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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

LIA JEEP/CHRYSLER
2116 CENTRAL AVENUE
APPLICATION FOR CONCEPT ACCEPTANCE

THE STENOGRAPHIC MINUTES of the above entitled matter BY NANCY STRANG VANDEBOGART, a Shorthand Reporter, commencing on October 23, 2012 at 8:40 p.m. at the Public Operations Center, 347 Old Niskayuna Road, Latham, New York 12110.

BOARD MEMBERS:

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

Also present:

- Elena Vaida, Esq., Counsel to the Planning
- Joe LaCivita, Director, Planning and Economic Development
- Joe Grasso, PE, Clough Harbour and Associates
- Steven Case
- Thomas Diaz
- Paul McConnelee

1 CHAIRMAN STUTO: The next project is Lia
2 Jeep/Chrysler, 2116 Central Avenue. This is an
3 application for concept acceptance.

4 Joe LaCivita, do you have an introduction on
5 this?

6 MR. LACIVITA: Yes. Lia Jeep/Chrysler, 2116
7 Central Avenue -- again it is the application that has
8 the two phases in the project. Phase I is a 75 car
9 parking extension. Phase II will be a 25,000 square
10 foot auto dealership expansion. The project is in the
11 COR district. It was in front of the DCC on June 13,
12 2012. The project does have two waivers under the
13 project. One is a parking lot waiver in the front yard
14 and a maximum front yard of the building setback. Bill
15 Mafrici is here agin to talk about this project and
16 I'll turn it over to Bill.

17 MR. MAFRICI: Thank you. My name is Bill Mafrici
18 with Hershberg and Hershberg. We're here for this
19 project. Lia Jeep/Chrysler is a new dealership in Town
20 that was recently acquired by the Lias that has been in
21 place for approximately two or three months. They
22 converted a portion of this existing one-story building
23 to act as the existing showroom on the site. The site
24 is about 17.4 acres. It's at 2116 Central Avenue. The
25 display piece that I'm showing is the colored version

1 of the portion of the site plan that was submitted for
2 concept approval.

3 As Joe had stated we are requesting two waivers
4 from the Planning Board. Since this is a COR
5 zone, the building setback is required to be no
6 further than 20 feet from the front property line
7 of this proposed building. Phase II would be set
8 back more than that -- approximately 223 feet, as
9 proposed.

10 The second waiver we're asking for also is in
11 Phase II. There are two phases to the project.
12 The initial phase is on the northwest side and the
13 rear of the adjacent residential neighborhoods.
14 This is a parking lot which will be developed with
15 porous pavement and used as a facility for
16 additional parking for the existing facility,
17 which was recently constructed and approved around
18 2006. During that 2006 approval, the existing
19 building of the additional building that was
20 originally Colonie Toyota, was converted into a
21 collision center and a portion of the front was
22 demolished to maintain this front and to provide a
23 landscaped screened island at the request of the
24 Board at the time.

25 That leads me to the second waiver which is

1 parking in the front yard. In the COR zone the
2 design standards require that parking is on the
3 side and the rear of the project. Due to the
4 facility and how it operates as a car dealership,
5 it's imperative that they have this parking of new
6 vehicles and used vehicles on a visual site on
7 Central Avenue.

8 As I stated before, the first phase was this
9 parking area in the rear, existing of porous
10 pavement. I believe that it's more in the
11 magnitude of 128 spots. I don't believe that 75
12 is correct. I retract that; 75 is correct. It's
13 noted incorrectly on the plan. It's noted 28
14 banked parking spaces, which is not correct.

15 CHAIRMAN STUTO: I'm just glancing at our Town
16 Designated Engineer. It says in paragraph one that
17 Phase I consists of 128. What do you think, Joe?

18 MR. GRASSO: I think that it's incorrect, based on
19 the statements there.

20 CHAIRMAN STUTO: Would the drawing show the spots
21 or no?

22 MR. MAFRICI: Let me retract that. There are a
23 total of 140 spaces back here when you add the
24 reconfiguration and the striping and delete the
25 existing spaces in this area. The actual porous

1 pavement that's going to be installed new would
2 accommodate 128 spaces.

3 CHAIRMAN STUTO: How many additional spaces are
4 there? Is that gray area the area that's currently not
5 paved.

6 MR. MAFRICI: That's currently not paved; correct.

7 CHAIRMAN STUTO: HOw many parking spots is it?

8 MR. MAFRICI: This gray area encompasses 128
9 parking spaces.

10 MR. MION: New spaces.

11 MR. MAFRICI: New spaces.

12 CHAIRMAN STUTO: So, this 75 is a mistake?

13 MR. MAFRICI: The 75 came into Phase II. In Phase
14 II, there are 75 additional spaces located in the gray
15 area under the southeast corner of the property, in the
16 front yard where a waiver will be required.

17 That brings me to Phase II as a 25,000 square
18 foot building operating as the new Jeep/Chrysler
19 facility. The existing showroom in the existing
20 building will be converted back to use with the
21 collision center. Again, this new parking area
22 will all be new porous pavement. There is
23 currently an easement and a Town waterline that
24 bifurcates the site that will have to be relocated
25 in order to accommodate the building. The

1 developer will pay for that entirely. Sanitary
2 sewer exists along the southeast corner and along
3 the frontage of Central Avenue within the Town's
4 deeded easement.

5 CHAIRMAN STUTO: Let me just back up and describe
6 the whole project. You currently have the two
7 buildings on the right. They exist now, right?

8 MR. MAFRICI: Correct.

9 CHAIRMAN STUTO: There are 128 spaces on porous on
10 the upper right. Phase II is the 75 spaces on the
11 lower left, in addition to the 25,000 square foot
12 building.

13 MR. MAFRICI: Correct.

14 The sanitary sewer will be connected to means
15 that exist. Sanitary and water exist with
16 adequate capacity to serve the facility. The
17 stormwater would be treated through the porous
18 pavement. We are anticipating through Phase I --
19 with the inclusion of the additional asphalt in
20 Phase I, incentive zoning would be necessary since
21 we'll be well below 35 percent greenspace. As we
22 develop the site for Phase II, incentive zoning
23 would apply since we would be increasing the paved
24 area and reducing the greenspace to around 33.5
25 percent. That is 1.5 percent below the 35 that is

1 required, which kicks in the incentive zoning.

2 CHAIRMAN STUTO: How do you propose to deal with
3 that? Pay the fee?

4 MR. MAFRICI: Yes. Again, the program for the
5 Jeep facility has necessitated the additional parking
6 required. With the two facilities there, you lose
7 about 65 spaces with a configuration of the existing
8 building. The reason that this is phased this way is
9 to accommodate the parking and the needs for the
10 facility while we develop and build the second phase.

11 There are wetlands on the site. We have
12 delineated that and confirmed with the Army Corps
13 that declination. We have submitted a request to
14 eliminate nine-hundredths of an acre through the
15 permit process. We have not received that permit
16 yet. We anticipate getting it.

17 As the lighting exists, there is lighting in the
18 front significantly. We would continue in Phase
19 II to continue that pattern of lighting and also
20 the pattern of landscaping which we'll get into.
21 The rear of the site - there is a row of white
22 double-headed fixtures; 25 feet high, I believe.
23 There is no intent to light the additional
24 parking, adequate security and the existing light
25 will maintain that at nighttime too. We want to

1 illuminate the parking for Lia's customers.

2 I'd like to quickly go through the building and
3 the elevations of Phase II.

4 What I put up on the board is what is handed
5 out. It shows a configuration and how we propose
6 and anticipate the building in Phase II to look
7 like. It's similar architecture to the existing
8 Lia Toyota to maintain the same sort of look.
9 Again, Chrysler has their program requirements
10 which led to the development of this building
11 elevation. I also have on the second page of that
12 11 by 17 handout a blowup of this one area, which
13 is the proposed building superimposed on a real
14 life photo just to give you an idea of what you
15 can expect to see from Central Avenue. To the
16 left is how it exists. To the right is how it
17 would be proposed, again, in Phase II of this
18 development. I also handed out which was on the
19 back on the pages of the narrative, existing site
20 photos which were taken along Central Avenue in
21 the order of northwest to southeast. Starting
22 with this initial area was part of a second and
23 third phase after the Lias acquired these two
24 lots. There were two houses there and then he
25 acquired and developed in 2008, I believe, to 130

1 parking spaces. So the first page starts at this
2 corner and we're working northeast down Central
3 Avenue. What you see on the first page is a bunch
4 of locust trees with low lying ground cover,
5 boxwoods, and low lying vegetation. We
6 incorporated that and used that to try to
7 substitute that for our third waiver that we are
8 requesting, which is a build-out of the frontage
9 of 80 percent of the frontage of the road in the
10 COR zone.

11 Between the two driveways; one for the collision
12 center and one for Lia Toyota, there is a stance
13 of very mature locust trees. We are proposing to
14 maintain them. They look great and I believe
15 that's on the second page of the handout. Getting
16 back to the most northerly side; those trees were
17 initially approved as three-inch caliper and were
18 installed as three inch caliper trees. Again, two
19 years of growth and they're doing well, but
20 they're not going to look like the mature trees,
21 which are labeled incorrectly on the plan as three
22 to four-inch calipers. They're more like six to
23 eight-inch caliper trees as they exist. Some are
24 slightly larger than that.

25 As we go down past southeast to the other trees

1 that were installed, this development was part of
2 the initial approval for the Lia Toyota building.
3 At that time, the approval had 2.5-inch caliper
4 trees installed. Since then, there have been a
5 number of trees that were vehicle damaged from
6 Central Avenue and not from the Lia Toyota. They
7 were replaced with trees, as you can see, that
8 either aren't doing very well or weren't the size
9 that were initially installed.

10 Again, in Phase II, we would like to continue
11 that same sort of pattern, which is also constant
12 with what we'd like to do with the median islands
13 in front of Phase II and continuing through to tie
14 in the whole project. With that, I would like to
15 open up for questions from the Board.

16 CHAIRMAN STUTO: We'll take our comments from our
17 Town Designated Engineer, Joe Grasso.

18 MR. GRASSO: We have a comment letter in your
19 packet dated October 10th, and I'll touch on many of
20 those comments in that letter.

21 Just to clarify the application, Bill, the plan
22 mentions that the Phase I parking is banked
23 parking? Is it actually banked or going to be
24 constructed?

25 MR. MAFRICI: That's an error on the plans.

1 MR. GRASSO: Just to clarify for the Board, Bill
2 describes the project in two phases. It's all a part
3 of one application. The phasing is really just an
4 internal construction thing, but you should be looking
5 at both phases as part of the application.

6 Bill, there is some banked parking on the east
7 side of the site?

8 MR. MAFRICI: We are proposing 25 banked parking
9 spaces in this area. That's the only place where -

10 MR. GRASSO: What we understand banked parking to
11 mean is that it's something that they would like
12 approval of as part of the site plan, although they may
13 not construct it now. They don't want to have to come
14 back before the Planning Board for additional review in
15 order for them to construct it. Normally we see it
16 when the Town Code required more parking than an
17 applicant really wants to build, and they grant the
18 approval without building that parking. If the need
19 arises, they go back and they build it without having
20 to come back before the Planning Board. In this case,
21 he actually wants approval even though it's not
22 required and it's part of the Town's parking
23 requirements.

24 CHAIRMAN STUTO: That's just a single row of cars?

25 MR. GRASSO: It is a single row of cars and what I

1 would recommend is that because this applicant has
2 already been back before the Planning Board multiple
3 times, not to show that banked parking as part of the
4 site plan application. If the need arises for him to
5 need that parking, then come back before the Board and
6 just do a single site plan amendment. There is a lot
7 of different variables going on with the site and I
8 think that it gives the Planning Board a chance to take
9 a fresh look at the need for parking in each area of
10 the site. I think that would help simplify the
11 application moving forward. The Phase II parking is
12 proposed as pervious pavement, yet there was no
13 description of the Phase I parking being pervious.

14 That is pervious too, right?

15 MR. MAFRICI: Yes, porous pavement.

16 MR. GRASSO: This site is very conducive to
17 pervious or porous pavement.

18 As Bill mentioned the applicant is requesting
19 waivers for parking lot paving within the front
20 yard setback, as well as maximum front yard
21 building setback and he has provided justification
22 for those waivers. If the waivers are acceptable
23 to the Planning Board, CHA will provide a draft
24 resolution for consideration during the final plan
25 review. Based on our initial review, it appears

1 that the waivers are justified due to the
2 uniqueness of the use being retail vehicle sales
3 with parking unique for merchandise display. The
4 building setback is consistent with the setback of
5 the two buildings on site.

6 The COR design standards recommends a minimum
7 frontage build-out of 80 percent along the project
8 frontage.

9 Just to clarify this as a recommendation in the
10 design standards and not a requirement, the
11 applicant is proposing to maintain existing theme
12 of landscaping across the project in lieu of a
13 wall or fence.

14 If you remember during the sketch plan review,
15 the Planning Board recommended the use of an
16 attractive wall or fenced combination in some
17 areas across the frontage, but none is currently
18 proposed. It would appear that this could be
19 introduced in some areas, while not giving
20 visibility of the vehicles on a display.

21 Bill did a good job with the additional
22 information provided tonight regarding the photos.
23 We think that the landscaping theme created is
24 attractive and it's something that could be
25 carried to the east side of the site. We do think

1 that the landscaping that was done along the east
2 side of the site, along Central Avenue there, is
3 covered in the last photo and that the landscaping
4 is rather lacking and not consistent with what was
5 done more towards the west. So, that area may
6 have to be improved in some shape or form.

7 The development of Phase II will reduce the
8 project greenspace to 33.4 percent, which will
9 require an application of the code incentive
10 zoning provisions. The applicant proposes a cash
11 payment to the Town for consideration of the
12 proposed greenspace and approximate fee is
13 \$127,685. Given the extent and quality of
14 greenspace, we consider the amenity zoning fee
15 appropriate, rather than forcing an increase in
16 the amount of greenspace within the site. In
17 addition to that, since the time of our letter,
18 the Town Board has approved the use of other
19 additional amenity zoning provisions and those are
20 spoken to within the Planning Department's
21 comments. It says that an incentive cash payment
22 of \$127,690 or a pertinent conservation easement,
23 permanent protection of land, any other amenity
24 including donation of materials, services, or
25 both, or any combination could apply and that

1 would be subject to both Planning Board review as
2 well as Town Board review.

3 Comment seven in our letter addresses the
4 proposed Phase II parking would impact the smaller
5 area of federally jurisdictional wetlands that
6 exist on the site and drain towards Central
7 Avenue. Approximately one-half of the wetland
8 area would be impacted, or a little less than
9 one-tenth of an acre, which is just under a
10 regulatory threshold of the Army Corps of
11 Engineers. Although in general, we support the
12 protection of wetland areas to the flood control
13 stormwater quality enhancement and open space and
14 wildlife habitat, it does appear that these
15 wetlands provide these benefits. In addition, it
16 appears that in order to minimize the wetland
17 impacts, the circulation patterns become less
18 efficient. The applicant should decrease the
19 wetland impacts, thereby creating an efficient use
20 of the site and provide compensatory mitigation
21 through other means. This includes payment in
22 lieu of fee, or offset wetland creation.

23 The next comment was regarding the coordination
24 of the Albany Pine Bush Review Commission. They
25 have provided comments relative to the current

1 application. Their only comments that appear
2 relevant for the application moving forward is the
3 use of indigenous landscaping and special
4 provisions for the lighting design and the type of
5 land use.

6 Comment 11 is going to require additional
7 analysis regarding the interior landscape island
8 calculation, understanding that this is already a
9 developed site. We'll probably have to look at
10 certain areas of the site differently to see if
11 the current site is in compliance and how the site
12 plan changes are going to change the compliance.

13 The Phase I parking will significantly reduce an
14 existing vegetative buffer along the northern
15 property line. Pavement is proposed 10 feet from
16 then northern line with a limited number of trees
17 proposed. Additional buffers should be provided
18 across the entire length of the proposed
19 improvements to enhance the buffer to residential
20 properties.

21 CHAIRMAN STUTO: Who owns the property over
22 there?

23 MR. MAFRICI: There is a cemetery on both sides.

24 CHAIRMAN STUTO: So, there needs to be some
25 mitigation there, Joe?

1 MR. GRASSO: It's also spoken to in the Olanning
2 Department's comments. The proposed landscaping along
3 the southeasternly side property line within an
4 existing Town utility easement and over a sanitary
5 sewer main would not be allowed by the Pure Waters
6 Department. The 18 proposed parking spaces shown in
7 Phase II along the southeastern property line should be
8 remove,d, and the proposed landscaping to buffer the
9 Dutch Reformed Cemetery relocated to be outside of the
10 easement. He goes on to say that the 25 banked parking
11 along the same property line should be eliminated.
12 Basically our concern is with the proposed row of
13 parking along that side of the property line -- and I
14 spoke previously about the elimination of the banked
15 parking that would keep all of the proposed landscaping
16 outside of the Ttown easement and still provide a
17 buffer to the proposed parking along that side.

18 CHAIRMAN STUTO: Does the applicant have a
19 position on that?

20 MR. MAFRICI: Parking is a premium for the Lias.
21 They have to have the parking to sell cars. If the
22 Town is requiring that it gets eliminated or some
23 concern about the storm sewer, it's in existence there
24 - I'm sorry, the sanitary sewer easement. If that is
25 going to be a loss in parking.

1 MR. GRASSO: This is where we had thought that it
2 dovetails into our comment regarding the wetland
3 impacts. YOU can see how the wetland comes into the
4 site. We thought if that area could be impacted then it
5 could help preserve buffers around the perimeter of the
6 site and provide more important separation for these
7 lands.

8 The last comment that I wanted to speak to in our
9 letter is just regarding the SEQRA review. The
10 Town Attorney's office classified this as an
11 unlisted action and a short environmental form has
12 been provided as part of your application
13 materials. We'll work on the SEQRA determination
14 as the project advances through the review
15 process.

16 CHAIRMAN STUTO: We'll hear from the public now.
17 Steven Case.

18 MR. CASE: For the record, my name is Steven Case.
19 I live at 4047 Albany StTreet. I live directly behind
20 what appears to be Phase II, the new 25,000 square foot
21 building.

22 CHAIRMAN STUTO: CaAn you point to your house on
23 that map?

24 MR. CASE: If I understood this, I'm right here
25 (Indicating). My questions arise to the issues of

1 lighting, specifically and the addition thereof, if
2 there are. Obviously from the building, I did hear
3 mention about additional pole lamps. What lighting is
4 going to come from the building? What noise is going
5 to come from the building? In hearing everyone else
6 speak, we have two buildings on-site which produce
7 rather substantial amount of noise and the addition of
8 the third building -- I understand the purpose and the
9 scope of the addition of the building, but obviously
10 it's going to raise a burning question for the people
11 in the neighborhood of how much noise is going to be
12 created there. Those are honestly my only real
13 questions at this time; the lighting and noise
14 addition.

15 MR. LANE: What is the approximately distance
16 from the back of the new facility to the homes?

17 MR. MAFRICI: We have 335 feet to the property
18 line and approximately another 80 feet to the rear of
19 this building. So, we're about 400 feet plus or minus
20 from building to building.

21 CHAIRMAN STUTO: We'll take down your questions
22 and we'll ask them systematically of the applicant.

23 Thomas Diaz.

24 MR. DIAZ: He addressed everything that I was
25 going to say.

1 CHAIRMAN STUTO: Paul McConnelee.

2 MR. MCCONNELEE: I'm Paul McConnelee from 20
3 Kimberly Street, but I'm a member of Lishakill Reformed
4 Church which is both across the street as well as
5 owning the cemetery right next to them. That is the
6 area along this side (Indicating). When they did a
7 proposed parking expansion last time, they did a very
8 nice job of keeping the greenspace buffer between us
9 and them. This space right here (Indicating). They
10 agreed on leaving 25 feet of greenspace and trees and I
11 looked at it and they keep a very nice job of that.
12 It's also improved the shape of our historical cemetery
13 there. I would like to have that continued throughout
14 the front. They added banked parking there and that
15 would then intrude into that, as I understand. I would
16 like that to remain and the church would like that to
17 remain.

18 Lighting was an issue with me because needless to
19 say, the neighbors aren't effected by the lighting
20 and they're also very quiet neighbors. We would
21 just like to keep it nice and improve the cemetery
22 for the future. A lot of people are going into
23 the cemetery and we have a lot of historical sites
24 in there.

25 The only other concern that I have and I don't

1 know if they've looked at it, but the Lishakill
2 Creek is over there and I'm not sure where the
3 run-off for the parking lot goes. Since this
4 parking lot has gone in, the creek has come close
5 to flooding Central Avenue a few times. I don't
6 know if the run-off is from this or from water.
7 There is a lot more blacktop than used to be there
8 in the past.

9 CHAIRMAN STUTO: Joe, if he opted to adopt your
10 comments on the parking, would that address this
11 gentleman's concerns?

12 MR. GRASSO: I believe that it would.

13 CHAIRMAN STUTO: Anybody else that hasn't been
14 heard on this project that would like to be heard?

15 (There was no response.)

16 CHAIRMAN STUTO: To the applicant and Joe: please
17 chime in and help me.

18 Lighting and noise as well as the buffer for the
19 gentleman that represents the cemetery.

20 MR. MAFRICI: Let's start with lighting. Lighting
21 exists on 94 percent, I would say, of the existing
22 facility and we're not proposing to change that. In
23 the rear where we're proposing Phase I of the four
24 phases, we're not adding any additional lighting.
25 Phase II -- there would be pole mounted light fixtures

1 within the front yard consistent in the greenspace
2 island that exists, so we would continue that same
3 theme of lighting the front. Again, light fixtures in
4 the front yard also, just outside the pavement.

5 Regarding lighting off site and shining into the
6 residences in the rear -- there is no addition of
7 lighting that's proposed. There is an existing
8 light fixture that does not have a conflict with
9 the building and its location.

10 Noise, if I can touch on that as far as Phase II
11 of the building -- I believe that you have in the
12 concept package a floor plan and the floor plan
13 depicts service bays going through here with doors
14 facing here and here (Indicating). This, being a
15 solid wall. There shouldn't be a lot of noise
16 going through the rear of this building. It is,
17 as we stated before, approximately 400 feet from
18 building to building.

19 MR. GRASSO: Bill, could you speak to the height
20 of the existing lights? Do you know if they are in
21 compliance with the Town's actual height of 18 feet.

22 MR. MAFRICI: I'm almost positive that they are
23 not 18 feet. I believe that they are 20 feet. They're
24 either 20 or 25 feet. I would have to take that off of
25 the previous map. Eighteen feet does not sound right,

1 but I will check on them. All of the light fixtures
2 and heads were designed previously. Again, in 2006,
3 this development occurred that installed all of these
4 light fixtures as you see.

5 As I stated before, the applicant is in need of
6 parking. That's why we're showing banked parking.
7 That's why we're showing trees and buffers. I
8 would propose in further submissions and only for
9 the time frame purpose, if we do encroach into the
10 wetlands, it's a different permit process. The
11 needs of the facility might be that he has to
12 provide this service for this new facility in a
13 timely manner that the Army Corps may not agree
14 with. As it is now, it's approximately a six to
15 nine month lead time and we're about six months
16 into it already. So, the phasing of it would be
17 such that we can eliminate what we're showing as
18 existing federal wetlands. I would propose to
19 eliminate this (Indicating) and maintain this
20 buffer if we can have this area filled with banked
21 parking at this time. It will show banked parking
22 just so that we wouldn't have to come back to the
23 Board and have it contingent on the approval from
24 the Army Corps with whatever mitigation -

25 MR. LANE: Did you say not have a contingent?

1 MR. MAFRICI: No, to have it contingent -- to have
2 it be a part of the approval -- if this Board so
3 chooses to have that as a contingency with the banked
4 spaces in place so that we wouldn't have to appear in
5 front of the Board. I think those were the three items
6 of concern.

7 CHAIRMAN STUTO: Do you have a reaction on the
8 banked parking?

9 MR. GRASSO: We think that would be acceptable.

10 MR. LANE: That's exactly what I was thinking.

11 MR. GRASSO: Typically, the site plan approvals
12 are contingent upon getting the other necessary
13 permits. I think that it's better than showing it as
14 Phase III and showing it banked in the unlikely event
15 that he couldn't get the permit from the Army Corps of
16 Engineers, he's not required to come back before the
17 Board for an approval without it.

18 CHAIRMAN STUTO: I would assume that he's going to
19 try to get it.

20 MR. GRASSO: It may take a long period of time and
21 it doesn't seem appropriate to hold up the other parts
22 of the application.

23 CHAIRMAN STUTO: Mr. Case, I don't know if you
24 have any other comments on that.

25 MR. CASE: All my questions were answered.

1 CHAIRMAN STUTO: You want to talk about the
2 general drainage?

3 MR. MAFRICI: When this project was initially
4 proposed, these 130 parking spaces were not in this
5 initial development in 2006, which had governed under
6 GPO201 -- the 2008 version. If you separated it into
7 two SWPPP basins, there is one to the south and one to
8 the north. Drainage basically gets collected and catch
9 basins are over the standard pavement. It shoots in
10 through the conveyance system into a sediment basin.
11 At a certain level it gets discharged into a filter
12 basin and ultimately discharged into the wetlands.
13 That happens in two areas on the site. One here and
14 one here (Indicating). Recently, the developer has met
15 with John Dzialo on-site and he has some concerns. It
16 was mostly about debris and the lack of cleaning this
17 overflow basin, which was adjacent to the dumpster
18 area. Since then, within the past month, the applicant
19 has installed a significant dumpster corral which also
20 houses the salts that they use. I believe that it
21 satisfies the stormwater coordinators concerns.

22 The proposed stormwater mitigation is inclusively
23 for porous pavement. Any new pavement will be
24 porous pavement. Again, these are Type A soils.
25 They're very receptive to infiltration. Ground

1 water is not an issue. We had test pits done in
2 this area. We have adequate clear distance
3 between the infiltration practice and ground
4 water. We'll be conducting additional test pits
5 in this area to verify that there is no need to
6 think that portion wouldn't have it. The reason
7 that I keep pointing out this 130 car parking
8 space, which was done in 2008 -- this is entirely
9 of porous pavement. I would encourage people to
10 go and look at cars in the rain and see exactly
11 how porous pavement works. This are is completely
12 dry in an initial rain -- as dry as it can be
13 during a downpour, but you don't see any sheeting
14 as is evident with the standard pavement adjacent
15 to it. There is an obvious line and you can see
16 where the standard pavement begins. That's what
17 we're proposing in these other three items. The
18 balance of this development, being the building,
19 would be currently an impervious area. So, there
20 would be no impact on the existing stormwater
21 mangement systems.

22 As far as the Lishakill Creek goes, the discharge
23 from the existing stormwater management facilities
24 -- the first one and the second one we're designed
25 in accordance with the Town standards which

1 include quality and quantity protection for up to
2 100 year storm.

3 CHAIRMAN STUTO: What's your opinion on the impact
4 on Lishakill Creek?

5 MR. GRASSO: The use of pervious pavement
6 guarantees that there is not going to be an increase.
7 Obviously, there are a lot of details that we look at
8 when we go through the final design process. Like I
9 said before, this site is very conducive for pervious
10 pavement. Generally, it will be designed such that
11 there will be less run-off from the site than what
12 currently exists. There are opportunities that
13 designers look at as to areas that you can do pervious
14 pavement to reduce the run-off from some of those
15 existing paved areas as well. That's something that
16 we'll look at with both of these application.

17 CHAIRMAN STUTO: So, it won't be any net worse
18 than it may end up now.

19 MR. GRASSO: Exactly.

20 CHAIRMAN STUTO: Mike?

21 MR. SULLIVAN: All my questions have been
22 answered.

23 MR. LANE: I agree that the banked parking should
24 somehow be a condition of approval.

25 CHAIRMAN STUTO: You like what Joe Grasso has

1 proposed?

2 MR. LANE: Yes.

3 CHAIRMAN STUTO: Lou?

4 MR. MION: I did like to say that the landscaping
5 you have in the front of the building, I find
6 attractive. It really adds to it, until all the sudden
7 there was growth in the greenspace. I was pulling out
8 of the parking lot the other day and I found that there
9 was a hinderance in the line of sight pulling out onto
10 the street. I really believe that if you get the
11 waiver for the parking and the greenspace, you really
12 won't need to be parking on the greenspace. That's my
13 only comment.

14 CHAIRMAN STUTO: Your understand?

15 MR. MAFRICI: I do. I am familiar with car
16 parking on the grass in the Town. I will stress that
17 to the applicant.

18 MS. DALTON: My only question has to do with the
19 PA system. In both this application and the former
20 one, the applicant keeps saying that there is no
21 external PA system and yet everybody seems to hear an
22 external PA system. I know that I asked you this
23 before, and I'm guessing that you don't know the answer
24 now, either. With regard to what it is that they are
25 using and what people are hearing, I would appreciate

1 it if you get back to us with a clear understanding of
2 how do they get a hold of someone on the other side of
3 the lot. In this day and age, everybody is walking
4 around with cellphones in their pockets and I think
5 that's far more conducive at this point time. It might
6 have been five years ago. I really would like a
7 description of what it is that people seem to be
8 hearing.

9 MR. MAFRICI: I believe what they are hearing is
10 service bays. In this area you can see wide open
11 service bays. If doors are open, there is an echo in
12 the back and I believe that's the echo effect that they
13 are hearing exterior to the building. I have verified
14 that there is no existing external PA system on this
15 site. There is an interior PA system where they call
16 mechanics into the front, or ask for various things
17 from their mechanics through the PA system.

18 CHAIRMAN STUTO: Joe, do you think that's
19 something that we can ask the applicant to look at?

20 MR. GRASSO: Yes, and we'll research it as well.

21 CHAIRMAN STUTO: My personal opinion is that I
22 think that it's a good compliance project. I think
23 that the comments made by the TDE with respect to
24 parking and the comment by the representative of the
25 cemetery are ongoing, and I hope that you could comply

1 with those. I have no objection to the banked parking
2 that you propose as an alternative in our discussion.
3 The two waivers which are pushing the building
4 back, I'm in favor of because it lines it up with
5 the other buildings. Parking in the he front, I
6 think, is good. Not only because it fits your
7 business plan, but it provides more cushion in the
8 back for the residents.

9 I'm prepared to vote for concept acceptance this
10 evening.

11 MR. MCCONNELEE: One of the things that we had
12 before were that they were unloading their car carriers
13 in our church parking lot.

14 CHAIRMAN STUTO: You're on the other side of
15 Central?

16 MR. MCCONNELEE: We're just across the street. We
17 asked them not to do that because they were digging up
18 our parking lot and stuff. So, they put a car carrier
19 unloader in the cemetery, which is fine. I saw them
20 doing that last night. If they're going to talk about
21 putting more cars in there, where are they going to
22 unload the car carriers for the parking lot? I don't
23 particularly want it back in our lot.

24 CHAIRMAN STUTO: Can the applicant address that?

25 MR. MAFRICI: That circulation pattern came up in

1 the first round of approvals for this. Basically, it's
2 anticipated that the car carrier comes in here and
3 drops off and circumnavigates around the building and
4 exits. If that's not happening, we can certainly find
5 out why and have a solution.

6 CHAIRMAN STUTO: Can you point to what you say is
7 happening?

8 MR. MAFRICI: My understanding is that you're
9 saying that they park the car carrier in this area
10 (Indicating)?

11 MR. MCCONNELEE: No. It's actually labeled right
12 here in the parking lot: car carrier parking. Do not
13 park here. There was a car carrier there when I went,
14 which is fine with us. That's okay to unload the cars
15 there. Now, if you're talking about putting cars
16 there, how can you unload the carriers there?

17 CHAIRMAN STUTO: How is it on the new plans? Is
18 that for parking or --

19 MR. GRASSO: That's shown for parking. We weren't
20 aware of the striping there.

21 CHAIRMAN STUTO: Obviously they can't do it there
22 if the cars are there.

23 Do you want to address it again?

24 MR. MAFRICI: That's also a driving lane. There
25 are not any current parking spaces. That's delineated

1 as a driving lane. So, it makes sense that a vehicle
2 would -- I think that the intent of no parking there
3 was so that they don't continue the line of cars parked
4 at the dead end and stopping the car carriers and
5 circulating through the existing site. As it is now,
6 this building isn't there. All of this is paved right
7 now (Indicating).

8 CHAIRMAN STUTO: So, how do you see this happening
9 once this is fully developed?

10 MR. MAFRICI: We'll have to sit down and figure
11 out if they want to maintain that. If they do, they're
12 probably going to lose some spaces because it gets
13 tighter around this corner for them to navigate out the
14 same entrances. We're not asking for any additional
15 curb cuts through DOT, nor do I believe that they would
16 create any additional curb cuts. We have two existing
17 ones that seem to be adequate for entering a big
18 facility.

19 CHAIRMAN STUTO: Joe, can you keep an eye on that
20 and have an answer for us the next time around?

21 Anything else?

22 (There was no response.)

23 CHAIRMAN STUTO: Do we have a motion?

24 MR. MION: I'll make the motion.

25 MR. LANE: Second.

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CHAIRMAN STUTO: Discussion?

(There was no response.)

CHAIRMAN STUTO: All those in favor?

(Ayes were recited.)

CHAIRMAN STUTO: All those opposed?

(There were none opposed.)

CHAIRMAN STUTO: The ayes have it.

MR. MAFRICI: Thank you.

(Whereas the proceedings in the above entitled
matter were concluded at 9:30 p.m.)

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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

