

1 PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE
2 *****

3 LIA HONDA
1258 CENTRAL AVENUE
4 APPLICATION FOR CONCEPT ACCEPTANCE

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter BY NANCY STRANG VANDEBOGART, a Shorthand
Reporter, commencing on October 23, 2012 at
8 7:02 p.m. at the Public Operations Center, 347
Old Niskayuna Road, Latham, New York 12110.

9 BOARD MEMBERS:

- 10 PETER STUTO, CHAIRMAN
- LOU MION
- 11 TIMOTHY LANE
- KATHY DALTON
- 12 BRIAN AUSTIN
- MICHAEL SULLIVAN

13

14 Also present:

15 Elena Vaida, Esq., Counsel to the Planning

16 Joe LaCivita, Director, Planning and Economic
17 Development

18 Joe Grasso, PE, Clough Harbour and Associates

19 William K. Mafrici, I.E., Hershberg & Hershberg
Dominick Arasi

20 Scott Bristol

Craig Bryda

21 Olena Care

Amy Gentzler

22 Jeff Gentzler

Gretchen Greisler

23 Linda Hughes

Michael Nazarko

24 Amy Patentreger

Victor Savage

25 Carol Steadman

1 CHAIRMAN STUTO: There are a lot of
2 residents here. As I said before if you want
3 to speak on any of the projects, please sign in
4 on the sign-in sheet in over at that table
5 (Indicating).

6 A lot of you may not have been here before.
7 We have seven Planning Board Members. The first
8 seven here are members (Indicating). Elena
9 Vaida is our counsel. She is to my left. Joe
10 LaCivita runs the department. To his left is
11 Joe Grasso. He is the Town Designated
12 Engineer. He's a private engineer hired by us,
13 but paid for by the developer. There are other
14 Town Designate Engineers for other projects.
15 Then we have Mike Tengeler, who is in our
16 Planning Department as well.

17 Joe, do we have old business that we need to
18 talk about, or any planning or business items?
19 I know that we're having a special meeting on
20 the 30th.

21 MR. LACIVITA: Yes, we're going to have a
22 special meeting next Tuesday because we are
23 getting a back log in the department. So, to
24 try to free up our schedule, we added the 30th
25 agenda date. You have the packets before you

1 this evening for next week.

2 We really don't have anything as far as old
3 business to really bring up.

4 CHAIRMAN STUTO: I will just mention for
5 the people who weren't here, we had training a
6 week ago on Tuesday. So, we've been fairly
7 busy, actually. We took a tour of the Town in
8 a bus with our Town Designated Engineers and
9 I'd like to thank those Town Designated
10 Engineers for helping us on that learning
11 process. We visited a number of projects in
12 the Town. Some were older and some were newer
13 that this Board has seen and approved and we
14 hope that we learn from that. I think that it
15 was a great experience. Thank you, everybody.

16 We'll call the first item on the agenda
17 which is Lia Honda, 1258 Central Avenue,
18 application for concept acceptance. This is a
19 60-car parking expansion.

20 Joe, can you give us an introduction on that?

21 MR. LACIVITA: Actually, Bill Mafrici will
22 be here this evening for Hershberg and
23 Hershberg. I don't know if we have anyone here
24 from Lia tonight.

25 The project was before the DCC, the

1 Development Coordination Committee back in July
2 and shortly thereafter was in front of us for
3 sketch plan. We are back here, October 23rd,
4 for concept acceptance. Bill Mafrici is in for
5 Dan Hershberg and I'll turn it over to Bill.

6 MR. MAFRICI: Thank you. My name is Bill
7 Mafrici with Hershberg and Hershberg. We're
8 the design engineers for the project for Lia
9 Honda, located at 1258 Central Avenue. The
10 parcel is currently developed; 11.43 acres. A
11 portion of the parcel that we're proposing is a
12 parking expansion of 54 cars in total on the
13 side yard in this industrial zone. This parcel
14 is bifurcated by an industrial zone and an NCOR
15 zone in the front. We're not requesting any
16 variances.

17 The setback from the proposed parking lot will
18 be 50 feet in the rear and 10 feet on the side
19 yards.

20 Also, part of this project is the use of
21 porous pavement for stormwater management.
22 There will be landscaping and berming in the
23 rear of that parcel, adjacent to the residences
24 and also shielding any existing light fixtures
25 in that area, since we are not proposing any

1 additional light fixtures. Just the relocation
2 of the two to coordinate with the proposed
3 striping.

4 CHAIRMAN STUTO: Can you identify on the
5 map where the light fixtures are that you're
6 referring to? You said there were only two.

7 MR. MAFRICI: There is one light fixture
8 here and there is one here (Indicating),
9 existing on the adjacent edge of the pavement.
10 In this darker shaded area we propose porous
11 pavement. The balance of the site is the
12 existing pavement. The tan area is the
13 existing building.

14 CHAIRMAN STUTO: Can you also talk more
15 about the screening?

16 MR. MAFRICI: What we're proposing in the
17 rear -- like I side there is a 50-foot set back
18 which is required adjacent to residential
19 neighbors in an industrial zone.

20 CHAIRMAN STUTO: You said 5-0?

21 MR. MAFRICI: 50 foot; yes sir.

22 Part of the berm that continues along the
23 entire rear of the property -- or side line
24 rear of the residential property consists of a
25 three to four-foot high berm with a series of

1 off-set coniferous trees that are proposed as
2 Serbian Spruces. Those are five to six feet
3 high when planted, which will fill in nicely
4 and grow in time. There is not much to that
5 portion of the project.

6 A couple additional amenities that we are
7 proposing is a bike rack for pedestrian access,
8 and also a small connector walk from Central
9 Avenue into the site.

10 With that, I welcome the Board's comments.

11 CHAIRMAN STUTO: We'll turn it over to our
12 Town Designated Engineer, Joe Grasso from CHA
13 to review. Then, the Board Members can ask
14 questions and we'll open it up to the public
15 afterward.

16 Joe?

17 MR. GRASSO: Thanks, Pete.

18 We have a comment letter in your packets that
19 you received from the Planning Department. Our
20 comment letter was dated September 25th. I am
21 just going to touch on a couple of things
22 regarding the application.

23 It is a zoning compliant application. There
24 are no variances or waivers required for the
25 project.

1 Our first comment is probably the most
2 significant. Many of the other comments
3 included in our letter are technical and more
4 related to final design, but I'll read our
5 first comment.

6 The proposed project will remove a significant
7 existing wooded buffer that provides visual
8 separation between the commercial use of the
9 site and the residential properties along
10 Lockrow Boulevard. The project includes a
11 proposed row of evergreen trees spaced apart;
12 12 feet on center. On top there is an 18 inch
13 to 36-inch high berm. The Planning and
14 Economic Development Department --

15 CHAIRMAN STUTO: He said three to
16 four feet, I think; didn't he?

17 MR. GRASSO: Based on our interpretation
18 of the contours, it's 18 inches to 36 inches.

19 CHAIRMAN STUTO: From grade?

20 MR. GRASSO: Yes.

21 CHAIRMAN STUTO: Can you comment on
22 that -- the applicant? If you're saying one
23 thing on the record and he's saying something
24 else -

25 MR. MAFRICI: Joe is correct. The

1 application that we have in front had grades of
2 two to three feet. Since then, we have
3 received the comments and tried to get a head
4 start. What I'm presenting here is adjustment
5 to the grades and plantings, and trying to
6 conform.

7 MR. GRASSO: I just wanted to go through
8 the evolution of our review and the changes
9 made since then.

10 "The Planning and Economic Development
11 Department requested at the DCC meeting that
12 the landscaped buffer be increased to a double
13 row of trees and extend around the
14 northwesterly side of the lot. In order to
15 provide a more effective buffer that will fill
16 in over time, we recommend that trees be
17 staggered with an offset of five to 10 feet,
18 and maintain a 10 to 12 foot on-center spacing.
19 In addition, the height of the trees of the
20 plantings should be increased to seven to eight
21 feet. The extensions around the sides should
22 be determined based on the extent of clearing
23 along the sides and quality of buffer that
24 exists in those areas. In addition, the
25 breadth of the berm should be widened to

1 provide more opportunity for healthy tree
2 growth and the final plans should address how
3 re-directed run-off will be handled
4 On the west side of the berm."

5 So, based on Bill's presentation tonight, they
6 are making attempts to address our comments.
7 That's something that we'll review as the
8 project progresses to make sure that the height
9 is there and that the landscape species, height
10 and spacing is there. We're going to get a
11 dense screening there and that's going to
12 screen the parking lot in a relatively short
13 period of time.

14 CHAIRMAN STUTO: Now the seven or eight
15 feet there -- you state that's the berm plus
16 the tree?

17 MR. GRASSO: No, that's just the height of
18 the trees -

19 CHAIRMAN STUTO: I believe that the
20 applicant stated seven or eight feet high.

21 MR. GRASSO: Seven or eight feet high
22 evergreens are easy to find and cost effective.
23 So, that's what we will recommend to the Board.

24 CHAIRMAN STUTO: Okay, we'll continue to
25 talk about that one.

1 MR. GRASSO: In addition to that, the
2 Planning Department took it one step further
3 and suggested that the Planning Board consider
4 use of an eight-foot high solid fencing there,
5 too, so that there is immediate screening
6 provided while we wait for those trees to fill
7 in over time.

8 There was also supposedly a meeting in
9 September with the neighbors. The Planning
10 Board has asked for a discussion to the
11 Planning Board regarding any discussion that
12 took place and any request or agreements that
13 was reached with the neighbors. That's
14 something that we'd like to hear from the
15 applicant on.

16 The only other item that I wanted to draw
17 attention to in our letter was related to the
18 SEQRA review of the project. The Town
19 Attorney's office has classified this as an
20 unlisted action pursuant to SEQRA and
21 recommended that a Short Environmental
22 Assessment Form has been provided with the
23 application materials. The only involved
24 agency associated with the sit plan approval
25 appears to be the Town of Colonie Planning

1 Board, with referral to the Albany County
2 Planning Board for recommendation on the site
3 Plan also being required. We reviewed the
4 short EAF and feel that it adequately describes
5 the environmental setting and the proposed
6 project. Based on the apparent limited
7 environmental impacts, we don't believe that
8 environmental impacts will occur as a result of
9 the project. As such, a SEQRA determination
10 can be made with the Planning Board's final
11 review of the project when we have final plans.

12 One other comment that came up in your packet
13 from the Planning Department is that they
14 recommended a sidewalk into the site from
15 Central Avenue be provided. I don't think
16 that's been accommodated yet. There were no
17 other comments from the Town departments that
18 would result in any anticipated changes.

19 CHAIRMAN STUTO: You mentioned the
20 sidewalk. I don't know if that addresses the
21 issue.

22 MR. MAFRICI: The side walk that we're
23 showing is within the entrance way to come into
24 the site. Initial plans had it continuing
25 through these heavily treed islands. There is

1 some nice landscaping in here and it was
2 determined that it would be more advantageous
3 to not destroy that landscaping as opposed to
4 having discussions utilizing -

5 CHAIRMAN STUTO: Do you have any opinion
6 on that?

7 MR. GRASSO: I would think as long as it
8 comes into the tail end of the curb cut, it's
9 going to be acceptable to the Planning
10 Department, and it seems appropriate for our
11 office.

12 CHAIRMAN STUTO: Amy Patentreger.

13 MS. PATENTREGER: Good evening. My name
14 is Amy Patentreger and I live at 11 Lockrow
15 Boulevard.

16 CHAIRMAN STUTO: Does your property show
17 up on there?

18 MS. PATENTREGER: Yes, it does. It's
19 right here (Indicating).

20 I have a few statements I'd like to make on
21 behalf of us and my neighbors that couldn't be
22 here tonight.

23 "As the Lockrow Boulevard community, we
24 strongly oppose the expansion of the proposed
25 Lia Honda parking lot into our neighborhood.

1 Lockrow Boulevard and the surrounding streets
2 are one of the last remaining 1930's bungalow
3 communities in South Colonie. And we are one
4 Of the last quiet, residential communities
5 before the Albany Town line. Many of the
6 residents of this neighborhood have been for
7 For over 20 years; and some for much more than
8 that.

9 As Colonie residents, we are happy to see
10 businesses come into and thrive within our
11 Town. However, in this case, we challenge the
12 true need for this growth and the negative
13 impact it has ont the residences affected.

14 This plan calls for a net increase of 37
15 parking spaces. I did pull that information
16 from the original proposal, but it sounds like
17 it would actually be more specs. I think I
18 heard 54 -- an increase of 54 spaces, which is
19 different than what we were given originally.

20 MR. GRASSO: That's correct; it's 54.

21 MS. PATENTREGER: We were told by the
22 builder representative, Craig, that it was
23 overflow parking. However, in several
24 walk-throughs walk-throughs of the parking lot,
25 There are hundreds of unused parking spaces.

1 The minimum number of unused spaces was 172 and
2 the maximum was 306 over a 3 week period. Most
3 of those walk-throughs were done after hours
4 and we understand that more spaces are used
5 during the day for employees and customers.
6 However, on October 18 during the
7 mid-afternoon, there were over 175 unused
8 spaces. Again, we question why an additional
9 37 spaces are needed when the lot is never even
10 close to 75 percent full on a regular basis.
11 I do have pictures of the day that I did the
12 walk-through during the day if you want to see
13 some of the gaps.

14 As residents of this neighborhood, we are
15 concerned about the negative impacts this
16 expansion will have on us. Today, we already
17 deal with significant noise, even with the
18 hundreds of trees that create a natural barrier
19 between our properties. The service department
20 entrance faces our properties and we regularly
21 hear machinery sounds, vehicle horns and
22 alarms, loudspeaker announcements during the
23 day. At nighttime, we hear car alarms, tow
24 trucks, and dumpsters emptying. There is a
25 significant increase in these sounds during the

1 winter months months when the leaves are gone,
2 and I can only imagine how much worse it will
3 be if there were not any trees at all.

4 We would also like to note, that in doing the
5 research for this proposal, we uncovered that a
6 PA system is not even supposed to be in use and
7 that garbage removal should not be done after
8 9:00 p.m. However, both of these occur today.

9 Fumes from the service department also emanate
10 into the neighborhood, again, particularly in
11 the winter time when the leaves have fallen
12 from the trees. Without having any of these
13 very tall trees at all, the fumes will only
14 increase. We have also been told by Mike
15 Castren, the Lia Honda controller, that vents
16 will soon be placed on the roof of the building
17 and will be directed at the Lockrow Boulevard
18 properties to push the fumes further away from
19 the building. Again, not having the treeline
20 to protect and block this will create an
21 uncomfortable and possibly unhealthy atmosphere
22 in our neighborhood.

23 We understand that berms and landscaping will
24 be installed, but a few dozen trees that are
25 five to six feet high, or even seven to eight

1 feet high do not even come close to replacing
2 the wooded area that exists today, nor will it
3 block the noise and odor pollution anywhere
4 near as well the natural barrier does today.

5 I invite you to review these pictures that
6 show the views from the backyards of the
7 adjacent properties and the views from the rest
8 of the properties on Lockrow Boulevard."

9 My husband can hand those out.

10 "These pictures were taken - some from my back
11 yard and some from the yards that are directly
12 effected, which is 11 through 15. Some of them
13 are from across the street and I also took a
14 couple from the Lia Honda parking lot, as well
15 as standing within the wooded barrier. You can
16 see just how many trees there are and what that
17 wooded area looks like.

18 In addition to the previously mentioned
19 concerns, there is also the wildlife factor.
20 Squirrels, rabbits, groundhogs, deer and skunks
21 make this area their home too. Displacement of
22 these animals should also be considered in the
23 Planning Boards' decision; except the skunks,
24 you can take those.

25 In reviewing the process for how to oppose

1 this expansion, I reviewed Article 11, Section
2 B - Major Site Plan Review of the Colonie Land
3 Use Law. There were several factors that stood
4 out to me as items the Planning Board should
5 seriously consider. Not that I'm telling you
6 your jobs, but there are things that I thought
7 should be pointed out."

8 CHAIRMAN STUTO: No, by all means.

9 MS. PATENTREGER: "Uses based on their
10 characteristics, or the special characteristics
11 of the area in which they are to be located, to
12 accommodate growth that will have a harmonious
13 relationship with the existing or the permitted
14 use of contiguous land and of adjacent
15 neighborhoods, without creating adverse effects
16 and to ensure health, safety, welfare, comfort,
17 and convenience of the public is fully
18 considered.

19 Section 3e - Screening and Landscaping: All
20 structures and recreational, parking, loading,
21 public, and other service areas shall be
22 reasonalbe landscaped and/or screened so as to
23 Provide adequate visual and noise buffers in
24 all season from neighboring lands and streets.
25 The scale and quality of the landscaping and

1 screening on site shall be harmonious with the
2 charecter of, and serve to enhance the
3 neighborhood.

4 Section 3m - Impact of the proposed use on
5 adjacent land uses. Adjacent and neighboring
6 properties shall be protected against noise,
7 glare, unsightliness or other objectionable
8 features where a proposed use is a
9 nonresidential use which would adjoin
10 residential areas, special consideraton shall
11 be given by the Planning Board to minimizing
12 the impact of the proposed use on the
13 residential properties.

14 Section 30 - Design elements review. The
15 design elements of the site shall be in harmony
16 with the natural environment and in keeping
17 with the charecter of the surrounding
18 neighborhood."

19 I think that as you'll see on those pictures,
20 there is a generally wooded area all around us.

21 "The proposed expansion of the Lia Honda
22 parking lot does not adequately meet any of
23 these stipulations.

24 And finally, when I purchased this home a
25 little over 6 years ago, I was told at the time

1 that the wooded area adjacent to my property
2 would always exist as a buffer and would never
3 be developed. This was a key factor in my
4 decision to purchase this home because the
5 backyard is very small and having a wild,
6 wooded area behind us for privacy was
7 essential.

8 When this recent proposal came up, the
9 neighbors that lived here when the dealership
10 was first built also confirmed that they were
11 told this buffer area would always exist.
12 Unfortunately, the zoning was not changed to
13 reflect that. However, in reviewing the Town
14 of Colonie Planning Board minutes from December
15 15, 1998, it clearly states that 115 feet of
16 green space to be maintained between the
17 proposed parking lot and residential lots of
18 Lockrow Boulevard".

19 Again, I have this if you'd like to see a copy
20 of it. It has one of the original approvals
21 for having the building originally built.

22 "We ask the Planning Board to preserve our
23 neighborhood and keep the current features,
24 landscaping, and surrounding intact to preserve
25 the safety, property value, comfort and

1 happiness of the residents of the Lockrow
2 Lockrow Boulevard neighborhood. And most
3 importantly, we ask the Planning Board to
4 uphold the agreement to keep this 115 feet of
5 green space as per the original proposal when
6 the dealership was built. Please do not
7 approve the proposed expansion of the Lia Honda
8 parking lot."

9 I had have some additional petitions from
10 neighbors that could not be here that were also
11 signing to oppose this.

12 CHAIRMAN STUTO: We'll be happy to take
13 that and put it in the record.

14 MS. PATENTREGER: Thank you for your time.
15 Do you have any questions?

16 CHAIRMAN STUTO: I don't have any at this
17 time. Normally, we take all the comments and
18 take notes. Sometimes points get repeated and
19 we try to do it systematically and then we go
20 back to the applicant and ask them questions.
21 You have a very nice presentation and you have
22 obviously done your homework.

23 MS. DALTON: I wanted to ask for a copy of
24 the comments, as well.

25 CHAIRMAN STUTO: 12 Lockrow, Gretchen

1 Greisler.

2 MS. GREISLER: Good evening. I'm Gretchen
3 Greisler, obviously from 12 Lockrow Boulevard.
4 I'll do my best to keep my comments brief. I
5 know that you guys probably don't want to spend
6 to midnight here.

7 I was born and raised in the Town of Colonie.
8 When I returned home from school, I was looking
9 for a house and of course, I chose Colonie. I
10 chose Lockrow Boulevard because it's a great
11 community. We're close to everything, but we
12 are our own neighborhood. A lot of the
13 neighborhood is due to that buffer. I'm here
14 about the buffer.

15 To give you an idea on this map, currently the
16 woods go to about here (Indicating). We're
17 talking about all of that being a waste.

18 CHAIRMAN STUTO: We have aeriels, so we
19 can see that.

20 MS. GREISLER: As the application said,
21 there is not much to it. There is not much to
22 it as far as buffering our community from the
23 commercialism of Lia Honda. I have no
24 objection to progress in our neighborhood or in
25 our Town, but when it starts to infringe upon

1 our community -- just by way of example, my
2 home is right here across the street. I didn't
3 receive a notice of this meeting because I'm
4 not supposed to be directly effected. If you
5 look out my front window, you know that I'm
6 directly affected. If you were in my yard this
7 summer, you could hear the trucks and the PA
8 system and you would know that I'm directly
9 affected. Year round we have the light
10 pollution coming onto our property and in our
11 windows at night, you'd know that I'm affected.

12 CHAIRMAN STUTO: Where is the light coming
13 from? Can you point on the drawing where you
14 think it's coming from?

15 MS. GREISLER: It's a diffused light at
16 this point because we have very, very high
17 trees; but it's coming from this area here
18 (Indicating).

19 CHAIRMAN STUTO: We'll ask the applicant
20 to address that again. I think that they're
21 putting in down-lighting. I'm not sure if I
22 heard them correctly.

23 MS. GREISLER: I think that those are down
24 lights as well. The original plan, if you look
25 though it, required that they do have down

1 lights.

2 CHAIRMAN STUTO: We'll raise that with the
3 applicant again, too.

4 MS. GREISLER: It's my understanding that
5 the lot is something that is meant to be used
6 on a temporary or occasional basis. It's for
7 overflow. What they are looking for is a
8 solution for their temporary problem that's
9 going to permanently change our neighborhood.
10 When you drive down that street, you're no
11 longer in a residential neighborhood. You're
12 in a commercial neighborhood with some houses
13 in it that happen to be there. I can't stress
14 enough to you how much of a difference this is
15 going to make. We're just bungalows built in
16 the 1920's, but it's a nice community and so
17 much of that community is derived from the fact
18 that we are separated from them.

19 I was actually talking with my father just the
20 other night about this and he said, well, maybe
21 Lia Honda will pay some of those property
22 owners for the fact that they are getting rid
23 of this buffer. I'll tell you what I said to
24 him. I said no amount of money in the world
25 can pay for your home. We really hope that the

1 Planning Board will help us to protect our
2 community. Thank you.

3 CHAIRMAN STUTO: Thank you.

4 Craig Bryda, 21 Lockrow.

5 MR. BRYDA: Richland is a dead end street.
6 My house is the second lot in.

7 CHAIRMAN STUTO: Does it show on that map?

8 MR. BRYDA: I would be at the end of
9 Richland, right where the end is.

10 We boght the house before Lia was even there.
11 We were there before construction, dozers and
12 everything. We were promised that there would
13 always be a buffer in between the houses and --

14 CHAIRMAN STUTO: Who is making this
15 promise? Everybody keeps saying that.

16 MR. BRYDA: I guess the builders because I
17 want to say that they subbed it out. It was
18 like Best Paving, or one of those guys cleared
19 the lot. They told us, okay, we're going to
20 leave this section in there here. My back yard
21 actually meets their service department, so, I
22 hear everything. When I go out my back door,
23 you can see it.

24 You're talking about porous pavement - that's
25 just starting to get in with he Town right now.

1 We only have one development that has that. We
2 got conflict with it already because when the
3 silt flows into it, you can't wash it out. The
4 street that we have off of Consaul has entries
5 into it as a fail safe. You put the porous
6 pavement in there and it washes through it and
7 plugs it up. Where is that water going to go?
8 It's going to go to the retention area. The
9 retention area already holds the water because
10 you can't walk through it. Since I've lived
11 there - and it's got to be 15 or 16 years -
12 nobody has ever maintained that detention area.
13 Being as I work for the Town, I mow retention
14 areas and residential areas and I know that
15 retention area has never been mowed. It has
16 tires in it. It's always wet. You walk in it
17 and you'll go up to your work boot.

18 CHAIRMAN STUTO: Is it a privately owned
19 detention area?

20 MR. BRYDA: Yes, it is.

21 MR. LANE: Can you point out to where that
22 is?

23 MR. BRYDA: It's right behind their
24 building. Actually, if you go behind their
25 building in the wintertime, they keep a salt

1 pile there that's not bunkered or not covered.
2 So, all that salt washes to that detention
3 area. I never said a word because it didn't
4 really bother me, but now you're going to do
5 all this and it's going to bother me. Now
6 you're going kill even more of the wildlife in
7 that back end. We have tires back there and
8 all kinds of noises. There is everything. I
9 just don't want to see this pass because
10 without that buffer in between, like everybody
11 else had, it's going to shine right into my
12 backyard.

13 Last year I had to call the police. We had
14 people going through their parking lot and into
15 our backyards casing the house. I had Officer
16 Condor come in and he even said, you have to be
17 careful because their parking lot meets up with
18 our backyards. What's going to stop these guys
19 now if you're going to kill that buffer in
20 between? We're going to have people looking
21 into the back of our houses. My house is all
22 wide open in the back. Now we're going to have
23 people staring into our backyards. That's my
24 big thing. I just don't want to see it pass.

25 We do have the PAs and I hear air ratchets

1 going. Air ratches stop, but the PA system
2 lasts -- like she said, garbage trucks at 9:00
3 and 10:00 at night. They dump their trash.
4 Lot clean-ups - we hear all that. Without
5 that, I think that it is going to affect us and
6 it is going to drive down our property value,
7 too.

8 CHAIRMAN STUTO: I appreciate your
9 comments. I do want to make one comment.
10 We've been informed, it's our understanding and
11 I believe that this is accurate that there are
12 no waivers being applied for and that this is
13 in compliance with the zoning in that area. So
14 a couple of people have said that they don't
15 want us to approve it. Our job may not be to
16 disapprove it. I'm just setting up the
17 expectation for that. What we try to do is
18 minimize and mitigate the impact on the
19 neighbors as best we can. That may be as far
20 as we're going to be able to go.

21 MR. BRYDA: For stormwater management --

22 CHAIRMAN STUTO: We'll talk about that.
23 We'll talk about all the issues, so that we
24 have a complete understanding. I just want to
25 set the expectations where they are supposed to

1 be.

2 MR. BRYDA: Yeah, because that porous
3 cement -

4 CHAIRMAN STUTO: If you owned a lot and
5 you wanted to build a house and it was zoned
6 for it, the Building Department might tell you
7 where you can place it or suggest things, but
8 they can't tell you that you can't build a
9 house because you own the lot. I just want to
10 make sure that everybody understands that.

11 MR. BRYDA: Years ago Lia Honda used to
12 overflow and go onto the next street because
13 it's an industrial street. There is a catch
14 basin in the bottom. Between all the
15 buildings, the catch basin flooded. They did
16 make their berms higher and they did restrict
17 the water. But like i said, that retention
18 area has never been touched since I've lived
19 there.

20 CHAIRMAN STUTO: You're still talking
21 about the same one in the back?

22 MR. BRYDA: Yes, the same one. That is my
23 back yard. We would drop in the little
24 mosquitoes tablets five years ago in the catch
25 basins - we spray ourselves. Everybody in that

1 section - we spray our lawns for bugs and stuff
2 like that. It just shows that if you let them
3 do this lot, there isn't going to be any
4 maintenance. You can go back there and
5 probably count 10 tires in those woods. There
6 is no maintenance. I have little tiny stands
7 for when their garage guys go out and smoke in
8 the corner of the lot. I would like to see
9 that if they do pass this, I want to see that
10 there are some restriction. Salt has to be
11 contained. Their salt isn't contained. It's
12 in a corner. Thank you.

13 CHAIRMAN STUTO: Thank you.

14 MR. LACIVITA: Peter, I have one question
15 from the minutes from the past meeting. In the
16 minutes of 1998, December 13th, it talks about
17 Palm Industrial Park subdivision. Do you have
18 any idea where that subdivision actually
19 resides, or where the boundaries are for that?
20 What that actually encompasses? I'm trying to
21 figure out this buffer.

22 MR. MAFRICI: I believe that the Palm
23 Industrial Park was in the rear of the site
24 here (Indicating). I believe that this was part
25 of the Palm Industrial Park subdivision.

1 CHAIRMAN STUTO: Carol A. Steadman.

2 MS. STEADMAN: They said everything that I
3 would say, so there's no point in me speaking.
4 Thank you.

5 CHAIRMAN STUTO: But you agree with what
6 was said?

7 MS. STEADMAN: I do, because I live right
8 next door and I agree.

9 CHAIRMAN STUTO: Olena Care.

10 MS. CARE: My comments have been
11 addressed.

12 CHAIRMAN STUTO: Victor Savage.

13 MR. SAVAGE: I'm Victor Savage and I live
14 at 9 Lockrow Boulevard.

15 I also, as Amy spoke in the beginning, have
16 done random walks around here and counted over
17 600 spots. At any time there is one-quarter to
18 one-half empty of inventory. So, I can't
19 understand why they need the additional
20 parking.

21 Also, you said that we keep saying that they
22 promised us to keep the buffer zone. I was
23 here and I also was there before Honda went in.
24 I don't know who was saying it. I would say
25 that it would be on a transcript somewhere, but

1 we argued for them going in back then. Their
2 answer to us each time we had an argument was,
3 well, you'll have the buffer zone. You can
4 enjoy that and it will give you some privacy.
5 I even remember making a comment back then.
6 You forget these things and what if they want
7 to tear up the buffer zone one day? All of
8 that would never happen. That's what I
9 remember hearing. I don't have anything in
10 writing, but I hope that you would take my word
11 for it. Perhaps it is in a transcript
12 somewhere. The buffer zone provides nice woods
13 and by tearing this up, that means it would be
14 right in our backyards and it would be more
15 light and noise, increased pollution and ruff
16 raff. I guess that's all been mentioned.

17 We're just a small group of people, but this
18 will effect our lives daily, not to mention our
19 property value. I believe that it will
20 decrease our property value. Mr. Lia, he has a
21 lot of property. He wouldn't want people doing
22 things in a negative way adjacent to his
23 property that would do anything to the value of
24 his property.

25 If for some reason, this was to go through, I

1 noticed in the plans on this side over here,
2 there is no room for a berm and there is no
3 mention of a berm or any trees that would be
4 going in on this side.

5 CHAIRMAN STUTO: What's adjacent to it
6 right there?

7 MR. SAVAGE: This is all the soccer place
8 up here. (Indicating). This is all woods here,
9 just like this is all woods. This is all woods
10 all the way down through here. This is
11 Richmond and this is the little dead end
12 cul-de-sac right to here (Indicating). There
13 was no mention of putting anything in here.

14 CHAIRMAN STUTO: What was the last thing
15 that you pointed to?

16 MR. SAVAGE: Here (Indicating).

17 CHAIRMAN STUTO: Okay, that was between
18 the soccer lot. I got it.

19 MR. SAVAGE: He did it that way because
20 there would be 10 feet on each side, but I
21 noticed in the plans that there is no room for
22 trees or anything that were mentioned being put
23 in there. I'm in complete opposition for those
24 reasons that have already been stated. I just
25 think that it's appalling that you would think

1 that would be virtually right in our back yard.
2 I just think that it's too much.

3 When we first moved in here in '98, this was
4 all woods and it was wonderful, and they came
5 in and told us we'll always have that buffer
6 zone. It's provided a nice safe zone for us
7 between us. It kept them commercial and it
8 kept us residential and everybody is happy. I
9 think that this is very obtrusive and I hope
10 that it doesn't pass.

11 CHAIRMAN STUTO: Thank you.

12 Michael Nazarko.

13 MR. NAZARKO: Thank you Mr. Stuto. I am
14 at 15 Lockrow Boulevard. That would be right
15 there (Indicating). I am going to keep my
16 comments short because they have all been
17 pretty much said.

18 I used to shoot arrows in the woods. There
19 was enough there so I don't hit the workers.
20 Once they put the berm up, I can't guarantee
21 anything; that's just subjective. To
22 paraphrase Joni Mitchell, it may not be
23 paradise, but we don't need parking lot. I
24 think that it's been established by the folks
25 here that they have plenty of opportunity and I

1 thank you for setting expectations, but my take
2 on this is that Lia should be a good neighbor.
3 Just because you can do it, doesn't mean that
4 you should do it. The community is united
5 against it. It's unnecessary from our
6 perspective unless there is something that
7 they're changing in the business model or
8 whatever. I would also like to reiterate that
9 there is an issue with their competency as a
10 good neighbor. It's been fine, but the reality
11 of it is that at 7:00 at night in that
12 neighborhood, you're going in the house because
13 the retaining pond and the mosquitoes are
14 outrageous.

15 CHAIRMAN STUTO: Would you point to where
16 your understanding of the pond is?

17 MR. NAZARKO: Sure (Indicating). My son
18 goes in there with his friends.

19 CHAIRMAN STUTO: It's right off the lot?

20 MR. NAZARKO: Yes. So, my point is that
21 if we're going to go forth with this, then
22 we're going to have to start with what we need
23 to do to claim back the quality of life back in
24 the neighborhood because the road runs both
25 ways.

1 CHAIRMAN STUTO: Thank you.

2 Linda Hughes.

3 MS. HUGHES: Hi, Im Linda Hughes and I
4 live at 17 Lockrow Boulevard. My home is right
5 near this easement here (Indicating). It's
6 where the snow plows put all their snow,
7 etcetera and the Town uses it. People use it
8 to go through. It's grassed area and we've
9 maintained it. I've maintained it, a single
10 woman of 63.

11 CHAIRMAN STUTO: You live right next door
12 to there?

13 MS. HUGHES: Yes, right here.

14 CHAIRMAN STUTO: Is that a paper street,
15 does anybody know?

16 MR. GRASSO: It's a paved sub street that
17 extends down to about the back yard property
18 line, and then it's a paper street after that.

19 MS. HUGHES: This is grass right here that
20 I maintain.

21 I agree with all the issues that have been
22 brought up. I moved there about eight years
23 ago because it looked like a little village
24 within a community. It's a beautiful little
25 village. I always wanted to live in a village

1 and couldn't afford it and I can afford it
2 there with a very nice home.

3 The appearance is wonderful of the buffer
4 zone. It does protect it, but I get all the
5 lights. If anybody gets the lights, I get the
6 lights. If they're dimmed, I'd like to know
7 what bright is. I get the loudspeaker day in
8 and day out. Nobody should have to deal with
9 that. If it does pass, I'm going to have a
10 complaint and they're going to hear me every
11 day.

12 The mosquitoes, as Mike mentioned, are
13 terrible this year. We could not enjoy out
14 back yards. If that buffer was any protection
15 from all those mosquitos back there, we are
16 going to get it this year. It is a health
17 hazard. If it belongs to the Town, they should
18 have done something about it a long time ago.
19 I will complain about that. The fact is that I
20 get alot of leaves and I'm a 63 year old
21 single woman. I would rather rake all those
22 leaves every day than to have that buffer zone
23 taken down. It's going to be totally ugly. I
24 personally won't want to live there. I'll rent
25 it out, or I'll do something. I won't live

1 there. It's not what I bought. It was not
2 what I was told was supposed to be there. Lia
3 Honda doesn't have the need for it. If
4 anything, I would suspect that they're moving
5 cars up from the Jeep place that they just
6 bought. That place is very crowded and that's
7 another problem. That's Albany's problem. As
8 the people said, if he's not going to be a good
9 neighbor, I'm not going to be a good neighbor.
10 I will complain to everybody about all of the
11 people that cut through my property and leave
12 their beer bottles in my lot from the workers
13 and the people that are there. They party in
14 the back there and are a little bit discouraged
15 because of that buffer. If you take that all
16 down, I'm going to get all the people cutting
17 from Central Avenue to Fuller Road. We know
18 who those people are. I don't need it and I'll
19 have the police down there every night because
20 I don't need that kind of insecurity. This is
21 a nice little community. I don't want it
22 looking like the Budget Hotel. We pay good
23 taxes down there and I'm not going to tolerate
24 that for Lia to have a few more cars. Let them
25 sell them -- that thing in the back is a health

1 hazard to all of us. Now I understand that
2 there is salt back there. Do we matter? I
3 don't care what Board you are. Do we matter?
4 If you don't have the power, if you care about
5 us, you should direct us to where we should go.

6 I owned a Honda and I want to tell you in the
7 past six months, I 've had such bad treatment
8 by them. I wouldn't ever buy a Honda again.
9 For all of its supposed good reputation, I had
10 more problems with that car in six months.
11 Now, I find out that it's the car that's the
12 most liable to get stolen. Mine got stolen.
13 They didn't tell me it was the car most likely
14 to get stolen. You wind up in Washington Park
15 in the middle of it after a play where cars
16 have been stolen and see how you like it.

17 I don't want that buffer zone and I will do
18 whatever I can to prevent it. If it does come
19 in, I will deal with it. Everything that they
20 do that I just let slide -- nothing will slide
21 again.

22 I hope that you care about us. We have lived
23 here a lot longer than Lia Honda. They're
24 buying up the community. Can we have anything
25 left? I mean, really. Can lower Colonie have

1 anything left, or is Loudonville the only one
2 that gets the protection? I'm sure as hell
3 that they wouldn't have to deal with this. My
4 property taxes go up and up every year. For
5 what? Please accommodate us in this area. .

6 They're going to put things on the top of the
7 roof that are going to blow fumes at us. Come
8 on, does that show that they care about
9 anybody? Who would even consider that? This
10 is a green time? It sounds like the black time
11 to me.

12 CHAIRMAN STUTO: Thank you.

13 Amy and Jeff Gentzler.

14 MS. GENTZLER: Our neighbors have covered
15 all of our concerns at this time.

16 Maybe not.

17 MR. GENTZLER: This is more directed at
18 the engineer.

19 How did they come up with -

20 CHAIRMAN STUTO: Sir, you have to address
21 us.

22 MR. GENTZLER: When they came up with this
23 proposed location, how come it wasn't directed
24 there versus towards the back?

25 CHAIRMAN STUTO: I don't want you to

1 answer right now. I'll write down the question
2 and we'll get you to answer them.

3 MR. GENTZLER: Was there an issue with the
4 stormwater drainage system back there? Why did
5 they park here versus the rest of the property?

6 CHAIRMAN STUTO: I'll let him address that
7 when he speaks again.

8 MR. GENTZLER: I'm not trying to shoot
9 them down but I'm just questioning why -

10 CHAIRMAN STUTO: I think that one of us
11 was going to ask that, as well. That's a good
12 question.

13 Anybody else want to be heard at this point?

14 MR. SAVAGE: I already spoke. I'm Victor
15 Savage.

16 Also, if they were to take those trees with
17 heavy machines, that's going to shake our
18 foundation. When they put the original Honda
19 in, my house shook every day. All those earth
20 movers were all over the place and it was
21 horrible. Ripping out those trees -- those
22 trees have been there over 100 years. That
23 little forest there is wonderful and they can
24 destroy it in one day and shake our houses to
25 the core. If our foundations crack, I would

1 hold them liable for things like that.

2 CHAIRMAN STUTO: Anybody else want to be
3 heard on this?

4 MR. ARASI: My name is Dominick Arasi and
5 I own 15 Lockrow Boulevard with my mom and my
6 brothers and sisters. We currently rent it
7 out, but we lived there all of our lives. I am
8 a real estate broker for Keller Williams. I've
9 been in the business for 20 years. Don't be
10 fooled. Any commercial property behind
11 residential will definitely and significantly
12 lower your value of your home. There is no
13 doubt about it. I've showed houses in Colonie
14 and I've sold on Lockrow Boulevard. I have
15 houses over there now. Some people won't even
16 go over there because of Lia Honda. If you
17 extend that, it's going to be worse. I agree
18 with everything that everyone says here.

19 I went there the other day. I can't believe
20 how close they are now. I can't imagine them
21 coming any closer. I would say that it's a
22 great neighborhood. I grew up there. I don't
23 want to see anything happen.

24 CHAIRMAN STUTO: Thank you.

25 Someone else?

1 MR. BRISTOL: Hello. My name is Scott
2 Bristol and I live at 56 Lockrow Boulevard,
3 which is down towards the dead end.

4 I came here a little late, so I might not be
5 up to speed. Why is it being talked about
6 moving back where that pond and swamp area is?

7 CHAIRMAN STUTO: We're going to ask why
8 that location -- we're going to ask that of the
9 applicant.

10 MR. BRISTOL: I believe that's the most
11 advantageous thing to do. I think that would
12 have the least impact on property values.
13 That's all I wanted to say.

14 CHAIRMAN STUTO: Anybody else that hasn't
15 been heard on this project?

16 (There was no response.)

17 CHAIRMAN STUTO: Okay, we'll hear from the
18 Town Board Members.

19 MR. MION: I have a question on those
20 minutes, Joe. It does say on it 15 feet
21 greenspace will be maintained with the
22 residential lots on Lockrow Boulevard. It does
23 say that.

24 MR. LACIVITA: We're trying to figure out
25 where Palma Industrial Park subdivision is and

1 where it all resides. There is nothing on the
2 site plans that we got for the record - I'm
3 looking back at the '99 record and there wasn't
4 anything specific to the berm and the buffering
5 for that as well. We have to look into it a
6 little further because again it's not on our
7 plans. I think that JOe could probably speak
8 to that as well. It really doesn't show a
9 perpetual buffer on the site plans.

10 MR. LANE: That's an oversight because
11 this is in Mr. Hershberg's own words.

12 MS. VAIDA: We have to look at the filed
13 subdivision map and see if this area is on a
14 subdivision map and if it is, was that a
15 condition of the subdivision approval?

16 CHAIRMAN STUTO: Which subdivision are you
17 talking about? There is probably a site plan
18 review.

19 MR. LACIVITA: That's what I said. We
20 have to look into that, Peter, as to where that
21 is. This was for concept when it first came in
22 where it talked about the greenspace and to be
23 maintained. If we look at the final action in
24 '99, it had four specific items. It does not
25 specifically talk about the buffer that was

1 talked about in concept. That's why we have to
2 go back and see what actually had been filed.

3 MR. GRASSO: It's important for the Board
4 to understand that if there was a previous site
5 plan application, that application could have
6 had a required buffer. As long as the new
7 application is a new site plan application, it
8 could change those conditions of a prior
9 approval. Unless there was something that was
10 filed that said that it was a permanent buffer
11 area protected by a conservation easement or a
12 deed restriction, there is nothing to say that
13 the applicant can't bring in a new application
14 and whether or not it was part of a subdivision
15 review process or a site plan review process.
16 So, every time you review a site plan, there
17 are certain buffers established by that plan.
18 That's not to say that the applicant doesn't
19 have the right to come in and modify that at
20 some point in the future. You can take it
21 under consideration with the previous
22 application, but there is nothing that says
23 that you can't bring in a new application
24 before the Board.

25 CHAIRMAN STUTO: Have you looked at the

1 currently approved site plan? Have you
2 reviewed that? It looks like this was approved
3 around 1999.

4 MR. GRASSO: No, we haven't. It's
5 something that we can do more research on.

6 MR. MION: The answer to the question is
7 we don't know at this time.

8 MR. GRASSO: That's right.

9 MR. MION: I guess this is a question for
10 the developer. If we do have that 115 feet
11 buffer, is it possible to move that back --
12 like the people were talking about.

13 CHAIRMAN STUTO: I guess he wants an
14 answer from the applicant.

15 MR. MAFRICI: A 115 foott buffer would in
16 essence bring it to about 10 cars with the
17 parking expansion. This property line is 115
18 feet. If we give them 10 cars, then we
19 probably wouldn't have this. I'm not sure. I
20 think that Joe is correct, we have to see
21 exactly what that concept said and how it
22 progressed through the approval process.
23 Typically, at the time, we had 116 foot buffer
24 because we weren't disturbing beyond that. Our
25 limits of grading weren't needed to go beyond

1 that portion to install where the current
2 vegetative buffer is.

3 MS. DALTON: I'm sorry. I was late. Did
4 you cover why it was needed now?

5 MR. MAFRICI: At this time, the program
6 for Lia Honda and my understanding has changed
7 in 2013. Their requirements are going to be
8 more intensive.

9 MS. DALTON: Is there a reason for that?

10 MR. MAFRICI: I couldn't tell you that,
11 but I know that the program for the ownership
12 of the facility is in more demand. The
13 inventory is sporadic. It's similar to busy
14 time at Christmas. Colonie Center has a lot of
15 parking spots that aren't necessarily fillable
16 all year round.

17 MS. DALTON: Has there ever been a time to
18 date that you have used all of your parking
19 spaces?

20 MR. MAFRICI: I can't speak to that. I
21 would have to get an answer from the operation
22 manager directly.

23 MR. MION: Do you own the land to the
24 left?

25 MR. MAFRICI: Yes.

1 MR. MION: The question is why that spot?
2 Why not move it in the back?

3 MR. MAFRICI: While we're speaking, this
4 is a one bay the retention basin. This is
5 another bay of the retention basin. It's
6 actually a recharge gallery. The water is
7 supposed to go in and perk through the soil.
8 There is a drainage course that goes through
9 the back here. The developer had met with John
10 Dzialo earlier this spring. It was my
11 understanding downstream that that caused a lot
12 of this area to become wet. This area is
13 higher. It was graded up probably five or six
14 feet, naturally. It's more conducive to porous
15 pavement or conducive to stormwater management.
16 I'm not quite sure what the soils are and the
17 impact here, but you can see that this clouded
18 area or bubbled area is the existing woods -
19 the limits of the woods. There are significant
20 encroachments along the back part of the Honda
21 property. Those portions would have to be
22 removed if we were to develop further back into
23 the existing wooded area. We'd have to also
24 investigate the soil and if it's adequate to
25 accept drainage - whether there is adequate

1 separation for groundwater. The way that the
2 operation is, this overflow parking was
3 determined to best fit the use of the facility
4 in that location.

5 CHAIRMAN STUTO: Joe, do you have any
6 opinion on alternative locations?

7 MR. GRASSO: Based on their desired
8 program and the location of the cul-de-sac on
9 Kairnes, if you look at the air photo, you can
10 see the limits of the stormwater management
11 area. It's going to take up the remainder of
12 the back of that property; other than the
13 southeast corner that you could probably fit a
14 maximum of 20 or 30 vehicles in that one
15 corner. I'm not sure how it would fit into the
16 operations of the site. It would obviously be
17 distant from the building. That would be the
18 only other viable location to park that
19 quantity of cars on the site.

20 CHAIRMAN STUTO: The cul-de-sac appears to
21 be overgrown. Is it only a paper cul-de-sac?

22 MR. GRASSO: Yes.

23 CHAIRMAN STUTO: What do you see for the
24 future of that?

25 MR. GRASSO: That's probably just reserved

1 by the Town. It's a Town owned parcel. That's
2 a Town right of way.

3 CHAIRMAN STUTO: The Town hasn't seen to
4 use it so far.

5 MR. GRASSO: If the Town chose to
6 abandoned that - normally they like to reserve
7 a cul-de-sac of an appropriate radius so that
8 in the event that they needed to use it as a
9 turn around for plow trucks, they can. Without
10 that being there, I assume that they would T in
11 to one of the two adjacent commercial
12 properties to get their vehicle around.

13 CHAIRMAN STUTO: Well, they must be now,
14 right?

15 MR. GRASSO: Yes.

16 CHAIRMAN STUTO: Could you summarize again
17 your opinion on relocating the lot? You're
18 saying that it doesn't fit their program -

19 MR. GRASSO: What I'm saying is the only
20 alternative location seems to be in the
21 southeast corner of the lot. It's down just to
22 the bottom of the cul-de-sac. If you extend it
23 up, they have parking there. You might be able
24 to fit maybe 30 spaces. What I don't know is:
25 Is it in a location that serves their needs for

1 additional parking? Obviously that's something
2 that we would have to hear from the applicant's
3 engineer, or the applicant himself.

4 CHAIRMAN STUTO: Could they reduce it by
5 half and put some over there?

6 MR. GRASSO: Bill, is that a viable
7 alternative?

8 MS. DALTON: Is it also possible -- this
9 might actually be a question for Elena. Since
10 the Town does own that cul-de-sac maybe the
11 Town would be willing to agree with the
12 applicant that we make that a cut-through so
13 that if the Town vertices needed to turn
14 around, they could use part of that space. We
15 would also let part of that space - so it's
16 straight through and then on either side where
17 the circle part is, we would allow the
18 applicant to use that Town property for
19 parking.

20 MR. GRASSO: I think if we're going to
21 pursue that, we would probably suggest and
22 abandonment of that right of way and
23 accommodate that with a hammerhead type
24 turnaround that only extends maybe 50 feet into
25 that right of way area.

1 MS. DALTON: Are we allowed to do that?

2 MR. GRASSO: It would be an action by the
3 Town Board. It could be something that the
4 Planning Board could support, but it would be
5 up to the Town Board to approve any abandonment
6 of Town property.

7 MR. MION: You also suggest making one
8 area smaller so you would put less cars, and
9 the proposal is that would put cars in the
10 southeast corner.

11 MR. MAFRICI: I believe that a portion of
12 that is true. We could cut off possibly a
13 couple rows of parking and add the parking
14 here. I'm not sure whether that's too remote
15 to where they actually need the parking. If
16 it's overflow parking, it should be sufficient.
17 If they're using this for temporary storage or
18 vehicle pick up or different maintenance, it
19 might not be working with the way that the
20 facility operates.

21 MR. MION: To address the issue that was
22 brought up about any given time - how many
23 times did you go through the parking lot?

24 MS. PATENTREGER: About nine or 10 times
25 over a three week period.

1 MR. MION: So, there was 100 to 200 spaces
2 right there. If they intend not to fill it up,
3 is it necessary? I guess you have to go back
4 and ask Lia.

5 MR. MAFRICI: I can pose the question to
6 Lia and have them document the necessity of
7 these parking spaces.

8 CHAIRMAN STUTO: Kathy, do you have more?

9 MS. DALTON: No. Why is it necessary to
10 do it the way that you're proposing to do it?
11 For the time being, I'm going to consider that
12 this document, while it's not a transcript --
13 and that's unfortunate -- certainly reflects
14 Mr. Hershberg's intension to leave that. I'm
15 certain, having been to enough of the Planning
16 Board meetings, that it probably did sound like
17 a promise at the time. Whether or not that was
18 made a condition, I think that the separate
19 question is: Was it the intension and did this
20 Board approved it based on a reasonable
21 expectation? I would feel differently about
22 it. That's another concern that I have. So, I
23 would appreciate if you could come back with
24 answers to the questions that we asked you and
25 in the meantime we can do some research on

1 exactly what else -

2 MR. LACIVITA: Can I just verify that
3 point and comment when you said that this Board
4 approved it? This dates back to 1998. I just
5 want to be certain that we're saying that it
6 was the prior activity --

7 MS. DALTON: It was the Town of Colonie
8 Planning Board, nonetheless.

9 MR. GRASSO: It's important now that I
10 look at this different from a discussion during
11 a subdivision review process. This is part of
12 a site plan review application. What Mr.
13 Hershberg was referring to was the buffer that
14 would be provided on that site plan. So, he's
15 describing the application. There was not
16 anything mentioned that would indicated that
17 buffer --

18 MS. DALTON: I don't think that you can
19 say that nothing was mentioned. This is not a
20 transcript, so, we don't know exactly what was
21 mentioned. We know what was summarized.

22 MR. LACIVITA: Unfortunately, the way that
23 the activity of that Board and the way that it
24 operated, this was the transcript. They didn't
25 take legal transcription. That's what we have

1 to go by and decipher what's on here.

2 MS. DALTON: Obviously, this is not a
3 legislative body, but when it's a question of
4 what a law means, typically we go back to what
5 the legislative intent was and what the
6 discussion was around that legislative intent
7 and what defined that. Like I said, I've been
8 to enough Planning Board meetings and I think
9 that we're very fortunate that we do have
10 transcriptions. We don't have a transcription
11 of this discussion. Going back to what Mr.
12 Hershberg had said and the intent of this
13 discussion, this wouldn't appear here if it
14 wasn't an important point.

15 MR. GRASSO: And I think that we're in
16 agreement that 115 foot buffer was a
17 requirement of the site plan application. We
18 can verify that, based on the file of site
19 plan.

20 MS. DALTON: And whether it was determined
21 in perpetuity -

22 MR. GRASSO: That, we would have to
23 research; that's correct.

24 MS. DALTON: My thought is and my feeling
25 is that if a Town of Colonie Planning Board

1 approved this entire site plan with this
2 expectation that whether or not it was explicit
3 that that was to be carried on -- I think that
4 certainly these people bought their houses and
5 tended their yards with the expectation that
6 was going to happen because they heard it at a
7 public meeting. So, I think that has a lot of
8 credibility to it.

9 CHAIRMAN STUTO: Any else at this point?

10 MS. DALTON: No, that's it for now.

11 CHAIRMAN STUTO: I just want to ask a
12 quick question before I turn it over to Tim and
13 Mike. Does it say on your map who owns the
14 cul-de-sac? Either the Town owns it, or it's a
15 paper street where the Town could take it over
16 if they wanted to.

17 MR. MAFRICI: No, it doesn't. It's my
18 understanding is that it's Town owned property.

19 CHAIRMAN STUTO: Titled to the Town?

20 MR. MAFRICI: I believe so.

21 CHAIRMAN STUTO: Tim?

22 MR. LANE: Aside from what Kathy said, I
23 think that it seems pretty clear for me that I
24 would like to know what the site plan actually
25 shows. I'm not sure why, considering this

1 question, that wasn't looked at previously.

2 Going to some of the comments that the
3 residents made, it does state within the final
4 approval that there will be no garbage pick-ups
5 between 9:00 p.m. and 7:00 a.m. Is that the
6 case that's occurring? That was one of the
7 approved requirements. That's something that
8 needs to be addressed and needs to go back and
9 have Mr. Hershberg address it. That's all I
10 have to say. From what Mr. Hershberg said
11 here, this 115 foot greenspace with a berm two
12 to four feet high will be maintained. That
13 says a lot.

14 CHAIRMAN STUTO: Mike?

15 MR. SULLIVAN: I concur with Tim's
16 comments. I have one more item that I'd like
17 looked at. This is also in these minutes from
18 1998, the last sentence of the last paragraph
19 states that no PA system would be allowed. I'd
20 like to know when that was approved.

21 MR. LACIVITA: That's in my notes to check
22 on that, too.

23 MS. DALTON: The Planning Board noted that
24 no PA system or parking on the greenspace would
25 be allowed.

1 MR. GRASSO: Just to clarify because there
2 is an important piece of information that's
3 missing. The August 4, 1998 meeting was a
4 preconcept submission. The December 15, 1998
5 date was the concept submission. So, what we
6 aren't looking at is a final site plan
7 resolution for final site plan review.

8 MR. SULLIVAN: I would just like to know
9 when it was added when it was approved.

10 MR. GRASSO: Hopefully those conditions of
11 preconcept and concept carry through onto the
12 final site plan.

13 MR. LANE: Obviously, we know over a
14 period of time going over several months or two
15 years that things may not have been recalled at
16 the final.

17 CHAIRMAN STUTO: I took notes while the
18 other people were asking, so I'm going to ask
19 the applicant to respond. Joe, if you need to
20 cut in, please do so.

21 Do you know about the PA system and how it
22 operates on the property now?

23 MR. MAFRICI: My understanding is that
24 there is no external PA system. There is an
25 internal PA system. Part of the noise could be

1 when service doors are open and they use that
2 internal PA system. That's my understanding
3 and I can verify that with the operations
4 manager.

5 CHAIRMAN STUTO: There was a complaint
6 about garbage after 9:00. Do we know what the
7 regs are on that and whether the applicant
8 wants to respond whether that's accurate or
9 not?

10 MR. MAFRICI: If there is garbage that
11 isn't contained similar to the salts that were
12 mentioned and are not contained, there's
13 mitigation things that we could do; build a
14 corral or build something that could contain
15 this.

16 CHAIRMAN STUTO: You're addressing the
17 salts, as well.

18 How about the vents on the top of the
19 building?

20 MR. MAFRICI: I am not aware of anything
21 that is going on with either rehab or
22 construction to the building. My understanding
23 is that there is no development proposed. I
24 know that if there are vents that are installed
25 they're already meeting the regulations that

1 they have to meet. I'm not quite sure what
2 they're venting or how they're venting or where
3 they are venting. We can look into that
4 further and consult with the architect, if
5 there is one, to do that work.

6 CHAIRMAN STUTO: The lights that you
7 pointed out in the beginning of the meeting -
8 are you proposing to improve those in any way?
9 Can you go over that again?

10 MR. MAFRICI: The two lights -- they'll be
11 moved approximately eight or ten feet laterally
12 and maybe one or two feet closer to the
13 building, further away from the residents.
14 Currently they're downstyle lighting in
15 conformance with the Town regulations. We're
16 proposing to put shields on the back sides of
17 those to further stop illumination from the
18 adjacent properties.

19 CHAIRMAN STUTO: Joe Grasso, in your
20 opinion, is that an effective mitigation
21 measure?

22 MR. GRASSO: Yes, I think the outside
23 shields will help control the glare looking up
24 towards the lights. They're not relatively
25 tall poles. They're set back an appreciable

1 distance from the property line that there is
2 not going to be any spillage. Our primary
3 concern would have been glare and those outside
4 shields should address that.

5 CHAIRMAN STUTO: There were several
6 questions relating to stormwater. Do you
7 understand the current stormwater situation
8 here?

9 MR. MAFRICI: Yes.

10 CHAIRMAN STUTO: And the concerns were
11 made to whether it's functioning or not,
12 whether it's cleaned out or not and also
13 regarding the mosquito situation. Can you
14 address that?

15 MR. MAFRICI: As I said earlier, the
16 developer had met John Dzialo out because there
17 were some issues. It's my understanding that
18 it turned out to be an off-site blockage in the
19 downstream pipe.

20 CHAIRMAN STUTO: Can you describe how the
21 water flows now?

22 MR. MAFRICI: On this site typically it's
23 collected by catch basins and discharged into
24 ground water, or these pipes being =perforated
25 so that it recharges into the ground. The soil

1 is Type A hydrolic soil, which is very good for
2 percolation. So, initially this was designed
3 to take advantage of some of the infiltration
4 of the soil. The rear has two separate bays
5 centered with two drywells which are supposed
6 to take on any standing water.

7 CHAIRMAN STUTO: Is that underground?

8 MR. MAFRICI: The catch basins are at
9 grade and the drywells are below grade. There
10 has been an overflow pipe connected to the
11 Marin Street storm sewer system to make sure
12 that everything flows out of these.
13 Periodically, basins are intended to be
14 maintained. I don't know the frequency that
15 this particular basin has been maintained.
16 There are measures that we can do, decompaction
17 on the soil to make it more porous. Throughout
18 time basins get silted up.

19 CHAIRMAN STUTO: You said that you've been
20 there recently with Mr. Dzialo from the Town.
21 Could you be more specific about what they
22 found and any corrective measures that were
23 taken? It is our opportunity to learn. It's
24 the neighbors' opportunity to learn.

25 MR. MAFRICI: I wasn't at the meeting.

1 The developer, BBL, was meeting John Dzialo.
2 My understanding was that all the water should
3 be returning down to this area and there was a
4 blockage of some culvert or something that
5 would stop the drainage from continuing to
6 Kairnes Street storm sewer.

7 CHAIRMAN STUTO: You're not sure if it's
8 been corrected or not?

9 MR. MAFRICI: I'm not sure if that has
10 been cleaned or not.

11 CHAIRMAN STUTO: Okay, you'll check into
12 that?

13 MR. MAFRICI: Yes.

14 CHAIRMAN STUTO: Do you know anything
15 about the mosquitoes?

16 MR. MAFRICI: I'm not aware of mosquitoes,
17 but if there is standing water, there are
18 mosquitoes.

19 CHAIRMAN STUTO: And hopefully you fix the
20 drain and that will help that.

21 I have a question that I took a note on. If
22 you remove trees, can you tell us what the
23 method will be, how noisy that will be, how
24 disturbing and whether it will affect the
25 foundations and the neighbors?

1 MR. MAFRICI: The trees existing will be
2 cut and removed out with the stumps since we
3 are using porous pavement. Typically, means of
4 tree disposal depending on the size, they'll
5 cut them and dig out the stumps and remove
6 them. It will be standard machinery. I don't
7 think that there will be anything special that
8 needs to be -- probably in this area it would
9 probably be more tender. There wouldn't be
10 falling trees and dropping trees. We have
11 neighbors on one side and the facility on the
12 other. I would assume that they would come in
13 with a cherrypicker type machinery, mow them
14 down and cart them away.

15 CHAIRMAN STUTO: The other final question
16 that I skipped over was can you tell about the
17 porous pavement a little bit? Someone seemed a
18 little critical of it. I've heard good
19 reports, so could you give your version of
20 that?

21 MR. MAFRICI: Porous pavement -

22 CHAIRMAN STUTO: They were saying that it
23 wasn't maintained and it was silted up, if I
24 recall, in other places.

25 MR. MAFRICI: If it's not maintained and

1 silted up, pressure washing and regular street
2 cleaning would rejuvenate the pavement. Years
3 down the road, if those get completely silted,
4 generally the first one-half inch layer of the
5 asphalt would get completely silted. At that
6 point you mill it down about an inch and put in
7 a fresh course of porous pavement. Porous
8 pavement has recently been developed for use in
9 accordance with DEC, GP0201, which are the new
10 storm regulations that include green
11 infrastructure technology.

12 CHAIRMAN STUTO: It's encouraged where
13 it's applicable, right?

14 MR. MAFRICI: It's preferred.

15 MS. DALTON: My understanding is that the
16 cleaning methodology that you just described
17 with the street cleaning and the pressure
18 washing is kind of not what you're supposed to
19 do, and rather use a vacuums to pull the silt
20 out of the porous pavement. Is that accurate?

21 MR. GRASSO: That's accurate.

22 MS. DALTON: So, perhaps what you're
23 suggesting in terms of how you keep it clean,
24 might need to be amended.

25 MR. MAFRICI: Our operation manuals I

1 believe, which would be included as part of
2 this and I think that we have submitted a final
3 preliminary stormwater report, indicated how
4 they should maintain porous pavement. In fact,
5 we're proposing to post signs in accordance
6 with DEC on the light poles that we're
7 proposing that porous pavement is being used so
8 you can't accidentally pave over it or
9 resurface it, or not maintain it without
10 knowing that it exists. To the average eye, it
11 looks like binder course instead of top course.
12 It's a little more course. We've used it with
13 a lot of success in the City of Albany for many
14 years. Dan Hershberg has used it for -- since
15 I've been there over 27 years. It's been
16 working with this type of hydrolic soil very
17 well.

18 CHAIRMAN STUTO: Okay, I'm going to ask
19 the Board a question before we open it back up
20 to the public.

21 A lot of questions have been raised today.
22 Does anybody have a feeling as to what we
23 should do tonight?

24 MS. DALTON: Table it.

25 MR. MION: Table it.

1 MR. LANE: Adjourn until we have answers
2 to the outstanding issues.

3 CHAIRMAN STUTO: It seems like we have
4 almost a consensus. We certainly don't have a
5 vote for concept.

6 With that said, does anybody else from the
7 public want to speak?

8 It looks like we're tabling it to get the
9 answers to these questions.

10 MR. BRISTOL: Scott Bristol, 56 Lockrow
11 Boulevard.

12 I didn't reveal this before, but back in the
13 year 2011 I was an employee of Lia Honda. I'm
14 not a disgruntled employee. I thoroughly
15 enjoyed my time there. It was the most fair
16 place that I worked. When I was working there,
17 we were parking up against the trees in
18 question. And we were told to park on the
19 other side of the lot to make the lot look
20 busier, so that it looked like we had more cars
21 in stock and inventory. Thank you.

22 CHAIRMAN STUTO: Someone else?

23 MR. BRYDA: Craig Bryda from 21 Lockrow.

24 Just to let you know on that porous cement,
25 it's off Consual Road. It's a new development.

1 I was the one who was sent there by John Dzialo
2 to vac it and blow pressure down because the
3 contractor didn't put silk fence up because the
4 top soil ran into it and plugged it. So, now
5 you have standing water. So, without a catch
6 basin, there is no way of getting rid of that
7 water. The water will stand and it will pool.
8 There is no way that a high pressure is pushing
9 it down. The vac truck -- we just got it last
10 year. Believe me, I went over it full throttle
11 and nothing pulled out of it.

12 CHAIRMAN STUTO: What's the address on
13 that?

14 MR. BRYDA: I'm 21 Lockrow.

15 CHAIRMAN STUTO: No, the location that
16 you're talking about.

17 MR. BRYDA: Consaul Road. It used to be
18 the old Gabriel's Farm. Across the street from
19 Vanessa Court?

20 MR. LACIVITA: Antoinette Estates.

21 MR. BRYDA: That's the first project there
22 that we have used this product.

23 MR. LANE: The vac didn't work?

24 MR. BRYDA: The vac didn't work because
25 the landscaping went in and the topsoil -- we

1 had rain and it washed into it and plugged it
2 up. How are you going to prevent it if you put
3 a berm with top soil on top of the berm?
4 Believe me, they're not going to have a vac
5 machine going there every week and sucking it
6 up.

7 Secondly, the retention area which is behind
8 them, right here (Indicating) - until they
9 connect it into our pipe, which is right
10 here -- I had the luxury of plowing my own
11 neighborhood and salt it, which really stinks.
12 When you plow that street, it's me and Rosetti
13 that plowed that street. There is a catch
14 basin directly in back. It's got to be an
15 18-inch pipe, which years ago, if you look on
16 the old drainage maps, the Town is supposed to
17 put a drainage line from Central Avenue which
18 went from Sand Creek Road over back to Railroad
19 Avenue which is our main trunk line. That pipe
20 is about five feet wide. You can walk in that
21 pipe. That turned out to be on Interstate
22 Avenue. So, Kairnes Court only has about an
23 18-inch line that drains their retention area
24 which slowly goes into that line. With that
25 catch basin, when that plugs up, there used to

1 be a hardwood floor company which is back here
2 and then there is a roofer right here
3 (Indicating). Their parking lots would totally
4 fill out. You'd be flooded all the time. We
5 had to repave the street, redo that catch basin
6 - a different line. That line still is the
7 existing line of an 18-inch line that goes down
8 to Interstate which goes to Railroad Avenue
9 which drains that whole area. So, by you
10 taking any part of that retention area and
11 decreasing it, you're going to cause water to
12 flood just like years ago it happened.

13 CHAIRMAN STUTO: So, you're saying that
14 detention area is critical.

15 MR. BRYDA: Right. You can't mess with
16 that retention, or otherwise it would pool up
17 constantly.

18 Secondly on the old drainage maps, there is
19 supposed to be a line behind our houses that
20 was supposed to be intended to be set at
21 Interstate Avenue. By you moving these woods
22 and everything, you're not going to have the
23 adequate runnage to go into the pipes which go
24 to an 18-inch. That means you're going to have
25 to redo half the street to go down back to

1 Interstate to Railroad Avenue.

2 MR. LANE: So, it's going to be at the
3 Town's expense; that's what you're saying?

4 MR. BRYDA: That is a paper street.
5 Richmond is a paper street and that is a paper
6 turnaround, which is treed. It's a dead end
7 and when we plow and sand it and we go up into
8 the parking lot, back up, you go into the other
9 parking lot and turn around and go out.
10 Without that being there, I think that you
11 would flood out that catch basin and you'd
12 flood the whole street out. So, I don't think
13 that's a possible way. I think that John will
14 even agree with me on that. To me, moving the
15 parking lot to the back half - you're not going
16 to solve anything. We're going to have the
17 water issues. We're going to have mosquitoes
18 still. Really, there is no good answer to
19 this.

20 I know that blacktop - do the research on it
21 and you'll find out. You have to have a second
22 area system because once it get silted in, it's
23 like having the normal blacktop. The value of
24 cleaning it - you know a commercial business
25 is not going to do what the Town does.

1 CHAIRMAN STUTO: Thank you.

2 Does someone else want to speak?

3 MS. HUGHES: The first thing is that the
4 lights are not just coming from the poles.
5 They're coming from the building. Those, I
6 would say, are more glaring coming from the
7 poles. So, you can move the ones on the poles
8 anywhere you want. It's not going to change
9 the ones that are glaring from the building.

10 Secondly, there is a speaker going on all the
11 time. I don't know if he's not around, but
12 there is a speaker going all the time.

13 Third is a security issue. When I first moved
14 there, there was a path going through the
15 woods. It was obviously made by people who
16 wanted to party there, or people who wanted to
17 go from the Central Avenue area to another
18 area. The Central Avenue area has a much
19 different type population than what's in our
20 community. I had to deal with bottles and
21 everything thrown there. As a single woman, I
22 was very uneasy with all of these people
23 traipsing through back and forth. So, as I
24 said, with all the leaves that I had and all
25 the branches that I had, I put them in the

1 path. Now there is no path and I don't see
2 people going through as much. I didn't have to
3 call anybody. I solved the security solution
4 all by myself. Don't have a way that they can
5 get through. So, now if you plow all these
6 trees done, just common sense says if he's
7 going to put more cars there, why would he want
8 these people coming in and want to buy his
9 cars? It's not a secure thing for him and it's
10 not a secure thing for our community. So, in
11 my estimate, the police will be being called by
12 him and by me a lot more. Already when there
13 was a detour for Fuller Road. People were
14 going through our community and your police
15 were called all the time to sit there all day
16 to make sure that people didn't go through the
17 stop signs. The same thing is going to go here
18 if you plow those trees down. People are going
19 to be using it for a pathway and that's just
20 going to come through and by my house. This
21 gentleman over here who has young kids, I
22 wouldn't want those type people coming through
23 with my young kids here. They look like drug
24 dealers to me. I don't want them in our
25 neighborhood. If they're there, I'm going to

1 be calling constantly. They don't seem to care
2 if the lights are there. It has to do with
3 having an easy pathway. If you plow it down,
4 it's going to be an easy pathway. You're just
5 going to be creating another problem for me and
6 for the Town of Colonie and for Lia. They're
7 just not seeing it. They're just seeing
8 dollars, or more cars or something. Thank you.

9 CHAIRMAN STUTO: Okay, let's wrap this up.
10 Do you have any concluding remarks?

11 MR. GRASSO: No. I think that if the
12 parking continues to be proposed in this area,
13 one thing that I think that we need to focus on
14 is there is a 50 foot required setback between
15 the property lines and the parking area. The
16 proposed berm and landscaping that's there only
17 takes up about 20 feet. It looks like the
18 remaining 30 feet is cleared and that's
19 something that we can look at -- additional
20 buffering.

21 CHAIRMAN STUTO: That greenspace is a 50
22 foot strip; right?

23 MR. GRASSO: That's right. It's not all
24 bermed and landscaped. They have an additional
25 30 feet there.

1 CHAIRMAN STUTO: How about a buffer
2 between that and the property on Central
3 Avenue?

4 MR. GRASSO: There is a significant
5 buffer. Next time, Bill, maybe we can have an
6 air photo blown up. There is a significant
7 buffer there.

8 CHAIRMAN STUTO: It's a lot thinner than
9 50 feet at 1272 Central Avenue. I'm talking
10 about the new parking lot and that lot. How
11 wide is that?

12 MR. MAFRICI: Ten feet.

13 MR. GRASSO: But the existing woods extend
14 onto the adjacent property.

15 CHAIRMAN STUTO: Anything else that you
16 want to bring our attention to?

17 MR. GRASSO: No.

18 MR. SULLIVAN: It's pretty clean already
19 there.

20 MR. GRASSO: That's what I mean. We have
21 an opportunity to do more buffering if it's
22 deemed appropriate by the Planning Board.

23 CHAIRMAN STUTO: I think that you've herd
24 us tonight. You've heard from the neighbors.
25 It's my experience that Lia has been a great

1 applicant on other projects and if you could
2 answer our questions and think about your
3 project a little bit more, we'd be happy to see
4 if you could get that ready.

5 MR. LANE: Motion to table.

6 MR. MION: Second.

7 CHAIRMAN STUTO: Any discussion?

8 (There was no response.)

9 CHAIRMAN STUTO: All those in favor.

10 (Ayes were recited.)

11 CHAIRMAN STUTO: All those opposed?

12 (There were none opposed.)

13 CHAIRMAN STUTO: The ayes have it.

14

15 (Whereas the proceeding was concluded at

16 8:32 p.m.)

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATION

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

NANCY STRANG-VANDEBOGART

Dated November 8, 2012

