17 increases the tax revenue for the Town. I also  
18 understand that it's an expensive effort to  
19 get things done.

20 A few years back, my brother and I went  
21 through a minor subdivision on Homestead  
22 Drive, which was approved. At that time, one  
23 of the Board Members addressed the issue of  
24 parking on Homestead Drive. It was an issue  
25 then, and it's still an issue today. With this

1 proposal, I can see nothing but a greater  
2 parking problem on Homestead Drive.

3 As was mentioned before, most of this  
4 on-street parking is generated from the  
5 doctor's office at 583 Loudon Road, since they  
6 obviously don't have adequate parking in their  
7 off-street parking lot.

8 I do have some pictures. Would the Board  
9 like to see them?

10 CHAIRMAN STUTO: Yes.

11 MR. LUKE: These are only from the last  
12 few weeks. During the day, that's the way it  
13 is every day. In my mind, it's creating a  
14 hazard for pedestrians, school busses,  
15 emergency traffic and also problems with  
16 removing snow. People are parking on lawns, as  
17 you can see in the pictures. They're blocking  
18 mailboxes. This is on a regular basis.

19 The other thing is in talking about the  
20 traffic direction, if you spent some time out  
21 there, you would see traffic going from  
22 Homestead going south. It's a traffic  
23 violation. That creates unsafe conditions,  
24 too. It backs up traffic in the late  
25 afternoon.

1                   CHAIRMAN STUTO: Can you tell me is this  
2 a right only here in this picture?

3                   MR. LUKE: It's supposed to be a right  
4 only, but people drive there and take a left.  
5 It's dangerous.

6                   I can give you an example. Shaker High  
7 School and some of the adjoining streets at  
8 Shaker High School are posted no parking  
9 during school hours. This is a 27-foot wide  
10 street. Actually my job takes me from one side  
11 of the Town to the other and I've never seen  
12 commercial parking on a residential street  
13 like I have here. With this proposed building,  
14 it's going to create additional traffic and  
15 parking issues since one of the entrances is  
16 going to be on Homestead.

17                   I guess my question is: What is the Town  
18 proposal? What is the Town Engineer going to  
19 do to address these problems?

20                   CHAIRMAN STUTO: Thank you for your  
21 comments. We'll talk more about how we're  
22 going to do that parking.

23                   Bob Ballard?

24                   MR. BALLARD: My name is Robert Ballard,  
25 3 Homestead Drive.

1           These pictures are all taken adjacent to  
2           the front of my property.

3           I agree with Bill Luke about the traffic.  
4           I want to address the right side of my  
5           property.

6           CHAIRMAN STUTO: Is your driveway on  
7           Homestead, or are you in the development  
8           behind it?

9           MR. BALLARD: I'm right on Homestead  
10          Drive. I'm on the east side of this property.

11          CHAIRMAN STUTO: Okay, I can see it on  
12          the property.

13          MR. BALLARD: I'm just more concerned  
14          about the drainage and stuff like that. I'm  
15          worried about the drains getting filled up.

16          The doctor's office - he's just like the  
17          other neighbors. He parks on the road and I  
18          have seen him on both sides of the road  
19          before. It's not every day that they're that  
20          flooded, but it's like a couple of times a  
21          week. And they do drive on my lawn.

22          CHAIRMAN STUTO: Does anybody know  
23          whether that doctor's office has adequate  
24          parking for medical use under current zoning?

25          Have you gotten complaints about the



1 parking there?

2 MR. LACIVITA: There has been.

3 MR. GRASSO: I would think that when we  
4 come back for additional review by the  
5 Planning Board, it would be good for us to  
6 know if that is occurring approved site plan  
7 use -- if we know how many parking spaces they  
8 have.

9 MR. NARDACCI: It looks like on the  
10 aerial - it looks like 28 spots.

11 MR. GRASSO: And what the size of the  
12 building would be so we can use that as a  
13 barometer to make sure that we're not  
14 exacerbating the problem.

15 CHAIRMAN STUTO: That type of medical use  
16 will generate a lot of cars, is that right?

17 MR. GRASSO: Yes.

18 MR. LACIVITA: We've also had  
19 conversations with CDTA, Peter, because that  
20 is also being used as a Park and Ride area.  
21 They're parking on that street, from what I  
22 understand as well. That's from Traffic  
23 Safety.

24 CHAIRMAN STUTO: Is there a bus stop  
25 right there?

1 MR. GRASSO: There is a bus stop right  
2 there.

3 CHAIRMAN STUTO: On the land going north?

4 MR. GRASSO: I think that there are bus  
5 stops on both sides. If I'm not mistaken, CDTA  
6 in their comments, recommended that a pad be  
7 places along Route 9 by the applicant after  
8 which CDTA would then install a bus shelter  
9 along the frontage of the site in order to  
10 accommodate additional transit riders.

11 CHAIRMAN STUTO: What is your thinking on  
12 that? That protects them from the weather, but  
13 it sure doesn't help the parking.

14 MR. GRASSO: It's about whether or not  
15 this project is creating sufficient demand to  
16 warrant this applicant spending the money to  
17 install the pad. I wouldn't think that an  
18 office building of this size would create that  
19 type of demand. Obviously, there is a demand  
20 that might already be there.

21 CHAIRMAN STUTO: Well, the applicant  
22 might be willing to donate it under the right  
23 circumstances.

24 You think that's a good thing there?

25 MR. GRASSO: Yes. If there is a bus stop

1           there, they indicated that there is high  
2           ridership. I tend to agree with them that if  
3           there is higher ridership and there is a bus  
4           stop there that is actively used, then there  
5           might be reason to have that installed.

6           MS. DALTON: Would it be possible to make  
7           that area two hour only parking during 8:00 to  
8           6:00?

9           MR. BALLARD: You mean have two hour  
10          parking in front of my house?

11          MS. DALTON: No, essentially it would be  
12          posted parking. People would be allowed to  
13          park there for two hours and if it's more than  
14          two hours, they need to go some place else.

15          MR. BALLARD: Yes, but in front of my  
16          house, they park on my lawn and then I can't  
17          mow the lawn.

18          MS. DALTON: Are you suggesting putting  
19          up a no parking sign?

20          MR. BALLARD: No, I'm not suggesting  
21          that. I'm just saying that I wouldn't want  
22          that two hour posted because when I have  
23          company, I wouldn't want that to be an issue  
24          if they're parking there. Do you know what I  
25          mean? I have two dozen cars that go down that

1 road there and they're just sitting there and  
2 then walking to the doctor's office. It's just  
3 rude on their behalf.

4 MR. ROSANO: What time is the parking at  
5 its worst?

6 MR. BALLARD: I don't know his hours, but  
7 I'm working during the day and I just happened  
8 to drive by. I made it a point to drive by  
9 last week and I would have to say that I don't  
10 know whether it was Tuesday or Thursday -

11 MR. ROSANO: What about time wise?

12 MR. BALLARD: The cars start parking  
13 there at 7:30 in the morning or 7:00.

14 MR. NARDACCI: It makes a lot of sense to  
15 address the current use and the size of the  
16 building, as well as the current parking to  
17 ensure that it's conforming. That's first.

18 MR. BALLARD: I've only seen two people  
19 walk to the bus. One guy is a regular that  
20 parks and walks to the bus. I don't know if  
21 there are more. The rest go to the doctor's  
22 office.

23 CHAIRMAN STUTO: So, your sense is that  
24 it's not so much the bus takers, it's more the  
25 doctor's office.

1 MR. BALLARD: Well, there still might be  
2 an issue there, but from what I have seen, I  
3 would say that the doctor is more.

4 MR. ROSANO: Do we know the doctor's  
5 hours?

6 MS. VAIDA: I was just going to say that  
7 I believe there are quite a few employees  
8 there, because there are nurses and physicians  
9 assistants. They're actually instructed to  
10 park on the street to leave the lot open for  
11 patients. That poses a real parking problem  
12 there.

13 CHAIRMAN STUTO: This gentleman also  
14 mentioned drainage, lights, and the business  
15 hours. Can either of the PEs address that?

16 MR. CLEARY: As far as drainage goes, we  
17 talked a little bit about that, as well. We're  
18 obligated to design per the DCC standards.  
19 There is not going to be any additional water  
20 coming from our site. Actually it will be  
21 slightly less.

22 CHAIRMAN STUTO: Which way does the water  
23 flow?

24 MR. BALLARD: It actually flows past my  
25 house.

1                   CHAIRMAN STUTO: Can you show us on the  
2 drawing.

3                   MR. BALLARD: It's this channel right  
4 here (Indicating).

5                   CHAIRMAN STUTO: So it flows in a  
6 southerly direction?

7                   MR. BALLARD: No, it goes east on my lot.

8                   MR. CLEARY: That's the way that it flows  
9 today. What we will be doing is just managing  
10 that and releasing that in the same direction  
11 that it goes in today.

12                  CHAIRMAN STUTO: Joe, do you want to  
13 comment on that?

14                  MR. GRASSO: I agree. They are bound by  
15 the state's stormwater regulations. So, there  
16 is going to be less water. We also look at the  
17 volume and the rate and the water quality.  
18 Those are the three things that we make sure  
19 that they address. We can honestly say that  
20 there will be less water leaving the site than  
21 exists today.

22                  CHAIRMAN STUTO: What do you think of  
23 porous pavement? Mr. Hershberg is a big  
24 advocate on that. I know that you need the  
25 proper site and so forth.

1           MR. CLEARY: They don't typically use it.  
2           Again, we've had different experiences with  
3           it. Typically, we only use it if it's  
4           absolutely necessary; particularly if there is  
5           an underground detention or treatment or  
6           things like that. A lot of our clients don't  
7           like it because for maintenance reasons and  
8           obviously because of cost. That's typically  
9           the response that you'll get, especially in  
10          this climate.

11          MR. GRASSO: There are some sites that  
12          lend itself to porous pavement. I don't know  
13          about the sort of characteristics - if they're  
14          native soils or excessively drained. Those  
15          things need to get looked at in order for us  
16          to support the use of porous pavement. In  
17          general, we are supportive when the conditions  
18          are right and we'll work with them on it.

19          In terms of the lighting, I just want to  
20          make reference to the design standards for the  
21          NCOR district. For the height of the lights,  
22          it says:

23                 "Light fixtures shall be no higher from  
24                 the finished grade than 10 to 12 feet  
25                 pedestrian scaled lighting, and no higher than

1 the building height for aerial lighting.”

2 I think that the lights, in terms of  
3 lighting up the parking lot would be aerial  
4 lighting.

5 The height of the building - do you know  
6 what it is, Dan?

7 MR. CLEARY: We'd probably be looking at  
8 something like 24-foot fixtures.

9 MR. GRASSO: When you look at the design  
10 standards of the other more commercial zones  
11 in the Town, I think that the maximum height  
12 is 18 feet and even if the building is going  
13 to be 24 feet, we would recommend no higher  
14 than 18 because of the residential setting  
15 here.

16 MR. CLEARY: They would be set back  
17 50 feet from the edge. The lights would be  
18 positioned in this direction to come to the  
19 parking lot.

20 MR. GRASSO: When we look at the lighting  
21 design for this site, I'm less concerned with  
22 spillage onto the adjacent properties because  
23 of the requirements - and force them to use a  
24 full cut-off type light. I'm more concerned  
25 with a glare caused by the lighting fixtures



1 and being able to see it from the residential  
2 properties from the road. Those are things  
3 that we need to look at in terms of how low  
4 can we go with the lights and whether or not  
5 we need like a glow reducing shield along the  
6 back sides.

7 CHAIRMAN STUTO: Can we take a close look  
8 at that for the next phase?

9 MR. GRASSO: Yes.

10 MR. NARDACCI: Especially along that back  
11 side where we have direct access to the  
12 residents. You don't have those over matured  
13 trees like you do on the southside.

14 CHAIRMAN STUTO: Business hours?

15 MR. CLEARY: Again, this is general  
16 office. You're looking at 7:00 to 7:00 that  
17 people would be there. There may be people  
18 that are there somewhat later from time to  
19 time, but generally during normal business  
20 hours - 8:00 to 5:00 is when mostly people  
21 will be there.

22 CHAIRMAN STUTO: Do we restrict  
23 deliveries and trash collection in the Town  
24 Code?

25 MR. LACIVITA: Yes, 7:00 to 7:00.

1 MR. CLEARY: The suggestion was made in  
2 here to be 7:00 to 7:00.

3 CHAIRMAN STUTO: It sounds reasonable to  
4 me.

5 MR. BALLARD: Across the street they do  
6 it at 4:00 in the morning. Sometimes it's 5:00  
7 or 4:00 that they're slamming that dumpster.

8 CHAIRMAN STUTO: Is that a Town  
9 requirement?

10 MR. LACIVITA: We'll check Dr. Clark's  
11 approvals and see what's on them and we'll be  
12 back in touch.

13 MR. BALLARD: They're slamming that thing  
14 so loud, you don't know what's happening.

15 CHAIRMAN STUTO: Do you have any more  
16 comments, sir?

17 MR. BALLARD: Not at this point.

18 CHAIRMAN STUTO: We'll work with you on  
19 the lighting and the dumpster issue and we're  
20 going to look into the parking.

21 Patrick Carney?

22 MR. CARNEY: My name is Pat Carney. I  
23 live at 10E 12 Willow Spring Drive. My  
24 residence is on the greenspace side. If you  
25 can see those evergreen trees right there,

1           it's taken me 15 years to get those to where  
2           they are today (Indicating).

3           I do have a concern about Lot 12. That  
4           lot is a building lot in the Town of Colonie.  
5           It's an approved building lot.

6           CHAIRMAN STUTO: Is that closer to  
7           Route 9 or closer to the other way?

8           MR. CARNEY: That's closer to Route 9.  
9           The back has evergreen trees.

10          That area there is the proposed entrance,  
11          correct?

12          CHAIRMAN STUTO: Right.

13          MR. CARNEY: A portion of that is my  
14          property that goes down there.

15          The only concern that I do have is I do  
16          have an approved building lot on 12. If you  
17          walked the property, the elevations are  
18          different. When I built my house, I built it  
19          up a little bit.

20          CHAIRMAN STUTO: Did you bring in fill?

21          MR. CARNEY: Yes. I brought in a little  
22          bit of fill to bring it up to grade. My  
23          concern is, I would say, would be if I was to  
24          build a house on 12, how is this going to  
25          change? Are the setbacks going to change or

1 are they going to be the same? There is not a  
2 house on that right now.

3 CHAIRMAN STUTO: I don't think that the  
4 laws change on the setbacks. I'll let the  
5 engineers address that.

6 MR. NARDACCI: Are the setbacks to the  
7 property line?

8 MR. CLEARY: That's correct; 50 feet for  
9 pavement and 100 feet to the building. That  
10 doesn't change.

11 MR. NARDACCI: Not for structures, but  
12 from the property lines?

13 MR. CLEARY: The pavement has to be  
14 50 feet from the property line, which is here  
15 (Indicating). It would be 50 feet from the  
16 pavement and it will be over 100 feet from the  
17 building.

18 There is a detention area here  
19 (Indicating) and there will landscaping that  
20 will be proposed; some kind of pine.

21 CHAIRMAN STUTO: And how many trees do  
22 you think that you'll have in there?

23 MR. CLEARY: I'm not a landscaped  
24 architect. I can't tell you that.

25 MR. GRASSO: He actually has about

1           40 shrubs shown there as proposed landscaped  
2 screening - continuous.

3           MR. CLEARY: It's really just shown to  
4 demonstrate that there will be landscaping. I  
5 haven't picked out specific plants or anything  
6 like that.

7           MR. GRASSO: Just to clarify this: The  
8 plans call out correctly the single family  
9 residential zone, but it says the use as a  
10 detention pond/open space.

11          MR. CLEARY: That's in this area right  
12 here (Indicating). It's a lower area.

13          MR. GRASSO: Is that a designated open  
14 space? Do you know if it's deed restricted?

15          MR. CLEARY: We showed it as open space  
16 because that's what it is right now. I don't  
17 know that it has any official designation.

18          MR. CARNEY: That's a concern of mine. I  
19 have three kids from the ages of nine to nine  
20 months.

21           I have three daughters. My daughter goes  
22 through my Lot 12 all the time with her  
23 friends. If you go there now, you can see  
24 through the trees right to my house right now.

25          CHAIRMAN STUTO: I think that they were

1 referring to your property as an open space -

2 MR. GRASSO: Yes, I think that it would  
3 be good if we could clarify.

4 Are there any development restrictions on  
5 your property because of a drainage easement  
6 or stormwater management area?

7 MR. CARNEY: That's the reason that I  
8 never developed that piece was because at the  
9 time there was an easement near the Willow  
10 Springs development. We have to share a  
11 driveway in order to get to that lot. So, I  
12 bought it just for a buffer for myself.

13 MR. GRASSO: But it's basically an  
14 approved vacant residential lot.

15 MR. CARNEY: That's correct.

16 MR. GRASSO: So, Dan, if we could just  
17 get that clarified.

18 MR. NARDACCI: What is that detention  
19 basin going to look like? How full is it going  
20 to get? Will it remain full? Will it drain?  
21 What's the plan?

22 MR. CLEARY: It more than likely will  
23 drain pretty well. We haven't designed it yet  
24 so I can't tell you how full it's going to be  
25 or even how big it's going to be. This is just

1 an estimate.

2 MR. NARDACCI: As you're designing it, it  
3 might be something that you might have to look  
4 at putting some fencing around.

5 MR. CLEARY: We get this at every meeting  
6 and every time we propose a detention  
7 pond -- and it varies from town to town as to  
8 who wants a fence and who doesn't want a  
9 fence. We'll work with you on that.

10 CHAIRMAN STUTO: Would a fence between  
11 the two properties make sense?

12 MR. GRASSO: I would have to look at the  
13 setting and think about what type of fence  
14 they would be proposing on this.

15 MR. CLEARY: We proposed that to the  
16 neighbors at the original meeting - if they  
17 wanted a fence, we would put on in.

18 MR. NARDACCI: But you're not interested  
19 in a fence, though?

20 MR. CARNEY: No, because I built it to go  
21 to the back as a berm.

22 MR. NARDACCI: I think that we talked  
23 about the more screening and not just low  
24 level landscaping. We'll see that next time.

25 CHAIRMAN STUTO: Could we work to berm

1           that there?

2           MR. GRASSO: If the grade falls off, it  
3 would probably be pretty problematic to build  
4 a berm there.

5           MR. CLEARY: We also have a wetland area  
6 here (Indicating). You're going to have an  
7 area here where we're going to have to dig  
8 this out. The whole hill falls off this way.  
9 We're going to have to build this up in the  
10 back here and dig it out in front.

11          MR. GRASSO: There will probably be a  
12 berm along the back of the stormwater  
13 management area in order to create an the  
14 pond. There is probably going to be an  
15 opportunity there to add some landscaping  
16 along that to provide screening.

17          MR. CLEARY: Typically along the top of  
18 the berm to the side.

19          CHAIRMAN STUTO: Have you communicated  
20 with him yet? Can you communicate between now  
21 and the next meeting and maybe we can have  
22 some agreement and discussion over what you'd  
23 like to have happen between your property and  
24 their property? I think that's usually pretty  
25 helpful, as long as both sides are being



1 reasonable.

2 MR. CLEARY: Sure. I agree.

3 MR. CARNEY: Thank you, very much.

4 CHAIRMAN STUTO: You're welcome.

5 Okay, Mark VanSluyters.

6 MR. VANSLUYTERS: I'm Mark VanSluyters  
7 and I live at 2 Arthur Road. I wasn't at the  
8 meeting.

9 By this project across the street, all  
10 your problems are probably grandfathered. Ours  
11 was created by a previous Planning Board and  
12 I'm speaking of the Taj Mahal property. We had  
13 probably a week ago 20 cars on Arthur Road. We  
14 have two that are virtually permanent  
15 employees that park in our lot and parked on  
16 the street. We have a left turn only no  
17 entrance into the property. This does not  
18 work. It absolutely doesn't work. We have  
19 right turn only out onto Route 9 from Arthur  
20 Road, and that does not work. If you approve  
21 an access with a right turn only, I would  
22 suggest that you put a Colonie Policeman right  
23 smack dab in the middle and balance the Town  
24 budget on the fines of those people.

25 CHAIRMAN STUTO: Thank you.

1 MR. BALLARD: This is a letter from my  
2 neighbor, Mr. Thompson.

3 MR. LACIVITA: Is this the Reverend?

4 MR. BALLARD: Yes.

5 MR. LACIVITA: We passed that out  
6 already.

7 CHAIRMAN STUTO: Any other residents?

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

9 CHAIRMAN STUTO: I'll make a couple of  
10 comments, myself.

11 I'm in favor of the sidewalk construction  
12 occurring now. I'm not sure if it should be on  
13 the Route 9 section and an internal parking  
14 lot be done. I guess you'd have to work with  
15 the Town to see what they want to do with  
16 that.

17 I think that we're suggesting that on  
18 Homestead, that there be an internal sidewalk.

19 Is that how the current zoning is?

20 MR. GRASSO: Yes.

21 CHAIRMAN STUTO: Would pedestrians use  
22 that or just people on the site?

23 MR. GRASSO: I think that pedestrians  
24 would use this site. One of our comments was  
25 that it should be continuously parallel to

1 Homestead Drive and that could go a little bit  
2 closer to the road. I think that it would lend  
3 itself to pedestrian use.

4 CHAIRMAN STUTO: Okay, so keep it on your  
5 property and it will be your responsibility, I  
6 guess.

7 In terms of the driveway on Route 9, the  
8 right in only - I think that it puts us in a  
9 little bit of difficult position in the sense  
10 that the applicant obviously wants that.  
11 Clough Harbour has no objection to it. DOT  
12 says that they don't favor it and the Highway  
13 Safety Committee doesn't favor it. I'm not  
14 sure how we move forward with that unresolved,  
15 unless we leave that as a variable and that's  
16 undecided now. I don't know how much that  
17 helps you. We obviously can't override DOT  
18 because they own the road.

19 MS. DALTON: How many cutouts so far for  
20 in and out? I think to answer that question  
21 would be to ask what else is going on here? Is  
22 that the first exception to their preference,  
23 or is there a bunch of other exceptions that  
24 would exist there and their just trying to  
25 minimize it?

1 CHAIRMAN STUTO: I'm not sure I  
2 understand what you mean by exceptions.

3 MS. DALTON: As I read this, it's not a  
4 rule, it's a preference. They'd like to  
5 minimize the number of cutouts.

6 CHAIRMAN STUTO: DOT?

7 MS. DALTON: Yes.

8 Am I correct about that?

9 MR. CLEARY: Yes. If you have access to  
10 another road, they prefer not to add an  
11 additional cut here -

12 MS. DALTON: My memory of that particular  
13 parcel is that there is nothing else going on.  
14 It's not like you have three or four driveways  
15 in and out right in that area, right?

16 MR. CLEARY: That's right.

17 CHAIRMAN STUTO: There is also a sidewalk  
18 issue.

19 MS. DALTON: Yes, that's more of a  
20 problem.

21 MR. GRASSO: DOT strongly recommended  
22 against it, and they have quoted their policy.  
23 The site has alternative access on Homestead  
24 Drive. I think that DOT holds the ultimate  
25 Trump card and does not have to grant a curb

1 cut to create a new access. They have grounds  
2 to do that. Whether or not they will - I mean,  
3 they're providing their recommendations to the  
4 Town.

5 MR. ROSANO: We're talking preferences  
6 and recommendations. Can anybody just make a  
7 decision anymore? Is it yes or no? Is Mark  
8 Kennedy going to let us do a curb cut?

9 MR. GRASSO: This is preliminary review.  
10 This is at concept. They're providing their  
11 comments to the Town to take into  
12 consideration. There may be other issues that  
13 could effect the Planning Board's decision  
14 about circulation on Homestead Drive or other  
15 concerns that are raised during this process.

16 MS. DALTON: If you're talking about  
17 everything that we've heard here about the  
18 parking, then the issue of Homestead Drive is  
19 not just the fact that it provides access, but  
20 the fact that it's a narrow road and a lot of  
21 people park on it. So, the access that you may  
22 be assuming is there might actually be more  
23 dangerous than doing a cut out. That's just my  
24 thinking in regard to this.

25 That aside, when you're just talking

1           about getting into that parking lot, it might  
2           be better to let people go in off of Route 9  
3           then sending them down that little narrow  
4           driveway with everybody parking on either  
5           side.

6           MR. NARDACCI: I kind of felt the same  
7           way. At the end of the day, DOT is going to  
8           make a decision whether they're going to allow  
9           a curb cut or not. Given the residential  
10          concerns on Homestead, while all that traffic  
11          has to circulate out on Homestead that comes  
12          in on the parking lot, if there is a bit of a  
13          lead so folks can take that right turn in, I'm  
14          in favor of leaving it as is in this proposal.

15          MR. ROSANO: We're concerned about the  
16          safety first, always as a Board. To me, the  
17          less cars we can have on Homestead, the safer  
18          it's going to be for everybody.

19          MR. NARDACCI: Is there some sort of  
20          traffic analysis that may have to take place?  
21          Would DOT require that?

22          MR. GRASSO: They definitely would. If  
23          that curb cut is going to go in, they're going  
24          to have an evaluation of the sight distance.

25          MR. CLEARY: From my perspective, if we

1           were to go out and measure it - and it's very  
2           easy to measure sight distance -- if we were  
3           to do that and it was acceptable, we would  
4           strongly push for having that curb cut there.  
5           DOT has made those exceptions. They did it  
6           with Berkshire Bank. They always reserve the  
7           right with their curb cut permits that they  
8           can change their mind and take it away. It's  
9           very rare.

10           MR. NARDACCI: Absent the sight distance  
11           data, we're at concept.

12           MR. GRASSO: Understanding the concerns  
13           raised by DOT and the Highway Safety  
14           Committee, I would recommend that they  
15           eliminate the curb cut from Route 9.

16           Dan, is there a reason why it's  
17           instrumental to the project, from your  
18           perspective, knowing that you don't have  
19           defined tenants?

20           MR. CLEARY: Again, just the fact that it  
21           circulates to the loading. Again, it's less  
22           traffic on Homestead. It creates a dead end  
23           situation with 90 degree parking which is not  
24           good design. We have already sacrificed that  
25           when we originally came in with a right-in and

1 right-out; we took the right of the equation,  
2 based on the concern with DOT about sight  
3 distance. This is less of a concern because  
4 you're entering the property. We feel very  
5 strongly that we'd like to have this. It's a  
6 strong preference of ours.

7 CHAIRMAN STUTO: Can we ask for a sight  
8 line study? Is this going to come back and  
9 have an intermediate meeting before final so  
10 that we can resolve some of these issues, do  
11 you think?

12 MR. GRASSO: An intermediate meeting with  
13 the Planning Board?

14 CHAIRMAN STUTO: Yes.

15 MR. GRASSO: Not necessarily.

16 MR. CLEARY: If the facts are there, we  
17 can work it out prior to coming back with the  
18 final design.

19 MR. GRASSO: There has been a lot of  
20 dialogue and a lot of input provided by the  
21 Planning Board. I think that we have a good  
22 understanding of where you stand on the issue.  
23 We'll work on it with the applicant and DOT  
24 and see if it should stay or if it should go.  
25 I want to just be clear that if the access is



1 eliminated by DOT and eliminated from the  
2 project, are you still in support of the plan  
3 moving forward?

4 CHAIRMAN STUTO: I am.

5 MR. GRASSO: Because if we're going to  
6 put the applicant in a no-win situation, it's  
7 important for us to understand that now.

8 CHAIRMAN STUTO: How much is it going to  
9 change the look of the project? Is it just  
10 going to be sealed off?

11 MR. CLEARY: We might have to have some  
12 type of hammerhead -- we might lose a couple  
13 of parking spaces.

14 CHAIRMAN STUTO: The configuration of the  
15 parking lot is not going to be different when  
16 it's all done, right?

17 MR. CLEARY: No, this is basically what  
18 it will be.

19 CHAIRMAN STUTO: I can live with that.

20 Now, the parking waiver and the internal  
21 islands in the parking lot - can you go over  
22 that again? That seems to be an unresolved  
23 issue.

24 MR. GRASSO: It's confusing how they have  
25 to go through the calculation of what

1           qualifies as an interior island, it's got to  
2           have a certain amount of -- I think 75 percent  
3           of the perimeter of the island needs to be  
4           next to a parking space or an isle. There is a  
5           large island by the corner of the parking lot  
6           and the corner of the building which you may  
7           be counting as an interior island. It doesn't  
8           appear to meet the definition. So, when you  
9           look at the plan, there is very little  
10          interior islands being shown. When you look at  
11          the requirements of the Town design standards,  
12          you're required to have about 1,000 square  
13          feet. When we do the math, you're probably  
14          going to end up losing half a dozen or so  
15          spaces and creating islands within the parking  
16          lot.

17                   CHAIRMAN STUTO: Is that your  
18                   recommendation?

19                   MR. GRASSO: That would be our  
20                   recommendation. We don't see the justification  
21                   for a waiver from that design requirement.

22                   CHAIRMAN STUTO: Is that going to  
23                   restrain them or constrain them from whatever  
24                   type of tenant that they're going to have?

25                   MR. GRASSO: They've got already four or

1 five to lose and still meet the minimum.

2 MR. NARDACCI: The minimum is 46 and they  
3 have 50.

4 MR. GRASSO: So they have four to lose  
5 right off the get go.

6 MR. DALTON: Well, maybe. We're talking  
7 about an area that has significant parking  
8 issues. I, personally, am not real comfortable  
9 with going with the minimum.

10 MR. CLEARY: Mr. Chairman, I'll just  
11 repeat what I said earlier. We understand.  
12 We'll do our best to justify how we came up  
13 with the requirement with the internal green  
14 but we don't know what our tenant mix is going  
15 to be. We do have an existing problem out  
16 there and most of the site is green. We're  
17 looking for some consideration in that  
18 respect.

19 I understand by the letter of the zoning  
20 that you might be correct, but at the end of  
21 the day there are other considerations. If  
22 you're looking at some other elements, whether  
23 it's screening or something that loses  
24 additional parking spaces -- because we have  
25 to throw in a couple of landscaping islands

1 that really don't do anything for the site.

2 MR. NARDACCI: Just on that issue, I  
3 would error on the side of having more spots.  
4 I understand the design standards and  
5 typically I would be in favor of ensuring that  
6 there was green internally, but green around  
7 the screening is more important to me than a  
8 few islands. And given the parking problems on  
9 Homestead, I'd rather have more spots  
10 internally than potentially create a worse  
11 situation.

12 CHAIRMAN STUTO: Can you go over the  
13 reasoning for the islands?

14 MR. GRASSO: The rationale for the  
15 islands is to reduce the expansiveness of  
16 parking lots, basically, in all the zones;  
17 particularly when you're in a residential  
18 setting.

19 CHAIRMAN STUTO: Is it aesthetics in that  
20 sense?

21 MR. GRASSO: Yes, but also the heating up  
22 of the pavement, the run off  
23 controls -- you've got more area for  
24 landscaping, stormwater impacts - there are a  
25 lot of reasons to support landscaping.

1           MR. NARDACCI: If you go to that Target  
2 parking lot -

3           MR. GRASSO: Tom, I'm trying to respect  
4 what's in the Town's design standards. When  
5 there is a waiver, we need to understand the  
6 justification for it. Every project is going  
7 to come in and say, we don't support providing  
8 this interior landscape island for a number of  
9 reasons. We just need to talk through and see  
10 if there is adequate justification.

11           What I see unique to the site is that  
12 there is a current parking problem created by  
13 adjacent business which is creating parking in  
14 front of this project site. The overflow  
15 parking of this site is taken away based on  
16 the preexisting use. That's a hardship and we  
17 have to take that into condition.

18           CHAIRMAN STUTO: We're not going to vote  
19 on the waivers tonight because this is only  
20 concept. This just gives us a sense on where  
21 we are. I think that there is a sense that the  
22 islands are an issue. I hate to give up the  
23 islands, but I think that's where we are.

24           Any other comments?

25           MS. VAIDA: Are you going to take a vote

1 on the concept?

2 CHAIRMAN STUTO: Yes.

3 MS. VAIDA: So it's clear - because there  
4 has been some confusion. I think that the  
5 applicant understands that if we're going to  
6 vote on the application for concept acceptance  
7 and if it's accepted, that's not binding on  
8 this Board in the future. It's not to be  
9 construed as an approval of the project or any  
10 of the requested waivers. It should not be  
11 construed as a determination of the volume of  
12 impact under SEQRA because obviously we  
13 haven't gone over that at this point.

14 CHAIRMAN STUTO: Thank you.

15 We've all looked at the short form EAF  
16 and I think that if we demand something more  
17 than that, we do have to give a close  
18 consideration and we'll do that before final.

19 MS. DALTON: Has there been an  
20 archeological study done?

21 MR. CLEARY: I think that staff  
22 recommended that we do an archeological.

23 MR. GRASSO: Phase 1A.

24 MR. CLEARY: If the site has been  
25 undisturbed, any archeologist will go out and

1 do some test pits and file a letter saying  
2 that -

3 MS. DALTON: Have you done that?

4 MR. CLEARY: We're going to take care of  
5 that before the next meeting.

6 CHAIRMAN STUTO: Are you going to do a  
7 sight line study, too?

8 MR. CLEARY: Yes, we'll be doing that,  
9 too.

10 CHAIRMAN STUTO: Anybody ready to make a  
11 motion for concept acceptance?

12 MR. ROSANO: I'll make a motion.

13 MR. MION: I'll second it.

14 CHAIRMAN STUTO: All those in favor?

15 ***(Ayes were recited.)***

16 CHAIRMAN STUTO: All those opposed?

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

18 CHAIRMAN STUTO: Motion is passed.

19 MR. CLEARY: Thank you, Mr. Chairman.

20

21 ***(Whereas the proceeding was concluded***  
22 ***at 8:3 p.m.)***

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**CERTIFICATION**

*I, NANCY STRANG-VANDEBOGART, New York  
State Approved Transcriber and Notary Public  
in and for the State of New York, hereby  
CERTIFY that the record taped and transcribed  
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and belief.*

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**NANCY STRANG-VANDEBOGART**

**Dated March 7, 2011**