

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 THE SHOPPES AT LATHAM CIRCLE
800 LOUDON ROAD AND 532 TROY-SCHENECTADY ROAD
5 SEQRA DETERMINATION AND APPLICATION FOR
FINAL SITE PLAN

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8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
Reporter, commencing on December 18, 2012 at 7:57 p.m.
at The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

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11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 TIMOTHY LANE
14 LOU MION
15 BRIAN AUSTIN
16 KAREN GOMEZ
17 MICHAEL SULLIVAN

15

16 ALSO PRESENT:

17 Elena Vaida, Esq., Counsel to the Planning Board
18 Joe LaCivita, Director, Planning and Economic Development
19 Andy Brick, Esq., Donald Zee and Associates
20 Wendy Holtsberger, PE, Creighton Manning Engineering
21 Chuck Voss, PE, Barton and Loguidice
22 Jeff Coleman, PE
23 Tom Johnson, TR Johnson Engineering
24 Ted Kolankowski, PE, Barton and Loguidice
25 Michael C. Magguilli, Esq., Town Attorney

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1 (cont.)
2 Geoffrey Behuniak
3 Jeanine Behuniak
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1 CHAIRMAN STUTO: The next project is the Shoppes
2 at Latham Circle, 800 Loudon Road and 573
3 Troy-Schenectady Road. This is the SEQRA determination
4 and the application for final site plan. This is to
5 raze the existing mall and replace with a 280,452
6 square foot retail space and one 3,600 square foot out
7 parcel. This will be presented by CT Male and
8 Associates. Our Town Designated Engineer is Barton and
9 Loguidice.

10 Joe, do you want to do an introduction?

11 MR. LACIVITA: Member of the Board and members of
12 the public, this is one of the prime projects that you
13 see within the Town because it's one of those projects
14 that was identified in the Comprehensive Plan as one of
15 those blighted sites that has been around for a number
16 of years.

17 This project was granted concept acceptance on
18 October 23, 2012. They're going to raze the existing
19 mall that's been long since abandoned and replace it
20 with 280,000 square feet of new retail space and a
21 6,000 square foot out parcel. Tonight's action,
22 Members of the Board, is to act on SEQRA and the final
23 site plan approval. As they are getting ready, I'll
24 turn this over to Andy Brick for their introduction.

25 MR. BRICK: Good evening. I'm Andy Brick and I'm

1 with the Law Firm of Donald Zee. We're the attorneys
2 for the project applicant with the project team. Our
3 engineers are CT Male, as well as Creighton Manning,
4 Jeff Coleman, our building architect, as well as Mark
5 Sebert, Vice President for Grossman Real Estate
6 Development who is responsible for this project.

7 I wanted to briefly update you on the changes that
8 have occurred since you've last seen this back in
9 September when we were here for preliminary approval.
10 If you recall, at that meeting, it was suggested to us
11 by some Board Members that it would make a lot more
12 sense to have an access drive towards the middle of the
13 parking lot in front of the Tenant A building to allow
14 people who enter the property through the main entrance
15 to get to Lowe's without having to go all the way up to
16 the building front and back down and around. As you'll
17 see on the plan in front of you this evening, we have
18 installed that access drive and we're showing that on
19 the proposed plan. That was suggested by the Board and
20 we're not shy to take other people's good ideas. It's
21 now on the plan.

22 We did lose a significant number of parking spaces
23 as a result of that and as we had said in the past, the
24 number of parking spaces is a concern because we're
25 already deficient in terms of what national retailers are

1 looking for in terms of parking. We do think that
2 access way made sense to have there, and it's now shown
3 there.

4 Also, when we were here, we were requesting
5 waivers for the amount of greenspace required. We were
6 actually showing the plan that reduced the amount of
7 greenspace on the parcel. As a result of the Lowe's
8 parcel dropping out of the project as well as the fact
9 that we're now showing a standalone Tenant A
10 building -- one of the reasons for that was for
11 building code purposes. We can now show greenspace
12 through the area with public space both in the front
13 for customers, as well as public space area in the back
14 for employees as well. We are showing a landscaping
15 plan that provides gateway design and we're focusing
16 primarily on the entrance ways. What we are proposing
17 are heavily landscaped and design features at the major
18 entrance ways based upon a concept of low rock walls
19 with wrought iron fencing surrounded by heavily
20 landscaped areas.

21 Again, we're not shy to take other people's good
22 ideas. What we did is we drove past Fresh Market and
23 we saw how that looked and we're proposing the same
24 type of designs at the entrance way from Route 2,
25 Troy-Schenectady Road, as well as the decorative

1 landscaped wall with heavy landscaping at both entrance
2 ways along Route 9.

3 In addition to that, we have submitted to the
4 Department of Transportation an application for a
5 license and occupancy agreement. What we proposed to
6 do with DOT is to seek their permission to maintain all
7 the landscaped areas along their right of way beginning
8 at the property line at the Lowe's parcel all the way
9 around the drive. There is a significant DOT right of
10 way that currently is comprised primarily of grass and
11 lawn areas and we have requested their permission to
12 landscape that and maintain that as low landscaped
13 foliage, as well as lawn area. That request is
14 currently being processed internally through DOT and
15 the various DOT department and divisions. Irrespective
16 of the DOT's determination on the landscaping on their
17 right of way, we have increased the greenspace on our
18 property itself. If we do get that permission from
19 them, that would just be a bonus down the road as well.
20 What we are now showing as part of the project is
21 increasing the percentage of landscaping compared to
22 what currently exists on the parcel.

23 We have worked since we've seen you last
24 extensively with Town Departments, Town Staff as well
25 as Barton and Loguidice, the Town's Designated Engineer

1 on this project. We've had numerous meetings. There's
2 been a lot of back and forth. I can say this evening
3 that we have either complied with or can agree with
4 every single comment of Barton and Loguidice final
5 comment letter that was recently issued toward the end
6 of November with two small caveats. There was a
7 recommendation that we eliminate the parking spaces
8 back out onto the main access aisle and we weren't able
9 to do that due to the result of our parking
10 calculations. Again, that's with regard to our deficit
11 ratios for national retailers. There was also a
12 suggestion that we investigate pervious pavement in the
13 outlying areas of the parking lot. CT Male took a hard
14 look at that, but with soil conditions pervious
15 pavement wouldn't be conducive to this site. So, other
16 than those two particular suggestions in the B & L
17 comment letter, we've either shown everything that they
18 have recommended or requested or we have agreed to do
19 it and it will be done. As you recall, we had a number
20 of waiver requests when we were last here. Some of
21 them have are removed. For example, we no longer need
22 a request for the greenspace reduction because we're
23 showing an increase in the greenspace. Also, you have
24 a comment letter from Barton and Loguidice that states
25 that all of the waiver requests that we are requesting

1 are reasonable based upon the rationale that we set
2 forth and the existing site conditions on the property.

3 There are a number of changes and new data that
4 you should be aware of related to traffic. Rather than
5 me try to decipher the traffic, what I would do at this
6 time is briefly turn it over to Wendy Holtsberger from
7 Creighton Manning Engineering.

8 MS. HOLZBERGER: Good evening. For the record,
9 I'm Wendy Holtzberger from Creighton Manning.

10 One of the things that we had talked about at the
11 last meeting was the addition on the Route 2 access of
12 adding a right turn out movement. At that time, New
13 York State Department of Transportation hadn't been
14 presented with that option, so we didn't have any
15 feedback from them. We have since then met with Town
16 Staff, Barton and Loguidice and New York State DOT and
17 they did agree that they thought that was a benefit.
18 Since our meeting with them, we have completed another
19 summary letter where we completed some more analysis.
20 Actually at the last meeting we were talking about a
21 lot of comparisons between the previous study that was
22 conducted in 2001 and how volumes have actually lowered
23 in the area. We also talked about how the previous
24 development plan was for a higher square footage. We
25 did a lot of comparisons, but we have since then

1 actually put some more detailed numbers to our
2 analysis. We did some trip generation distribution.
3 We completed some analysis specifically focusing on the
4 two site right of ways on the Route 9 and southbound
5 ramp, as well as the cross over ramp. Some of that was
6 a look at the queuing and delays. Really what it did
7 was show the benefit of that right turn movement that
8 was being added onto Route 2. So, it was back in the
9 2001 study and I think that everyone knew that cross
10 over ramp was kind of a little bit of the concern or
11 where more of the traffic would be congested. It does
12 show a pretty extensive reduction in the queues with
13 that right turn movement. So, we do have that
14 documented in the letter that we submitted at the end
15 of last week.

16 One other thing that has changed is the
17 reconfiguration of the Route 2 driveway. We had it
18 coming in at more of a straight angle. We have since
19 reconfigured that. There were some concerns with the
20 speed because we had straightened it out so much. We
21 reconfigured that more of a typical right in and right
22 out layout, which will reduce the speeds of those
23 vehicles coming in. That was something that both
24 Barton and Loguidice and DOT had commented on. So,
25 that change has been made.

1 The pedestrian accessibility at the Herbert
2 Drive/Route 2 intersection was brought up. The
3 applicant has committed to working with the Department
4 of Transportation to upgrade those pedestrian crossings
5 to the state's satisfaction. We looked at some signing
6 and the queues coming into the site and we've taken out
7 a few stop signs internally so the traffic coming into
8 the site has the free flow access. There won't be any
9 chance of the traffic coming in queueing back toward
10 the state highway. That's pretty typical for a lot of
11 other retail developments in the area. So, that's kind
12 of a quick summary of all the things that we've changed
13 and improved since that time. There was a letter that
14 was submitted the end of last week in a relatively
15 short time frame to review, but if you have any
16 questions --

17 CHAIRMAN STUTO: Wendy, just for clarification and
18 for the public's benefit, can you go around the whole
19 site? I know that you're not altering Lowe's, but
20 there are six or seven ingress and egress points. Can
21 you point out where there is no change, and where there
22 is a change, say what is there currently and what
23 you're proposing? I think that only effects a couple
24 of the spots, but I think that will help us in our
25 understanding.

1 MS. HOLZBERGER: Basically, this back ramp off of
2 Herbert Drive is where you go up onto the platform.

3 CHAIRMAN STUTO: Where the theater is, right?

4 MS. HOLZBERGER: Right. That is staying the same.
5 The access in at the site at JC Penny is staying the
6 same. This is the driveway onto Route 2 that's
7 currently an entrance only (Indicating). We have added
8 that right out movement which, like I said, alleviates
9 some of the queueing at this main driveway by giving
10 the traffic coming out this way another relief out.

11 CHAIRMAN STUTO: You've changed the interior of
12 that as well, right?

13 MS. HOLZBERGER: Right. The existing plan was
14 when you enter the site, you come to a stop sign. Part
15 of the issue with that now is when you come in, you're
16 stopped. Now there is that queue again that comes back
17 toward Route 2. That was brought up as a concern.
18 Before we had done any analysis, that was one of our
19 solutions to make the entrance move free flowing.

20 Down to Route 2, this entrance ramp and the cross
21 over, that is remaining the same (Indicating). There
22 was some modification made by the state several years
23 ago to reduce some of the through movements here. Part
24 of what we did in our first letter was to look at the
25 accident history to show that improvement that DOT had

1 made several years ago actually has improved that
2 condition. So, this is to remain the same. We
3 actually did look at the potential of getting rid of
4 that cross over for site traffic as part of that
5 analysis that we did. What we found is kind of what we
6 were dealing with and why we added this right turn - if
7 we take that cross over away, then the queues transfer
8 over to here (Indicating). So, from a site
9 perspective, having the two of them really is the
10 advantage that we're looking for.

11 CHAIRMAN STUTO: You did do some interior
12 improvements in there in terms of - there are three
13 lanes in there now?

14 MS. HOLZBERGER: Yes.

15 CHAIRMAN STUTO: But it's not currently that good,
16 right?

17 MS. HOLZBERGER: The intersection is a little
18 different, so it's better for stacking. Right now
19 there is the lane that goes through and across and
20 there is a right turn lane. Maybe it extended a little
21 bit.

22 CHAIRMAN STUTO: I meant from current conditions.

23 MS. HOLZBERGER: This last driveway - the right in
24 and right out, farther down on the ramp from that -
25 that is remaining the same (Indicating).

1 CHAIRMAN STUTO: Now the other bridge, north of
2 that bridge, DOT is looking to maybe close that?

3 MS. HOLZBERGER: Yes.

4 CHAIRMAN STUTO: So, if you're going north, you
5 could take a left to get into the mall now, or to do a
6 U-turn.

7 MS. HOLZBERGER: If you're on this ramp now, you
8 can do a U-turn and come down and go into the site.
9 When DOT actually changes that, if you're coming up the
10 ramp, you would have to go through the roundabout to do
11 that move.

12 CHAIRMAN STUTO: The thinking is by DOT and we've
13 talked about it before with our Town Designated
14 Engineer. That's a good thing to prevent stack ups,
15 right?

16 MS. HOLZBERGER: We had talked to DOT obviously as
17 part of us redeveloping this site, and potentially
18 that's an access point into our development that now is
19 going to be taken away. Creighton Manning did have
20 conversation with. They actually said that the volume
21 that uses that - they weren't concerned about it. They
22 felt that the roundabout had sufficient capacity to
23 handle those additional vehicles that were making that
24 movement. I'm not sure if you would use that. To me,
25 if you're going onto Route 9 north, you're more likely

1 to turn into Kunker and come in across Lowe's. I think
2 that ramp is not as utilized. It's more maybe for
3 people that were utilizing some of the retail here that
4 would come and maybe go over here and do that
5 (Indicating).

6 CHAIRMAN STUTO: So, all they have to do is go
7 around the circle and come back down.

8 MS. HOLZBERGER: Right, or enter at Kunker. Or
9 you could go on the circle to Route 2 and turn in at
10 Herbert, too. There are definitely access points for
11 the site.

12 CHAIRMAN STUTO: Thank you.

13 We're going to ask our Town Designated Engineer to
14 critique that, as well.

15 MR. BRICK: To conclude, Mr. Chairman, in addition
16 to addressing department comments, Town Designated
17 Engineer comments, Joe LaCivita's staff did forward us
18 some comments and concerns raised by some of the
19 neighbors. I think that it was some neighbors up here
20 that were concerned about the loss of landscaping and
21 greenery and trees along the property line resulting
22 from the existence of grapevines. Anyone that has
23 grapevines knows that if you don't stay on top of them,
24 they can do some damage pretty quick. That's easily
25 addressed by us. We can get somebody up there either

1 in the winter or spring to make sure that we take out
2 all the grapevines on our site to prevent that from
3 negatively impacting the existing landscaping.

4 Also, our proposed Tenant A building - the
5 existing building that is in this location is two
6 stories. It's about 40 feet high. It is visible from
7 the properties along Herbert Drive and Grandview.
8 What we are proposing as the Tenant A building to
9 replace the existing will be one story and will be a
10 total of 18 feet high. It's going to be significantly
11 lower in terms of the grade and it's not going to be as
12 visible or aesthetically negative as a result of the
13 exiting building there. It's going to be 22 feet
14 lower, which we think will benefit everybody up on the
15 hill.

16 Also, we have done some investigation. There were
17 some concerns about light pollution.

18 CHAIRMAN STUTO: Let's stick to the spot where we
19 just were.

20 I know that there are elevation changes. We
21 talked about this before. Is there any screening that
22 can be done in there like pine trees or something?

23 MR. BRICK: What happens because it's a 40-foot
24 building is that some of these houses in the back look
25 right over the fence and they're looking at the

1 building itself. With a lower building, we're hoping
2 to reduce the building down so that it's back down
3 behind that fence to reduce the visual impacts when
4 we're looking out of these back yards. There is
5 landscaped screening but in certain instances, again,
6 those grapevines have really done some damage to some
7 spots. So, we can look into filling that in as well.

8 CHAIRMAN STUTO: And I'll ask Chuck to comment on
9 that one.

10 MR. MION: In that same area, you're going to put
11 lighting on the back too, correct?

12 MR. BRICK: Yes.

13 MR. MION: And that's all going to be down
14 lighting?

15 MR. BRICK: Yes, the intension of the lighting
16 plan is to keep all the lighting on the site.

17 At the intersection of Grandview to the back of
18 the building, it's about 280 feet and it's a 60 foot
19 difference in elevation. So, with the lower building,
20 the lights would necessarily be lower and I would think
21 that any lighting is going to go right in the side of
22 that hill now, as compared to where it exists now. I'm
23 not sure how high the lights are in the existing
24 building, but they're pretty high up. They probably
25 reach over that fence and intrude up on the hill. That

1 wouldn't happen with the lower building with the lower
2 lights.

3 MR. MION: You're going to keep the light directly
4 down?

5 MR. BRICK: Yes, our plan is to keep all lighting
6 right on the property. If you're talking about a
7 shield coming down, yes. It's not getting past the
8 roadway at all; not out and not up.

9 In terms of light, we're still investigating that
10 one comment from the resident, but from what we can
11 tell from site visits as well as looking at the site
12 plans, we think that it's actually the geometric of the
13 turn into the CVS across the street that would be
14 casting the headlights onto where the complaint is
15 coming from. We're not entirely sure that it's Lowe's
16 that is causing it. We think that it might be CVS and
17 we are investigating it. If there is anything that we
18 can do regarding it from our side, we'll definitely
19 work to rectify it.

20 CHAIRMAN STUTO: Is that lady here; Janette
21 Terrell?

22 (There was no response.)

23 CHAIRMAN STUTO: We also have a letter from Elena
24 and Geoffrey Behuniak. We'll go through some of that.

25 MR. BRICK: That is where we stand now. We

1 recognize that when we were at the public hearing, we
2 were listening to comments and we want to address any
3 other comments that the Board or the public may have.

4 CHAIRMAN STUTO: And we will hear from the public,
5 but we want to hear from our Town Designated Engineer.

6 Chuck Voss?

7 MR. VOSS: Thank you, Mr. Chairman.

8 As the applicant has noted and Mr. Brick has
9 noted, we have been working extensively with the
10 applicants in the past two months now with this
11 project. We have met extensively to discuss not only
12 their preliminary concept plan, but their preliminary
13 final plans and then the latest submissions, which we
14 received just recently. There has been a lot of effort
15 to look at this in a lot of detail certainly over the
16 last couple of months.

17 With me tonight is our sub consultant, Tom Johnson
18 from TR Johnson Engineering, our traffic consultant,
19 who can certainly answer any traffic related questions
20 that the Board may have as we move forward. I have
21 with us our senior landscape architect Ted Kolankowski
22 who can certainly address any landscaping issues or
23 things like that. We've all had input on this project.

24 As was noted, we generated a fairly significant
25 11-page comment letter back in late November for the

1 Board and certainly on this project. It outlined
2 multiple issues early on with the project of this type
3 and size. It's a significant redevelopment project.
4 As we all know, the project was previously built upon.
5 As the project is proposed, it's certainly within the
6 zoning constraints of the site. They meet the typical
7 setback area requirements and things like that. We
8 didn't have major issues there.

9 The initial concerns early on with site work
10 preliminary was infrastructure; most notably stormwater
11 management. Subsequent to the development of Latham
12 Circle Mall, which has been there for 60 plus years
13 now, the stormwater regulations have changed throughout
14 the state. There are new regulations that require
15 stormwater be mitigated on-site as the Board certainly
16 knows. We have worked extensively with the applicants
17 to take a look at this predeveloped site and determine
18 what are the best management practices to be applied
19 for this. In reviewing stormwater, we came up with
20 what we think is a viable solution working in
21 conjunction with the applicant's engineers. We put a
22 lot of hours and efforts into the review and basically
23 we feel now that we have complied with most of those
24 requests. As Mr. Brick noted, it generated a lot of
25 comments on this. In a meeting we had towards the end

1 of November on the 28th we sat down with a consultant
2 team and we walked comment by comment through our review
3 letter. The applicants literally addressed virtually
4 every one. So, I give them a lot of credit for being
5 very responsive and working with us on most of those.

6 In addition, the applicants have met with probably
7 every Town Department I think at this point. We've
8 attended those meetings as well. I certainly can't
9 speak for those departments, but the feedback was
10 certainly positive that the applicants were working
11 with those departments to comply with pretty much
12 everything that they've asked for.

13 There are certainly some waterline issues and I
14 won't bore the Board with the technical issues. Those
15 are outlined in our comment letter. We were really
16 concerned tonight most predominantly with what were
17 those outstanding items that the applicant simply
18 couldn't address. From what I could tell, they were
19 extremely minor with just those two comments being
20 noted earlier.

21 With that, unless the Board has any specific
22 questions, we're confident and we're comfortable that
23 they have addressed all of our issues to date. I know
24 that there are a lot of technical issues and things to
25 still be sorted out such as pipe sizes, valve locations

1 and things like that. From a overall standpoint,
2 they've addressed our stormwater issues, they've
3 certainly addressed the water infrastructure issues,
4 they've addressed the sewer issues which are just
5 on-site. There is certain capacity there for
6 electrical utilities. The parking issue has certainly
7 been expanded in terms of capacity by removing a large
8 section of the existing building. The greenspace
9 issues, we feel, are certainly adequate and they've
10 expanded the greenspace from whats on-site now. That's
11 certainly an improvement. The access issues - I know
12 that we've been working with DOT and we've been present
13 at all those meetings. In our discussions with Kevin
14 Novak, the DOT Regional 1 Engineer, he seems very
15 comfortable with the proposal so far. Although we
16 don't have DOT's comment yet in writing, it's assumed
17 that they will be probably delivered fairly shortly.

18 The internal circulation issues - we still do have
19 some additional concerns with that. I can certainly
20 have Tom address that if the Board would like to do
21 that in a few minutes. Overall, we're fairly
22 comfortable in terms of the technical issues and that
23 they have been addressed. With that, I'll open it up
24 to the Board if they have any additional questions.

25 CHAIRMAN STUTO: I think that since this is a

1 major project, we'll do one round with the Board, we'll
2 hear from the public, and then we'll come back to the
3 Board again with questions.

4 Lou?

5 MR. MION: I don't have any questions.

6 CHAIRMAN STUTO: Brian?

7 MR. AUSTIN: I don't have anything at this time.

8 CHAIRMAN STUTO: Tim?

9 MR. LANE: I just have one and it was in reference
10 to the comment under traffic evaluations. The issue
11 with not being ADA compliant, is that something that's
12 been addressed?

13 MR. VOSS: Tim, that's one of those issues that
14 Andy touched on that the applicant is working directly
15 with DOT on pedestrian improvements for that
16 intersection. In the last meeting that we had with
17 Kevin Novak with DOT where the applicants were present,
18 Kevin expressed that DOT does require certain
19 structural improvements and physical improvements for
20 that intersection. The applicant should be required to
21 contribute to those. Most of the curb cuts that are
22 there - DOT did some of the intersection work a few
23 years ago. They added some curb drops for ADA
24 accessibility and certainly Wendy can elaborate, there
25 are more things like pedestrian phasing and like

1 changes for that.

2 MR. LANE: The wording of it was that we disagree
3 with the assertion.

4 MR. VOSS: But that is basically taken care of
5 now.

6 CHAIRMAN STUTO: Mike?

7 MR. SULLIVAN: I had a quesiton for the applicant.
8 Are there any updates on the tenants or proposed uses?

9 MR. HEBERT: There are no updates. We're
10 basically at the same place that I think that we talked
11 the last time. We've got two major tenants that are
12 very committed to the site, but not signed leases.
13 They're waiting to hear where the time stands time wise
14 with the approval. Whenever that happens, we'll let
15 you know. Our hope is that others will follow along
16 the same lines that we've been talking about like
17 restaurants.

18 CHAIRMAN STUTO: Karen?

19 MS. GOMEZ: No questions at this time.

20 CHAIRMAN STUTO: I have a couple of questions
21 before we move on.

22 I know that the Tenant A building or the Tenant B
23 buildings are new from top to bottom. The existing
24 multi-tenant building - are you doing any interior fit
25 up in there? That would be the theaters on the top?

1 MR. HEBERT: It would be redemised and broke up
2 into sections on entirely the first level. The second
3 level we're still, in fact, finding as to what we'd
4 like to do there.

5 CHAIRMAN STUTO: So, you're going to redo the
6 whole first level.

7 MR. HEBERT: The first full level will be done.

8 CHAIRMAN STUTO: Anything with JC Penny?

9 MR. HEBERT: No.

10 CHAIRMAN STUTO: What will the exterior
11 architecture look like? I guess that's an important
12 one.

13 MR. BRICK: This is the elevation, which is
14 similar to what we showed you back in September. It's
15 a little further down. It's showing all the way down.
16 This is the proposed four-sided elevations for the
17 Tenant A building.

18 CHAIRMAN STUTO: I'm interested in materials and
19 so on. Tell us more.

20 MR. BRICK: If you specifically want to talk about
21 features and materials, I would turn it over to Jeff
22 Coleman, our architect.

23 CHAIRMAN STUTO: Yes, we want to know the
24 architectural features.

25 MR. COLEMAN: Basically, it's a masonry building

1 with different types of textures on it; different
2 bricks -

3 CHAIRMAN STUTO: Can you tell us what we're
4 looking at?

5 MR. COLEMAN: This is the front of the Tenant A
6 building, and this would be the front of the Tenant B
7 building.

8 CHAIRMAN STUTO: Can you show us the elevations
9 again? I'm not sure if we're looking at the same
10 drawing.

11 MR. COLEMAN: It's pretty much the same. I think
12 that with a couple of last minute modifications -

13 CHAIRMAN STUTO: Ours is noted A3 on the sheet
14 that we're looking at.

15 MR. COLEMAN: Correct. Those are the same
16 elevations, except you're seeing the entire elevation
17 from one end to the other.

18 CHAIRMAN STUTO: Is that identical to what you
19 have on the board?

20 MR. COLEMAN: Yes.

21 CHAIRMAN STUTO: The top one is Tenant A?

22 MR. COLEMAN: Yes. There were some minor
23 modifications to a few of the elements.

24 CHAIRMAN STUTO: This is a major development.
25 We'd like to know exactly what we're building and I'm

1 sure that the public is interested as well.

2 Tell us about materials. The architecture looks
3 quite plain.

4 Can you hold it at that table? That way, the
5 public is welcome to come up, too.

6 MR. COLEMAN: Basically, it's a masonry building
7 with different types of textures. There is brick and
8 block, there is foot-based block and there is smooth
9 block.

10 CHAIRMAN STUTO: Do you have any samples here?

11 MR. COLEMAN: No, I don't have any samples here.
12 The sides and the back are precast panels.

13 FROM THE FLOOR: Is the brick actually brick?

14 MR. COLEMAN: It's real brick. It's panelized
15 brick, but it's real brick.

16 FROM THE FLOOR: I haven't seen any of this. This
17 is the first time that I'm seeing it.

18 CHAIRMAN STUTO: You'll have every opportunity for
19 questions. That's the main building right in the
20 middle, ma'am.

21 Chuck, what is your opinion of this?

22 MR. VOSS: It's a large facade. It's hard to see
23 if there is relief in that facade. It looks like there
24 are some sections there that kind of pull out and set
25 back. With such a large expanse, they can break it up

1 a little bit more with more relief or some design
2 elements of front awnings and things like that. I
3 guess it kind of depends on what their tenant is
4 looking for and what their preferences are.

5 I know it's kind of a mall site and this building
6 is kind of a standalone building. It's tough to kind
7 of work something down both of those linear sides. The
8 rear is typically, I think, more for service than
9 access. So, it tends to be more plain.

10 CHAIRMAN STUTO: I'm more worried about the front.

11 MR. COLEMAN: If you look at the perspective,
12 there's actually quite a bit of relief on it. It looks
13 kind of flattened out on the elevations, but the two
14 different tenant buildings are different. There are a
15 lot of ins and outs.

16 MR. LACIVITA: What we are seeing before us is
17 driven by what Tenant A is looking for now?

18 MR. HEBERT: Yes.

19 MR. BRICK: Our philosophy behind it was we used
20 the language from the HCOR design standards, which
21 state that the buildings have to be compatible with
22 surrounding areas and surrounding buildings. The
23 compatibility is to be achieved through similar
24 building massing, material, scale, colors and other
25 architectural features. So, we utilized that

1 standard --

2 CHAIRMAN STUTO: I understand that, but we can
3 make recommendations to make it better.

4 MR. BRICK: I agree; you can.

5 MR. VOSS: Our landscape architect is here as
6 well.

7 Ted, I don't know if you have any additional
8 comments.

9 MR. KOLANKOWSKI: Do you have any additional
10 boards that show additional elements like banding or
11 some of the relief --

12 CHAIRMAN STUTO: A lot of that is existing in
13 Building B. Building A is the furthest away on that so
14 it's harder to see.

15 MR. AUSTIN: So, your tenants will dictate
16 basically what they want in the facade and the signage?

17 MR. HEBERT: Essentially, the tenants will come
18 forward with a signage package and if it doesn't comply
19 with your sign requirements, we'll come before those
20 Boards.

21 CHAIRMAN STUTO: This rendition is not official.

22 MR. AUSTIN: But from here it looks very nice.

23 CHAIRMAN STUTO: They're not bound by this.

24 Can you show us the other elevations for the other
25 parts?

1 MR. COLEMAN: They are all in your package.

2 MR. BRICK: It's tough to see because you're
3 looking at the front elevations, but if you look at the
4 site plan for Tenant A, you'll see that the facade is
5 broken up in terms of recesses and abut outs to a lot
6 more degree than, for example, Lowe's right next door
7 which is virtually flat going across the front. There
8 are public spaces that we're showing in the corners as
9 well as recesses and bump outs as you go along. When
10 the actual building is there, it drastically alters it
11 when you see it.

12 MR. LANE: Do you have plans for little sidewalk
13 cafe areas, or something to that nature?

14 MR. BRICK: Theoretically, we're not showing that
15 right now, but what we are showing is public space
16 between Tenant A and Tenant B are benches, tables and
17 places to get organized with your shopping bags or
18 maybe wait for a ride; that type of thing. We also
19 have room on the southern side on the Lowe's side to do
20 something of that nature, as well.

21 CHAIRMAN STUTO: Andy, I think what Peter was
22 getting at is if you could hold up that elevation
23 drawing again; the one that shows the Tenant A
24 building. I think that what you're seeing is a
25 straight linear type of roof line. Is there someway to

1 make that entryway with an arching roof? Something
2 that will draw the focal point?

3 MR. COLEMAN: Actually, these lower masses here
4 are actually pulled forward.

5 MR. LACIVITA: I'm talking about the section that
6 says Tenant. I'm assuming that is going to be a
7 forward component of the building, or maybe it's a
8 recessed part.

9 MR. COLEMAN: It's actually set back and these two
10 are pushed together (Indicating).

11 MR. LACIVITA: I think that what Peter is getting
12 at is you have a linear roof that you can see right
13 here. Is there any way that some of the roof structure
14 can change a little bit or tweaked a little bit so that
15 you don't have that straight look on your eye and maybe
16 an arching roof over that, or something that is going
17 to make the roofline change a little bit? You see it
18 at Fresh market and you're going to see it at the
19 Village of New Loudon.

20 MR. COLEMAN: There are a lot of different things
21 that are going on with this thing. There are a lot of
22 textures. There is a lot of different colors and
23 bandings and massings to do what you are suggesting and
24 to break it down into smaller parts and give it more of
25 a human scale because it is such a large facade.

1 That's what you want to do. There is a lot going on
2 and we can do more. At some point it gets so busy and
3 then you have to try to find a balance. That's the
4 stopping point where it's at right now, but that's well
5 taken and I believe that could change some heights in
6 the parapet there.

7 CHAIRMAN STUTO: We're here for final, so I'd like
8 to hear something definitive here.

9 We'll get back to it. We'll keep going. Maybe
10 you can think of something while we talk about other
11 topics. We're going to be living with this building in
12 the center of our Town for a long time.

13 Parking and traffic -- can we hear from our TDE on
14 that? I don't think that everything is perfect on
15 that.

16 MR. JOHNSON: I have two more items regarding the
17 parking and the traffic. The first one is a
18 clarification that Wendy had mentioned regarding the
19 entrance and the queues going out to Route 9. There
20 was discussion that the stop signs at both those
21 driveways to Route 9 are going to be removed. The site
22 plan that I saw or the submittal plans that I saw
23 yesterday dated the 17th still show the stop signs on
24 them. They're coming out?

25 MS. HOLZBERGER: They're coming out.

1 MR. KOLANKOWSKI: The other item that i have is
2 still having the parking on the main aisle into the
3 site on the south side of the --

4 CHAIRMAN STUTO: Can you explain to the Board and
5 the public why that is not ideal?

6 MR. JOHNSON: The main entrance aisle to Route 9
7 coming in has an island on the north side that prevent
8 vehicles from entering and exiting. When someone backs
9 out of the lane, they'll back into the whole 24 foot
10 and not just the travel lane. On the south side, you
11 have existing parking spaces there so that's not going
12 to be prevented. You'll have people trying to pull in
13 and back out into the travel lane which is the main
14 entrance of the site. Regardless of what parking
15 ratios are, I do see that there are going to be some
16 conflicts to get through this area.

17 CHAIRMAN STUTO: How serious a problem do you
18 think that is?

19 MR. JOHNSON: I think that it could be potentially
20 serious. On the north side they obviously show to me
21 that they recognize the issue, as well. They're trying
22 to satisfy some parking concerns with their tenants. I
23 would like to see the whole aisle removed, at least at
24 a minimum of five or six spaces removed from the ends
25 where you're going to have people turning around the

1 corner, versus somebody who is at the end trying to
2 back out into the parking areas and into the drive
3 aisles. The same thing here where you have people
4 coming to a stop (Indicating). They're so close to the
5 parking that people won't be able to get in and out of
6 the parking aisles here. I just think that there is
7 going to be a lot of conflicts in these areas.

8 CHAIRMAN STUTO: Can they make up any of those
9 spaces anywhere else on the site?

10 MR. JOHNSON: It looks like it's pretty maxed out.
11 There is a lot of parking everywhere else.

12 MR. KOLANKOWSKI: Andy, a quick question related
13 to that: Is there any additional capacity on the
14 adjacent parcel behind the Nemer auto dealer to expand
15 that site up there? I know that there are some
16 elevation issues through there, but is there any
17 additional capacity that you guys can pick up in there?

18 MR. BRICK: The difficulty with any expansion up
19 in that portion is that then you're carving into your
20 greenspace. You're reducing your greenspace. We
21 absolutely don't want to reduce greenspace.

22 In terms of Tom's concern, there is a potential
23 for conflict in every parking lot.

24 I'm going to submit to the Board this evening some
25 pictures I downloaded from Google Earth of the office

1 building at the corner of Wolf Road and Sand Creek,
2 some office buildings at Century Hill, Latham Farms,
3 Price Chopper on Route 9, Sam's Club in Latham Farms as
4 well as the Northway Mall. In all these instances,
5 there are access aisles with the same type of situation
6 where people are backing into major access aisles.

7 For example, the first one, the Wolf Road office
8 building - people are pulling off of Wolf Road and they
9 are within 20 feet of the first spot. It does exist.
10 Wendy explained it better than I did when we speak
11 about this. She says, with a site like this, you're
12 never going to eliminate all the potential conflicts.
13 A parking lot by itself, by it's very nature, is a
14 field full of potential conflicts. What you have to do
15 is seek to minimize it, but at the same time balance
16 the need of the tenants for the amount of parking
17 spaces. That's what we're trying to do by showing it
18 on the north side, but retaining the spaces on the
19 south side.

20 CHAIRMAN STUTO: Tom, what else do you have?

21 MR. JOHNSON: As far as outstanding items, those
22 were the two items that I had. I do agree with the
23 potential of the right turn exit out helping the
24 situation crossing over to the bridge. Ever since the
25 state came through and took out a lane on this side of

1 Route 9, we do have longer queues. So, if we can
2 provide some relief out there, I think that's a good
3 idea. The analysis has pointed that out and I do agree
4 with that.

5 We did have concerns again, in that there was no
6 continuation of this road through the site, originally.
7 Obviously, that is a very good item.

8 The last thing was the angle coming in. We're
9 very concerned with the high speeds. The way that it
10 was originally laid out was a flat angle. Again, they
11 have come with a right in and right out design to
12 reduce those speeds coming in.

13 CHAIRMAN STUTO: So, that parking conflict is the
14 major concern.

15 MR. JOHNSON: For me, yes.

16 CHAIRMAN STUTO: Shall we open it up to the
17 public?

18 I will note for the record that Elena and
19 Geoffrey, we do have your letter. I only read it
20 quick, so if you're going to speak please make your
21 major points.

22 MS. BEHUNIAK: Would you like me to read the
23 letter?

24 CHAIRMAN STUTO: You can just make your points.
25 I'm not going to stop you from talking.

1 MS. BEHUNIAK: In addition, there are many other
2 things.

3 CHAIRMAN STUTO: Jeanette Terrell sent a note
4 also.

5 MS. BEHUNIAK: The thing is that we only just got
6 the information and we had to do this very quickly.

7 CHAIRMAN STUTO: I do appreciate that.

8 John Fahey, do you have any comments?

9 MR. FAHEY: Just a quick question. Is this the
10 last time the applicant comes before this Board?

11 CHAIRMAN STUTO: If we vote, yes.

12 MR. FAHEY: How many parking places are going to
13 be for Tenant A? The reason I ask is if you don't know
14 who the tenant is, it can be a low volume tenant like
15 Shop Rite and it could be sufficient parking. If you
16 stick an Ikea in there that's going to be a regional
17 destination, you don't have anywhere near enough
18 parking. Just keep that in mind. I would rather have
19 the applicant identify the tenants to put our minds at
20 ease.

21 MR. LANE: The tenant is going to see the amount
22 of parking and based on what they are telling us,
23 they're going to decide whether there is enough parking
24 there for them.

25 MR. FAHEY: I hear what you're saying; okay.

1 MR. BRICK: For the record, Mr. Chairman, if Ikea
2 came in and had an interest, we would come in seeking
3 whatever parking we would need for them.

4 CHAIRMAN STUTO: Geoffrey and Elena, it's your
5 turn. We'd like you to go to the microphone if
6 possible for the steno.

7 MR. BEHUNIAK: Good evening. I'm Geoff Behuniak
8 and I live at 36 Grandview Drive.

9 CHAIRMAN STUTO: Can you show us where that is on
10 that map behind you?

11 MR. BEHUNIAK: It's at the intersection of Herbert
12 and Grandview.

13 CHAIRMAN STUTO: You're the first house there on
14 the corner?

15 MR. BEHUNIAK: Yes. I'd like to start out by
16 saying that I've been anticipating a redevelopment
17 proposal and looking forward to it. I've done business
18 with the businesses at the mall up until this last
19 summer. My insurance agent moved out. I like to
20 support good business and I'm hoping that everybody
21 works together.

22 I've raised two issues that are in the letter that
23 I submitted. The first is the issue regarding the
24 State Environmental Quality Review Act. The initial
25 proposal, included rezoning -- it included demolition

1 at the Lowe's portion. It included demolition and
2 reconstruction at the central portion, and there was a
3 tenant expressed as to the redevelopment at the
4 northern section toward Herbert Drive.

5 The issue that I raised is that I don't think that
6 you can piece meal this redevelopment. I think that
7 the developer has made a real clear indication that
8 there is an intent and made application and withdrew
9 them. Time was an issue. I understand that. I don't
10 think that you can piece meal it. That's why I'm first
11 going to ask you not to submit a negative declaration.

12 The second issue that I raised has to do with the
13 second issue before the Board and I'm trying to think
14 about how to approach it tactfully. This is the first
15 time that I've had contact with several members here
16 that made the presentation. They seem to be upstanding
17 gentlemen. They seem to be people that you can
18 comfortably deal with. I'm going to ask the Board not
19 to pass the site plan approval because I feel as though
20 many of the intricacies that are now presented in the
21 site plan were really not available to the general
22 public until last Monday when they were submitted. My
23 property abuts directly the loading docks that are
24 being pushed out. Mr. Brick mentioned that the
25 developer would be willing to clip the vines and

1 possibly plant some trees. I'm not sure that there
2 aren't other measures that can be taken.

3 CHAIRMAN STUTO: What would you suggest?

4 MR. BEHUNIAK: To be honest with you, one of the
5 things that -- good question. I don't know what
6 tenants are moving in. I don't know if there will be
7 refrigeration trucks. I don't know how high the
8 buffering is going to be. I think that there are
9 traffic issues. As you can see from the photographs
10 that I've shown you, the commercial traffic is
11 actually driving up to Grandview Drive. They damage
12 property. This line is supplying the movie theater.
13 Whoever it is, when they unload, they drive up into
14 Herbert, they turn up Grandview and back up Grandview
15 and then turn down Herbert so they're using that
16 intersection as a U-turn because they can't maneuver
17 the vehicles through the parking lots. They have to
18 position their trucks so that they can unload. The
19 buffering - I would be very frank and honest with you,
20 I've looked at the plans and I've tried my best to
21 understand them. I would have appreciated the
22 developer saying hey look, I'm not sure if other
23 individuals who live there -- if he's actually
24 communicated with them at all, but I would have
25 appreciated if they said, look, we've got these loading

1 docks here and this is the height of the wall and this
2 is how it's buffered. It's still ambiguous to me.

3 CHAIRMAN STUTO: I'm going to let you complete
4 your statement and if anyone else wants to, we'll try
5 to address all the points.

6 I will say this to you, there is a good chance
7 that we may come to a vote on this tonight, so if you
8 have some specific ideas - and I'll try to milk some
9 ideas out of the developer and our consultant - tonight
10 may be the night.

11 MR. BEHUNIAK: I also wanted to make sure that the
12 lights are not shining into that neighborhood. When
13 Lowe's went in, initially, the developer had the
14 contractor sign high wattage lights up there and
15 literally your rooms were as bright as having a 60 watt
16 bulb on. My concerns are from my perspective. As I
17 look out over that mall that there is going to be an
18 awful lot of lights set in the parking lot such that
19 that's all you're going to see. They're actually
20 pretty bright. If I look over at Lowe's as what I call
21 the skyline, sometimes those lights actually hurt your
22 eyes even if you look at it for a short period of time.

23 Noise - I'm not sure how much traffic is going to
24 be back there. Who will the tenants be? How many
25 deliveries are they going to make? Those trucks are

1 going to have to maneuver, back in and pull out. I'm
2 not going to kid any of you. I was anticipating that
3 this redevelopment.

4 I think that opportunity is good for everybody.
5 Here is the reality: I've got a terminal now being
6 proposed abutting my back yard and it wasn't there in
7 the past. I think that they should actually postpone a
8 vote on the --

9 MS. BEHUNIAK: Damage to our property.

10 MR. BEHUNIAK: I think that you should postponed
11 the site plan approval simply because I think that
12 there are details that you have to work out. It's
13 possible that issues could be resolved without getting
14 to a point where there is animosity or anything like
15 that.

16 I'm not doing so well. The last time that I got
17 up here, I wound up -- if I told you the whole story,
18 you'd probably look at me and shake your head. I have
19 to be honest with you, it wasn't a pleasant experience.
20 I'm just telling you the truth.

21 I think that if this was postponed, it would be
22 real nice because it's quite possible for people to sit
23 down and say this is what we're going to do and this is
24 what you're going to see back there and we could
25 probably come to a mutual consensus that this is the

1 way that it's going to be, comfortably.

2 MS. BEHUNIAK: We have, on many occasions suffered
3 damage by these trucks that you see in the photographs.
4 One particular truck drove right over our property and
5 left big ruts in our lawn. Our neighbor saw this
6 happen and jotted down the licence plate number and
7 rang my doorbell. I think my son and I got into the
8 car and we drove over to the cinema and sure enough,
9 that's where the truck was. So, we got their telephone
10 number from New Jersey or somewhere and we contacted
11 them and they said, sure, we'll take care of it. There
12 was a snowfall the next day so we couldn't really have
13 someone come and do the repair work -- at least we
14 didn't think so. When the time came for spring to take
15 care of the damage, they said, oh, it's a new company.
16 It's been done more than once and we've had to bear the
17 brunt of the damage.

18 MR. AUSTIN: Ma'am, do you feel that there is a
19 lack of proper direction for the trucks?

20 MS. BEHUNIAK: My son and I were discussing it and
21 we feel that the trucks probably can't make the left
22 turn onto the cinema parking.

23 MR. BEHUNIAK: I think that they might be
24 confused. There are signs that say there is a parking
25 deck here and there are signs that say this is the

1 commercial entrance. They're not suppose to be using
2 that. If they can't use the parking lot over on
3 Herbert Drive, but there is a business across the
4 street --

5 MR. LANE: I find it hard to believe that they
6 can't make that and they have to use that in that way.
7 We discussed the difficulty with the fire services.
8 This is a new group and we have a Town Designated
9 Engineer that has gone to great lengths with the
10 developer and with DOT to work out things with prior
11 ownership details that had never been touched on to
12 improve on every aspect of the entire layout, the look
13 and the feel of the entrances and I'm certainly sure
14 that they want to be good owners. We discussed the
15 last time that they were here -- the issues regarding
16 the neighborhood and we want to address the signage and
17 they can impose certain requirements to each of the
18 tenants as far as how those access points are used.

19 MR. LACIVITA: There is no disrespect to any of
20 the comments that we're going to hear from any of the
21 neighbors, but there are things that we have to deal
22 with from a planning perspective on the historical
23 nature of what an older mall and the problems that
24 exist. We know that there are. How do we get through
25 them with the new developer who says time and time

1 again that we can meet those questions or we can meet
2 those demands? I think as Tim had mentioned some of
3 the other sites that we have worked through the process
4 when we get a delivery route, or we get a new tenant
5 coming in. Management can put in place certain routes
6 that they have to take. These things will be the
7 criteria that anyone making deliveries know that they
8 have to go specifically into a certain area. Anything
9 outside of that, we can work with our Highway Safety
10 Committee or anything else. We can put additional
11 signage in and we can have our police force up there.
12 If it says no tractor trailers up in this area and they
13 see them, they get ticketed. You only have to be
14 ticketed once and you know that you can't do it again.
15 It think that's something that management can do to put
16 that in. Those are the required routes that they have
17 to deliver within.

18 MR. HEBERT: Everyone of our leases that we are
19 negotiating now are very explicit about how each of the
20 operators receive. They are laid out on the plans.
21 You can see the truck routes and you can see the access
22 where the exits are. It's on the plan. Beyond that, I
23 think that the signage that has already been touched on
24 is a significant issue.

25 MS. BEHUNIAK: We don't sit and take photographs.

1 I have, however, placed my camera at a very assessable
2 spot. I hear this rumble and it's so horribly loud and
3 I say, what's happening? My driveway is now falling
4 apart.

5 CHAIRMAN STUTO: You will get another turn.

6 Sir, can you go to the mic?

7 MR. KALINCHAK: My name is Mike Kalinchak. I live
8 on the corner of Kunker and Grandview. I'm going to
9 stick up for Geoff right here. The delivery trucks
10 that come in to feed the theater usually come up
11 Kunker, go up Grandview, tear wires down and rip siding
12 off of houses. I caught them twice. I turned them in.
13 Houses were repaired and wires were still tore down, no
14 matter what.

15 I've driven tractor trailer for 30 years. When
16 they come up Herbert, there is no way of servicing that
17 theater coming up Herbert because you would have to
18 back down Herbert all the way into Martin Nemer's
19 parking lot. When they come up Herbert, they go up and
20 drive down onto Grandview, back up Grandview and you
21 take a 48 or 53 foot trailer -- these men are out on
22 three and four day service calls and you back that
23 trailer up, there is not enough room to make the turn
24 from Grandview back onto Herbert. Either the tandem on
25 the trailer will run over the point where the signs

1 are, or they will run over their lawn. They did last
2 year several times. There has to be a system put in
3 place for a tractor trailer to come up either up
4 Herbert and find a place for him to turn around, or go
5 in by the old two-story parking lot. Maybe they need an
6 elevator system to get the stuff up there. We've had a
7 sign up in the back of the mall and 99 percent of the
8 trucks obey it. The guy that is delivering to the
9 theater -- he's got to get near an entranceway. He
10 can't walk it through the front door by Penny's and
11 take it up the escalator. He does it with an electric
12 pallet jack and that's the only system for him to get
13 in. There has to be something designed and put in
14 place for these people to come in without tearing up
15 the neighborhood and get their delivery system done.

16 Like I said, I drove for 30 years. I delivered to
17 that mall for 15 of them. I know what a pain it is.
18 It is a big oversight not to address this trucking
19 system that has to come in to feed that theater. If
20 you're not going to put something out back, put
21 something in front where he comes through with the
22 electric pallet jack and put an escalator or elevator
23 right up front so that he can get the materials up
24 there. There is no way for him, once he drives up
25 there, to deliver. He has to turn around. He's taking

1 wires down left and right up there. One went by the
2 other night and I nearly walked out to check my house
3 because I just had it resided and I know that the wires
4 are under it. It's something that has to be addressed.

5 Anybody else like to be heard from the public?

6 (There was no response.)

7 CHAIRMAN STUTO: We'll try to get responses right
8 now on those comments. With regard to light, screening
9 and noise, I'm looking to the TDE and the applicant.
10 I'll give the TDE the lead role here. We'd like to do
11 something better in the back of that building for those
12 neighbors.

13 MR. VOSS: I think that with the lighting, the
14 applicant has submitted certainly a lighting plan
15 that's very extensive. We have reviewed it and
16 basically the proposals are to put all special kinds of
17 wall packs or downcast lighting with shielding on it
18 there. Perhaps the applicants can expand on the types
19 of lighting and elevations. According to the lighting
20 plan, we didn't see significant light spillover at all
21 over to those back properties with the proposed
22 lighting elements that they are using. I think
23 certainly with the equational changes in the building
24 going from 45 feet down to 18 feet, there is a lot less
25 area to be illuminated on that site. Potentially, they

1 could further mitigate lighting with different types of
2 lighting or different styles of lights and certainly
3 different levels of illumination. However, you
4 certainly don't want to compromise safety at the back
5 end of this type of facility. I think that there are
6 some alternative suggestions that perhaps they could
7 look at to soften the lighting issues. Certainly off
8 the backside to eliminate any spillover would be an
9 option. I think that certainly from a landscape
10 standpoint, there is always additional landscaping that
11 could be added.

12 CHAIRMAN STUTO: Let's get specific and if you
13 want to bring Ted in -- we need some suggestions.

14 MR. KOLANKOWSKI: One of the things that we asked
15 for in the lighting was to expand the scope of the
16 initial plans. I haven't seen the lighting plan, but
17 certainly we will be reviewing it and looking at the
18 levels of footcandles. Obvioulsy, these are things
19 that you want to keep in mind.

20 In terms of the landscaping, we did talk about
21 that in our coordination meeting. There is some
22 existing vegetation there and we also felt that it
23 could be supplemented.

24 CHAIRMAN STUTO: Let's get specific. What are we
25 going to put back there?

1 MR. KOLANKOWSKI: I would suggest adding some
2 evergreens, so that it's year round screening.

3 CHAIRMAN STUTO: Could you be more specific? What
4 size and what type? What's the spacing?

5 MR. KOLANKOWSKI: I would definitely say eight
6 foot minimum. I think that's what the Town requires in
7 terms of projects like this.

8 CHAIRMAN STUTO: What types of evergreens and what
9 type of spacing?

10 MR. KOLANKOWSKI: Generally, 15 feet on center and
11 staggered.

12 CHAIRMAN STUTO: What type?

13 MR. KOLANKOWSKI: I would be open to some spruces.

14 CHAIRMAN STUTO: What would the applicant like to
15 put in there?

16 MR. COLEMAN: I just want to make sure that I
17 understand the location that we are proposing.

18 MR. KOLANKOWSKI: I think that we're looking at
19 this area here (Indicating).

20 MR. COLEMAN: We're absolutely receptive to adding
21 some evergreens on that hillside. I just don't know
22 what some of the existing vegetation is and where it
23 may fall into it. If it helps, certainly the sight
24 line going downhill at the highest point - we're
25 agreeable to that.

1 CHAIRMAN STUTO: How about subject to the approval
2 of the TDE and the Department of PDD?

3 MR. HEBERT: That would work for us.

4 CHAIRMAN STUTO: We're looking for big pines.

5 MS. BEHUNIAK: Please don't plant the pines that
6 Mr. Weiss planted. They're looking for help. They're
7 doing horrible.

8 MR. BRICK: Mr. Chairman, we have some Google Maps
9 as well as some pictures taken today of the specific
10 property in question. This picture was taken before we
11 got the letter, but we can show the Board what's there
12 now.

13 MR. AUSTIN: The landscaping plan put in our
14 packets and there is no landscaping for that back hill.

15 MR. COLEMAN: Correct.

16 MR. AUSTIN: I would assume that out of good will
17 to the neighbors that you would want to do as much as
18 we can to try to screen them.

19 CHAIRMAN STUTO: Can we say that we'll consult
20 with the neighbors and it will be subject to final
21 approval by the Town Designated Engineer and our
22 departments? Is the applicant agreeable to that?

23 MR. BRICK: Yes, and also in terms of the other
24 concern that ties into this was the lighting where Mr.
25 Behuniak said that's great that you're going to lower

1 the building. Now I'm going to be looking at potential
2 light pollution from the parking lot lights. We're
3 going to strictly adhere to your design standards which
4 require a light source cannot be visible from any angle
5 from adjacent streets or properties or the sky. Lights
6 must be designed and installed so as not to cause
7 illumination beyond the boundaries of the site,
8 excessively bright sources of illumination are
9 prohibited. That's a standard in your HCOR standards
10 that we're going to be guided by. So, these parking
11 lot lights are going to be straight down. Anybody on
12 Grandview or Herbert may see the light as it goes down,
13 but they're not going to have any light coming at them.

14 CHAIRMAN STUTO: Chuck, do you think that's
15 meeting the standard?

16 MR. VOSS: I think that they're meeting it, but I
17 also think that they are exceeding it especially with
18 the building height and the wall packs. Right now if
19 you go back there, the wall packs that are on the wall
20 of the existing mall are 45 feet up. They're
21 broadcasting light everywhere, which isn't suitable and
22 it's effecting the neighbors. That's a significant
23 improvement.

24 MR. BRICK: The other aspect that I would like to
25 touch on Mr. Chairman is that we would agree that it's

1 completely unacceptable for the trucks to try to do
2 U-turns up in the Herbert Drive and the Grandview area.
3 They shouldn't even be in that neighborhood. We'll
4 look at signage. As Mark has said, he can add
5 addendums or exhibits to his lease regulating their
6 entrance way as well as their exit points. We can look
7 at how the theater is serviced based upon the comments
8 of people who know what the problem is and see how it
9 can be addressed up there.

10 CHAIRMAN STUTO: I'd like to hear from Tom on that
11 traffic flow for the delivery flow in the back. Do you
12 have any opinion on that, Tom?

13 MR. JOHNSON: I'm confused as to what the problem
14 is. They're saying that they can't turn up onto the
15 deck or they park on Herbert?

16 MR. KALINCHAK: They park on Herbert. It's got a
17 weight limit to get up on the deck. These are tractor
18 trailers that weigh anywhere from empty to 30,000 or
19 loaded they can weigh 80,000.

20 MR. JOHNSON: So, they park on the road?

21 MR. KALINCHAK: They park on the road -- on
22 Herbert right across from the company that sits there,
23 they unload, they take their electric pallet jack, go
24 up the ramp all the way to the theater in the dead of
25 winter, and back out like that.

1 MR. JOHNSON: I don't know why we would want them
2 on the road at all. Is there a way to get them off the
3 road? We have the entrance to go underneath the deck.
4 There is a distinct truck entrance underneath the deck.

5 MR. HEBERT: Obviously, this doesn't operate
6 appropriately and at some point there has to be a
7 solution within the building that gets you up to the
8 second level. The desire would be to have everybody
9 receive on the lower level and not have any type of
10 receiving on the second level where the parking deck is
11 at all. So, at some point we have a solution for the
12 lower level tenants and we need a solution for the
13 upper level tenants. Right now the escalator is
14 obviously not working and the elevator is barely
15 functional. We realize that something needs to be
16 done.

17 MR. JOHNSON: It has to be a combination of better
18 signing --

19 MR. HEBERT: Signing for sure, but the problem is
20 also internal. I guess that's what I'm saying.

21 MR. JOHNSON: Right, the internal access of it and
22 definitely the signing.

23 CHAIRMAN STUTO: We need something firm. We need
24 that as a condition on this approval. We have to have
25 it.

1 MR. BRICK: We agree that at some point this is
2 going to be some part of the internal renovations of
3 the building, and that has to be addressed.

4 CHAIRMAN STUTO: We need a note on the plan or
5 have it as a condition or something.

6 MR. JOHNSON: Do you know if the road is weight
7 restricted now?

8 MR. BRICK: I know that the deck is; yes.

9 MR. JOHNSON: But the road itself?

10 MR. BRICK: I honestly don't know.

11 MR. JOHNSON: It could be a possibility to put one
12 of those weight restricted signs on that road as well.

13 MR. MAGGUILLI: Peter, that's something that the
14 Town can do. We can have Traffic Safety do that and
15 then put the appropriate signage there that prohibit
16 trucks completely, or put a weight limit on it.

17 CHAIRMAN STUTO: Right, but they also need an
18 interior solution to get the deliveries upstairs.

19 MR. KALINCHAK: May I make a suggestion? If a
20 truck comes in here and drives underneath the access
21 point to come over here (Indicating). Put an outside
22 elevator right here in this corner. He can drive his
23 truck up there back up to that elevator and come up to
24 the second floor. He can use his electric pallet jack
25 in there. I've used them myself in other places with

1 external elevators. Sometimes I know that they're not
2 the greatest thing. You have to use what you've got,
3 but that would eliminate all the traffic that's off
4 this road right here. If they went through the truck
5 route and underneath the access, he's actually closer
6 and probably on a flat level to get in.

7 MR. BRICK: Would it make a difference if instead
8 of the outside -- if we did something on the inside and
9 still put him in the same location?

10 MR. KALINCHAK: No. If you put him underneath
11 that, it's better for him.

12 CHAIRMAN STUTO: Thank you. So, we have a
13 commitment for that.

14 The other woman who is behind CVS -- I know that
15 she's not here and I read her letter. I'm not sure
16 that I understand her problem. What do you suggest
17 that we get on the record to make sure that gets a
18 close look?

19 MR. VOSS: I think that the applicant addressed
20 it. It seemed to be a light spill over issue. Cars
21 put out of that access way from my read of that letter.
22 It was more of a nuisance issue with lights and passing
23 lights swinging through her front windows. I can
24 clarify, but we did discuss some potential issues.

25 Andy, you're willing to work and certainly meet

1 with her or those landowners to discuss maybe some
2 landscaping ideas?

3 MR. BRICK: As I said, we're still investigating,
4 but we're trying to find out how we can help. We think
5 that the issue is a CVS ingress issue as a swing there
6 and the lights shine right onto that property in
7 question.

8 CHAIRMAN STUTO: You're agreeable to a solution as
9 agreed to with the Town Designated Engineer on that?

10 MR. BRICK: Sure. Also, my firm represents CVS in
11 a number of locations throughout Upstate New York. We
12 can also put her in touch with the appropriate people
13 at CVS, so that they can investigate it from their
14 property side as well.

15 CHAIRMAN STUTO: Anybody else from the public want
16 to be heard?

17 (There was no response.)

18 CHAIRMAN STUTO: Would you like to start with
19 SEQRA, Chuck?

20 MR. VOSS: Sure. As required by the nature of the
21 project or a Type I action under SEQRA, the project
22 could potentially have enviromental impacts. It's a
23 redevelopment site. Mike is distributing out the
24 Enviromental Assessment Form as well as a draft of a
25 negative declaration that was prepared. I think that

1 the key issues for the Board to consider when looking
2 at SEQRA is that this certainly is a redevelopment site
3 and you're not developing new on virgin land. It's a
4 preexisting mall site that has been significantly
5 altered in terms of the enviromental issues from 60
6 years ago when it was an open field.

7 Having said that, what I'd like to do is walk the
8 Board though the SEQRA resolution like we did the last
9 one just so that you can understand the potential
10 impacts and certainly what the mitigation is for those.

11 Certainly as we have looked at this potential
12 site, it's understood that they've addressed virtually
13 all of the enviromental issues that did pop up through
14 our process, so I'd like to walk the Board through
15 that. I'll just read it for the sake of clarification
16 so that it's certainly on the record for all to see.

17 What you have before you is a notice of
18 determination of no significant enviromental effect on
19 the environment. The long Environmental Assessment
20 Form Part III and negative declaration was prepared for
21 the Board.

22 To all interested agencies, groups and persons: In
23 accordance with Article 8 State Environmental Quality
24 Review of the Environmental Conservation Law, and the
25 statewide regulations under the Act 6 NYCRR Part 617,

1 the lead agency has received an Environmental
2 Assessment Form in conneciton with the the proposed
3 action described below and the lead agency, which is
4 the Planning Board, has determined:

5 1. That said proposed action will result in no
6 major impacts and therefore will not have a signifciant
7 effect on the environment, and.

8 2. Therefore, that an Environmental Impact
9 Statement is not required to be prepared."

10 That being said, there were no enviromental
11 impacts that were identified with this project that
12 would raise to a level of requirement of a preparation
13 of a full Environmental Impact Statement. So, we have
14 a negative declaration. I'll walk you through every
15 component.

16 The Lead Agency is the Town of Colonie Planning
17 Board. Person to contact for further information:
18 Rebekah Nellis Kennedy, Attorney, Town of Colonie Town
19 Attorney's Office.

20 The project identification is called the Shoppes
21 at Latham Circle and the action description is as
22 follows:

23 "The project will include redevelopment of the
24 existing Latham Circle Mall on two parcels of land
25 totaling 34.33 acres. Portions of the existing

1 shopping center will be demolished and approximately
2 280,452 square feet of new building construction -"

3 That number may be a little inaccurate.

4 "It will create roughly a 371,738 square foot
5 shopping center. Site redevelopment for the project
6 will include upgrades to storm water management
7 facilities, updates to sewer and water services,
8 reconfigured parking, new site lighting and new
9 landscaping."

10 The action location, as we know, is the former
11 Latham Circle Mall located at 790 and 800 Loudon Road,
12 also known as New York State Route 9 and 532
13 Troy-Schenectady Road, Latham, New York in the Town of
14 Colonie.

15 "Reasons for Determination of Non-Significance:

16 The Lead Agency has reviewed the application, site
17 plans, project description, and all supporting
18 documentation, and conducted such further investigation
19 of the project and its environmental effects as the
20 lead agency has deemed appropriate.

21 Based on this review, the lead agency has
22 determined that the action will have no significant
23 effects on the environment."

24 We went through several of those and now let me
25 walk you through this quickly.

1 "Impact on Land: The project will not result in a
2 major physical change to the site because it is
3 currently developed as a shopping center formerly known
4 as the Latham Circle Mall. Test pits have revealed
5 that groundwater and bedrock are greater than 5 feet in
6 depth from the existing surface and from the proposed
7 finished grades. The project will result in a net
8 increase in green space over the existing site and will
9 be completed in a single construction phase.

10 Based on the above, it appears that the project
11 will not have a significant impact on the environment
12 related to land resources.

13 Impact on Water: The proposed project will have a
14 minimal impact on water and sewer as existing
15 connections to municipal services will be maintained;
16 and the water usage and sewage effluent are anticipated
17 to be generally consistent with the historical use of
18 the site as a shopping mall."

19 There is one change in this next paragraph.

20 "Since greater than 1.0 acre will be disturbed,
21 the project will be constructed in accordance with the
22 a SPDES General Permit for Stormwater Discharges from
23 Construction Activity and a stormwater pollution
24 prevention plan will be prepared and implemented in
25 compliance with Phase II regulations."

1 The next sentence I'll read and I'll strike
2 because the applicants were not able to comply with
3 these due to site conditions.

4 "The project will utilize green infrastructure
5 stormwater runoff treatment methods including porous
6 pavement and bio retention areas."

7 After reviewing that issue with the applicant and
8 looking at the site soil conditions, our engineers
9 concur that those types of stormwater mitigation
10 measures simply aren't suitable for this site and just
11 will not work well. So, they went with more
12 conventional methods that we are comfortable with.

13 "CT Male Associates conducted an assessment of
14 wetlands and other waters on behalf of the applicant
15 titled, "Wetlands and Other Waters of the U.S.
16 Delineation Report: The Shoppes at Latham Circle",
17 dated September 13, 2012. The report summarized the
18 result of CT Male's review of New York State Freshwater
19 Wetlands Mapping, National Wetlands Inventory Mapping,
20 the USGS Soil Survey Mapping, and Flood Insurance Rate
21 Mapping prepared by FEMA. In addition, a filed
22 verification was made. The report concluded that there
23 were no wetlands mapped or observed at the site;
24 therefore, there are no protected waters or known
25 federal or state wetlands in the project area.

1 Based on the above, it appears that the project
2 will not have a significant impact on the environment
3 related to water resources.

4 Impact on Air: The proposed project is expected
5 to result in a decrease in vehicle trips per hour, as
6 there will be a significant decrease in building floor
7 area and the existing retail use will be maintained.

8 Construction activities may during site
9 development leave currently stabilized area vulnerable
10 to creation of dust. The project erosion and sediment
11 control plans require dust control measures to
12 mitigate dust problems including control of dust at
13 access points, and site soil stabilization practices in
14 accordance with Town of Colonie Local Laws and the
15 SPDES General Permit for Stormwater Discharges from
16 Construction Activity.

17 Based on the above, it appears that the project
18 will not have a significant impact on the environment
19 related to air quality.

20 A Traffic Impact Evaluation was conducted by
21 Creighton Manning Engineers, LLP to evaluate the
22 project impacts on transportation systems. The report,
23 dated November 13, 2012 and subsequently updated states
24 that access to the site will generally remain unchanged
25 from the existing locations. The project will modify

1 the existing right turn in only access along Route 2 to
2 create a right turn in and out access. The report
3 concludes that allowing right turns from the site onto
4 NY Route 2 from this driveway will provide an
5 alternative point of egress from the site and will
6 likely relieve congestion at the mall driveway located
7 on US Route 9 by reducing turning movements.

8 Truck delivery and access will remain unchanged,
9 continuing to enter the rear of the site from Herbert
10 Drive."

11 I believe that we discussed that and some
12 conditional mitigation measures that can be taken by
13 the applicant as proposed this evening.

14 "The Creighton Manning Traffic Impact Evaluation
15 estimates that because of the reduction in the building
16 footprint, the project will result in fewer peak hour
17 trips at the site than re-occupancy of the original
18 Latham Circle Mall footprint.

19 According to the Creighton Manning Traffic Impact
20 Evaluation, the project area intersections will
21 generally operate with acceptable levels of service
22 with the exception of the Route 9 ramps intersection
23 with the Mall Driveway. During data collection
24 conducted by Creighton Manning, vehicle queues were
25 observed from the traffic circle which extended to the

1 Route 9 northbound ramp and blocked the crossover ramps
2 several times data while data was collected for Friday
3 afternoon and Saturday mid-day. To help alleviate this
4 existing condition, applicant will provide a "Do Not
5 Block Cross Road" sign at the Mall Driveway to
6 reinforce that drivers should wait to enter the
7 crossover bridge. On December 6, 2012, the applicant
8 met with the NYSDOT Region I Engineer who verbally
9 indicated concurrence with the conclusions of the
10 Traffic Impact Evaluation.

11 The project will include an internal pedestrian
12 system that will provide safer accessible pathways
13 through the parking lot and connect to public sidewalks
14 and public transit. In response to New York State DOT
15 plans to construct a sidewalk adjacent to the project
16 frontage on Route 2, the applicant will connect the
17 internal pedestrian system to Route 2 near J C Penney.
18 The internal pedestrian system will also provide
19 connections to transit stops on Route 2 at Herbert
20 Drive and Route 9 at Kunker Avenue. The applicant will
21 also make upgrades to pedestrian accommodations at the
22 Route 2 intersection with Herbert Drive as recommended
23 and required by the New York State DOT Region 1
24 Engineer.

25 Based on the above, it appears that the project

1 will not have a significant impact on the environment
2 related to transportation.

3 Impact on Aesthetic Resources: The proposed
4 development will not result in a change of land use
5 from the existing development. The site configuration
6 and new construction will change the existing building
7 profile and thus will not screen any existing views
8 from off site. Project architecture will conform to
9 the Town of Colonie design standards which did not
10 exist when the original structure was built; therefore
11 the project will be more visually interesting,
12 screening will be provided around utility areas, and
13 buffer plantings will be provided to eliminate off site
14 views of utility areas."

15 Again, the Board had several concerns this evening
16 that they have discussed with the applicant and the
17 applicants are willing to add additional landscaping
18 and screening which further benefits the impact on
19 potential aesthetic resources.

20 "Based on the above, it appears that the project
21 will not have a significant impact on the environment
22 related to aesthetic resources.

23 Impact on Archeological, and Historical Resources:
24 The proposed development is within 250 feet of site
25 90NR02786, the Reformed Dutch Church of Rennselaer in

1 Watervliet, on 210 Old Loudon Road. Project
2 construction is unlikely to impact that site, and the
3 proposed project will be a redevelopment of a similar
4 use, therefore there is unlikely to be any impacts on
5 views from the historic site.

6 The proposed development will be constructed on a
7 site previously disturbed as part of the original
8 Latham Circle Mall construction project. A 'No Impact
9 upon cultural resources in or eligible for listing on
10 the National Register of Historic Places' letter dated
11 October 15, 2012 was received under the State Office
12 of Parks, Recreation and Historic Preservation, project
13 12PR04335.

14 Based on the above, it appears that the project
15 will not have a significant impact on the environment
16 related to archaeological, and historical resources.

17 Impact on Plants and Animals: CT Male Associates
18 prepared a "Threatened and Endangered Species Report"
19 on behalf of the applicant dated, September 18, 2012.
20 That report summarized a review of the New York State
21 Department of Environmental Conservation and the US
22 Fish and Wildlife databases to determine if any species
23 of plant or animal life identified as threatened or
24 endangered existed on the site. CT Male also reviewed
25 GIS Mapping utilizing the US EPA Enviro-mapper and GIS

1 mapping utilizing the New York State Explorer. In
2 addition, on August 29, 2012, CT Male conducted a field
3 review of the project site for threatened and
4 endangered species. There were no reports or
5 observations of endangered or threatened species and no
6 known habitat for threatened and endangered species on
7 the site.

8 Based on the above, it appears that the project
9 will not have a significant impact on plants and
10 animals.

11 Impact on Growth, Character, and Health of
12 Community or Neighborhood: The proposed facility is
13 consistent in scale and setting with the previous
14 Latham Circle Mall development of the site. The
15 project is not expected to increase demand for
16 emergency services as there will not be an increase in
17 floor areas and the existing land use will not change.

18 There is no residential component to the project;
19 therefore, there will be no impact to the school
20 system.

21 While the project will not conform to certain
22 aspects of Town of Colonie site development standards,
23 Town Code allows the Planning Board to grant a waiver
24 from these standards if no practical alternative
25 exists. The applicant will either utilize the waiver

1 process or conform to the standards if no waiver is
2 granted.

3 The project is expected to create up to 50
4 construction related jobs and up to 75 new permanent
5 jobs.

6 Based on the above, it appears that the project
7 will not have a significant impact on growth,
8 character, and health of community or neighborhood.

9 Impact on Energy: The project site was previously
10 developed and will not require creation or extension of
11 an energy supply or transmission system. The project
12 will require energy for construction and operation of
13 the retail facilities; however, the project will not
14 significantly increase use of energy in the Town of
15 Colonie.

16 Based on the above, it appears that the project
17 will not have a significant impact on energy, impact on
18 noise, and Odor.

19 The project will generate noise and odors during
20 construction from construction activities and equipment
21 operations. Noise generated during construction may
22 exceed current ambient levels; however, once
23 construction is completed, ambient noise levels and
24 odors will be consistent with the existing ambient
25 levels.

1 Based on the above, it appears that the project
2 will not have a significant impact on noise and odor.

3 Conclusion: The Town of Colonie Planning Board
4 has completed a careful review of the reasonably
5 anticipated areas of environmental concern raised by
6 the Project.

7 Based upon that review, the criteria for
8 determining significance contained in the SEQRA,
9 regulations, and the rule of reasonableness, the
10 Planning Board issues this Negative Declaration
11 concluding that the facts and circumstances of this
12 project will not result in a significant adverse
13 environmental impact. An Environmental Impact
14 Statement therefore will not be required."

15 CHAIRMAN STUTO: Okay, comments or questions from
16 the Board on that?

17 (There was no response.)

18 CHAIRMAN STUTO: Do we have a motion on the notice
19 of determination of no significant effect on the
20 environment?

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

22 MR. AUSTIN: Second.

23 CHAIRMAN STUTO: Okay, all those in favor?

24 (Ayes were recited.)

25 CHAIRMAN STUTO: All those opposed?

1 (There were none opposed.)

2 CHAIRMAN STUTO: The ayes have it.

3 MS. VAIDA: Peter, does the applicant still need
4 some waivers that we need to vote on?

5 CHAIRMAN STUTO: Yes, we'll make that part of the
6 main application. That's good to go over.

7 I do want to go back to the architecture and the
8 traffic a little bit, just to make sure that we
9 answered all the questions.

10 I was doing a side bar with Joe and the issue on
11 that sort of central entrance - as you're going toward
12 the building on the left hand side, there are double
13 lanes of parking. They had asked if you go further to
14 the left lane on the left side of Tenant A, you seem to
15 have the same situation there. I guess I'll ask our
16 traffic consultant if there is any difference or is
17 that less of a concern?

18 MR. JOHNSON: It's a similar situation, but for me
19 I'm less concerned about it because I believe that
20 there will be less traffic down there than there is
21 where they're trying to gear people toward this main
22 entrance here (Indicating).

23 MR. AUSTIN: Is that the main entrance though? My
24 take on it is the left main lane is for Tenant A and
25 then that central is more in line with Tenant B. It

1 seems to look that way.

2 CHAIRMAN STUTO: It's an odd situation.

3 MR. JOHNSON: It is. Based on my experience that
4 you have roughly two-thirds of people will enter the
5 first driveway opportunity that they can versus the
6 second one.

7 MR. AUSTIN: The one next to the bank.

8 MR. COLEMAN: Right, and I think that the
9 projections are showing that people are coming in this
10 one.

11 CHAIRMAN STUTO: A lot will probably come in from
12 Kunker and you can go across the front of Lowe's.

13 MR. COLEMAN: As Wendy has mentioned, they could
14 come in through Kunker. I, myself, would avoid going
15 through the front and I would go around the circle. I
16 guess that depends on where you're going to go in the
17 site. I tend to avoid crossing pedestrians.

18 MR. SULLIVAN: With respect to the parking, there
19 are about 22 spaces around the left side of that main
20 entrance aisle that we'd like to theoretically remove
21 and put an island in there. My question is: Can we
22 find 22 spaces behind Building A and Building B? There
23 is a large area of pavement there and currently I
24 believe that's parking back there along the western
25 southern boundary. Even if it's just called employee

1 parking, could you put 22 spaces back there?

2 MR. BRICK: We've looked at a variety of options.
3 We looked at every possible option to see if we could
4 get those 22 spots somewhere else so that we could
5 avoid this conversation because it was raised as a
6 concern. Back there we need to keep it open for the
7 truck traffic and the truck maneuvering. We think that
8 it would have to be a bigger conflict than we have
9 backing into the truck lane back there. There isn't
10 any place that we can put them and we need to keep them
11 for our parking ratios.

12 In terms of the use of this main access aisle, I
13 don't know that it's going to be used extensively.
14 These entranceways can only be accessed from the
15 southbound. So I agree with Tom and the other comment
16 that the northbound traffic is going to be diffused
17 between people using Kunker and coming across the front
18 of Lowe's, or coming down in a circle coming back and
19 using this main entrance. That main entrance is
20 primarily for the southbound because that's one way
21 over on that side. I also think that the existing use
22 of this area will be significantly reduced, as Wendy
23 pointed out, by this now being a right in. As Tom
24 said, people generally take the first option that they
25 have to get in. I think that as this site is

1 developed, people are going to realize that the easiest
2 way to get there coming from Route 2 is through here
3 (Indicating) -- even if you go in the Lowe's because of
4 the access lane that he had suggested.

5 MR. JOHNSON: The concern isn't coming from the
6 west, passing Route 2. It's people coming from the
7 north on Route 9 and also from the east from Route 2
8 and Watervliet that can't get in at that Route 2 exit
9 because that's a right in only. They would have to
10 come all the way up to Herbert and come back down.
11 It's those two movements that I think we'll continue to
12 use the Route 9 entrance first from the north and from
13 the east.

14 MR. LANE: And there are a good portion of those
15 that are going to use the cross connect.

16 MR. AUSTIN: Could there be signage? Latham Farms
17 has signs directing to the different restaurants that
18 have recently been placed in there and kind of giving
19 more direction of where to go. If that was Tenant A,
20 maybe there could be signage for that particular turn
21 and then Tenant B to have some signage and ways to
22 access there.

23 MR. BRICK: At the initial islands, as you come
24 in, we could do on this one a sign for Tenant B,
25 forcing them to the right and a sign for Tenant A

1 forcing them to the left so the directional signage
2 will move them away from that aisle that is the
3 concern.

4 I would also point out that the traffic northbound
5 would be further away from the spots that are backing
6 out. We can also direct traffic in this area to avoid
7 coming down that main aisle, but that will likely be
8 less effective because this is primarily going to be
9 used as an egress; but only in this particular area.
10 The whole site isn't going to use this. Most of the
11 site is going to flow down to here or to here to get
12 out (Indicating). It's just human nature.

13 MR. AUSTIN: You can even have the signage on the
14 main road and some more directional options for people
15 as they pull in.

16 MR. BRICK: As you're approaching and as you're
17 coming up to the entrance aisle; sure, absolutely.

18 MR. AUSTIN: Before you even turn into the
19 entrance aisle, at the main intersection there. If
20 you're looking to go towards Tenant A, you can have a
21 sign that says head down this way to Tenant A.

22 MS. HOLZBERGER: I totally understand what Tom is
23 saying.

24 CHAIRMAN STUTO: Because you're both traffic
25 engineers.

1 MS. HOLZBERGER: Right, because we're both
2 focusing on this. One of the things that I think that
3 Mr. Austin could be referring to is when you have the
4 direct lane going, if it's canoed all the way up, it is
5 also going to encourage that flow of traffic to go
6 right to the front of the building and then you're
7 going to be leading them to the front and then when
8 they are to the front, they're going to be crossing in
9 front of all the buildings where the pedestrians are.
10 We, as the traffic consultants, were also in favor of
11 maintaining this aisle -- so part of it is when they
12 come in, we would actually prefer them to do this and
13 come back and do this and come back and not just shoot
14 right to the front (Indicating). Once they're in the
15 front, you're not going to part until you're now
16 conflicting with the pedestrians. I understand that
17 main aisle concept and everything, but there is also
18 the other side of it that I just wanted to point. There
19 is a similar retail like the Price Chopper plaza up the
20 street. It's a little different because you're canoed
21 and you have to go left or right, but it's kind of that
22 same concept except it stops here and then you're
23 coming and you're heading from the back to the front
24 and then you find your spot that way (Indicating). The
25 same thing with Northway Mall.

1 MR. LANE: You do the same thing when you go up to
2 the front.

3 MS. HOLZBERGER: Right; the preference would be to
4 not go to the front to use that main aisle to some
5 degree.

6 The same thing with Northway Mall where the Target
7 is. You're kind of at the back of that and once you
8 hit the parking area, you're aisle, aisle, aisle, which
9 is similar to this layout. There are two sides to that
10 and I just wanted to point that out.

11 MR. AUSTIN: And the stop signs are going to be
12 placed at those intersections? Not that anybody ever
13 really notices the stop signs.

14 MS. HOLZBERGER: Of course we do. I notice them
15 everywhere I go, especially when they're missing.
16 That's one of the changes. Previously there was like a
17 four-way stop at one of these and this one actually had
18 a two-way stop and we're making this main access to
19 have the right of way. So, that was that queueing
20 issue that was there. The other three legs will be
21 stopped. When this vehicle comes in, they can go
22 straight or they can go left and they can go right.
23 They will have that right of way which is typical for a
24 retail parking lot.

25 CHAIRMAN STUTO: Did you say that there was a

1 compromise?

2 MR. JOHNSON: I would like to find out from the
3 application if they would be willing to at least
4 eliminate the spaces at the ends to the closest to
5 where people have to stop. Closest to people that are
6 coming from around the corner and not really seeing
7 anybody backing out of these end spaces.

8 MR. BRICK: How many spaces?

9 MR. JOHNSON: Two on each end.

10 CHAIRMAN STUTO: What does the applicant say to
11 that?

12 MR. BRICK: That's fine with us.

13 CHAIRMAN STUTO: On the architecture -- when we
14 come back with a tenant, is that subject to review by
15 your department?

16 MR. LACIVITA: Yes.

17 CHAIRMAN STUTO: The architecture?

18 MR. LACIVITA: Well, we'd like to get the
19 architecture in at final, Peter, so that when it goes
20 to the Building Department - one of the things that we
21 could do is if the Board is so inclined to grant final
22 approval tonight and make it conditional, maybe we
23 could revisit the architecture. We could come back at
24 a later date when a tenant is selected and see what
25 they can change differently.

1 CHAIRMAN STUTO: Can they do that with the
2 Department rather than us?

3 MR. LACIVITA: They could and we could kind of get
4 some of the standards that we need with the TDE to see
5 if we could get something a little bit nicer.

6 MR. LANE: As you recall, even after Fresh Market
7 got their final approval, they still did come back once
8 or twice with updates.

9 CHAIRMAN STUTO: If you guys want to see them
10 again, that's okay with me.

11 I assume that you're not going to build a big
12 Building A until you have a tenant.

13 MR. HEBERT: Of course.

14 MR. VOSS: In my opinion, the architecture for
15 Building A is being driven by the tenant. It's a
16 corporate standard, potentially.

17 CHAIRMAN STUTO: Do we want to see this again or
18 are we happy just leaving it to the Department? I'm
19 happy just leaving it to the Department.

20 MR. LACIVITA: We want to work with the design
21 standards.

22 CHAIRMAN STUTO: Well, they'll all be within the
23 design standards, but we can enhance things to what we
24 think is the proper level.

25 MR. COLEMAN: We talked about a feature here to

1 break up that entire roof line.

2 MR. KOLANKOWSKI: I'd like to get the designers to
3 just look at the roofline with a little more dynamics
4 and just leave it up to their creative licence and come
5 back here with some ideas.

6 CHAIRMAN STUTO: I would prefer that it go back to
7 the department.

8 MR. FAHEY: I'm going to throw your words back at
9 you. We're going to be looking at this for decades to
10 come. I think that with the collective minds, in
11 addition to the department heads, it would make sense
12 to see this again.

13 MR. KOLANKOWSKI: Just for clarification, not to
14 bring this back to the Board but to deal with it on a
15 Department level.

16 CHAIRMAN STUTO: Well, that's the question. I'm
17 happy doing it through the Department, still.

18 MR. LACIVITA: We can certainly talk to the Town
19 Designated Engineers who have been involved with this
20 in areas throughout the Town on large projects like
21 this. I think that we can get something that is much
22 more appealing than what is currently before us.

23 CHAIRMAN STUTO: You hear what we're talking
24 about, right, Chuck?

25 MR. VOSS: Yes, we're taking notes.

1 MR. BRICK: Mr. Chairman, throughout this process,
2 the Town Departments, Joe LaCivita and the Town
3 Attorney's office, the Town Designated Engineer, Chuck,
4 Brad and Ted - they've all been very stringent.
5 They've been very tough on us keeping our feet to the
6 fire. It's a large project and they have been very
7 good and very diligent. I give them a lot of credit
8 for really holding our feet to the fire on all these
9 issues and I am confident that they would represent
10 your interests in reviewing anything that we come back
11 with.

12 MR. AUSTIN: When we had the Salvation Army
13 project, which is a fairly large warehouse style
14 project, we wanted some gables or different
15 architectural elements to break it up; whether it be
16 fake facade or whatever it is. I know that it's a big
17 box store, but we don't want to make it look like a big
18 box. To have those architectural details to maybe set
19 it apart for the Town of Colonie so that tenant says,
20 oh, well we have this particular store with these
21 details in this Town to kind of give it its own flair.

22 CHAIRMAN STUTO: The main motion or the main
23 consideration now is for final site plan approval
24 waivers.

25 Can somebody recite the waivers and make that part

1 of the proposed motion?

2 MR. VOSS: As part of our review letter we had
3 justification for the waivers in here, but basically
4 they were - there were eight, Andy, I think that we
5 discussed at our last meeting. A few of them had
6 dropped off.

7 MR. BRICK: I believe that we dropped down to six.
8 If you have my letter to you from November 16th which
9 is a response to your memo to Joe dated November 14th,
10 Joe and Chuck had asked me to update them in terms of
11 where we are with the waivers and the changes of the
12 plans. What I informed them is that of the eight that
13 we requested, two had drooped. The first is a
14 reduction in greenspace requirements and we're not
15 adding greenspace.

16 The second that dropped out was that we had
17 requested a waiver for public spaces because we wanted
18 to do it internally, but now we're showing public
19 spaces in front of Tenant A on both sides between
20 existing multi-tenant B and an employee area in the
21 back. So, with out public spaces, we do meet that
22 design standard now.

23 CHAIRMAN STUTO: Can you recite the six remaining
24 waivers?

25 MR. BRICK: First is a waiver from the continuous

1 facade. It's being requested due to the extensive
2 street frontage - we can't do a facade all the way from
3 Lowe's all the way around to Herbert Drive. Our
4 alternative proposal is a gateway design on the
5 landscaping as well as the landscaping and hopefully
6 the landscaping with the DOT.

7 The second is your maximum and minimum setback in
8 HCOR is 20 feet. So, that means that our engineers and
9 our builders and our architects have to get it exactly
10 right when they construct our Tenant C. If we're off
11 by an inch on the as-built, we in violation of your
12 code. So, rather than have to come back for a variance
13 with the Zoning Board, we're requesting a waiver from
14 that 20 foot. That's not because we're planning on
15 being off, but if we are off by four inches one way or
16 the other, we don't need to go apply for the variance.

17 MS. VAIDA: So, you're going to have like the
18 minimum and maximum number for your waiver?

19 MR. BRICK: Sure. I think that we had requested a
20 24-inch leeway either way. So, we need to be 18 from
21 the street or 22 from the street. Again, we're
22 shooting for 20, but stranger things have happened.

23 The third waiver is in HCOR design standards.
24 Parking in the front yard is prohibited. We are
25 proposing to allow a large portion of the existing

1 structure and replace it with parking. We have parking
2 in the front yard. We can't hide that. We're seeking
3 to make it a better plan by adding parking in the
4 demolished area.

5 The 15-foot buffer areas from parking and sidewalk
6 or lot line - we're committed to preserving as much
7 existing greenspace as possible and we may not make
8 that 15-foot buffer. We may have to ask to remove the
9 existing vegetation from what exists, so we're just
10 asking to keep that buffer as it is and as it exists
11 and entrance it and supplement it with new landscaping
12 and new plantings, but not be held to the actual
13 15-foot.

14 The fifth is the landscaped aisle and the square
15 footage requirements. We have added a new landscaped
16 aisle. We're going to landscape as it's shown on the
17 landscaping plan. But we're seeking to adhere to
18 existing conditions. We don't have the ability to meet
19 the standard that exists in the new HCOR standards in
20 light of our parking configuration.

21 The last is the height of area lighting and this
22 was only requested because we didn't know what the
23 final height was going to be of our parking area
24 lighting and how we wanted to preserve the ability to
25 make it a little higher if security requires it.

1 Keeping in mind that we will meet the design standards
2 as all these shoe boxes are facing down. It's not
3 going to go anywhere but down. We are just requesting
4 a little leeway if we have to raise it a couple of feet
5 than what is allowed by design standards just because
6 we have such a large area to illuminate for safety
7 purposes. Those are our waiver requests from the HCOR
8 design standard.

9 MS. VAIDA: Can you give us a number on that?

10 MR. BRICK: Sure. The first is Section 190-41.

11 MS. VAIDA: I mean how high you want the lights.

12 MR. BRICK: We had specifically requested what the
13 design standards talk about is no higher than the
14 building. So, we would request maybe a three or four
15 foot waiver from that so that we can go slightly above
16 the building only if necessary. Our goal is to meet
17 the design standard. We don't want dark spots in the
18 parking lot unless we can't help it. We want to
19 maintain safety. We're not showing the pedestrian
20 connectivity all the way from Route 9 up to the front
21 of Tenant A. We want to make sure that we have the
22 ability to light that effectively as well.

23 CHAIRMAN STUTO: Maybe we should take the waivers
24 separately just to make it easier.

25 MR. LANE: I'm still not clear. What is the

1 requirement of the height of the lighting?

2 MS. VAIDA: It's not supposed to be higher than
3 the building height.

4 MR. LACIVITA: But you guys have to do lighting
5 analysis yet.

6 MR. BRICK: Correct.

7 MR. SULLIVAN: And your building will be 18 feet
8 high -- Building A?

9 MR. BRICK: Building A would be 18. The existing
10 multi-tenant is going to stay the same structure that
11 it is. That would be probably the design that we work
12 from.

13 MR. LACIVITA: Most of the standard says height
14 should not exceed the roofline or 18 feet, whichever is
15 less.

16 MR. MION: If they put a gable in, Joe, would that
17 make it higher?

18 MR. LANE: Yes, that's only in the center.

19 MR. VOSS: But you have an existing building on
20 the right.

21 MS. VAIDA: It actually says no higher than 10 to
22 12 feet from the finished grade for pedestrian scaled
23 lighting, and no higher than the building height for
24 the area lighting.

25 MR. ZEE: That's under lighting, Section B,

1 Building A for the two story building where the cinema
2 is. So, if we can't go above the height of the
3 existing building which is two storys, it would be
4 above the 18, so we would be in compliance.

5 CHAIRMAN STUTO: This has never been asked for
6 before and I'm worried about the impact on the
7 neighbors.

8 MR. LACIVITA: I was just going to say the exact
9 same thing. That's one of the comments that they're
10 talking about is the lighting. I think that before we
11 agree to that waiver, maybe look at what the analysis
12 comes up with and try to figure it out.

13 MR. LANE: Is that something that we can set
14 aside?

15 CHAIRMAN STUTO: It could maybe be a condition.

16 I think we're ready to move on the five. I'm just
17 not sure about the lighting.

18 Elena, what do we have to discuss on the waivers?
19 I don't think that there is any practical alternatives
20 except to give them the waivers.

21 MS. VAIDA: Right, I was just going to say that
22 the standard is that any of the requirements that are
23 worded as shall or must, the Planning Board may waive
24 to the extent that it deems necessary in order to
25 secure a reasonable development of the site. In such a

1 case the applicant must establish that there are no
2 practical alternatives to the proposed waiver that
3 would conform to the standard. I think that from what
4 we've heard, in my opinion, you have sufficient facts
5 in the record to establish that standard.

6 CHAIRMAN STUTO: Do we have a motion on the five
7 waivers except which excludes the lighting waiver?

8 MR. LANE: I'll make a motion.

9 MS. GOMEZ: I'll second.

10 CHAIRMAN STUTO: Any discussion?

11 (There was no response.)

12 CHAIRMAN STUTO: All those in favor?

13 (Ayes were recited.)

14 CHAIRMAN STUTO: All those opposed?

15 (There were none opposed.)

16 CHAIRMAN STUTO: The ayes, have it.

17 Okay, on the main question which if final site
18 plan approval, we've established a record today of
19 conditions, I think. Some are with respect to the
20 neighbors and others are with respect to parking and
21 architecture and whatever else our discussion reflected
22 today. We also have conditions in the Town Designated
23 Engineer letter or letters and the Town Department
24 comments.

25 Do we have a motion for final site plan approval

1 with all of those conditions?

2 MS. VAIDA: When you're doing that motion, are
3 going to include the discussion that you had on the
4 restrictions on the truck traffic?

5 CHAIRMAN STUTO: Yes.

6 MR. LACIVITA: Yes, that's part of the record.

7 MS. VAIDA: They were talking about adding a
8 provision in the lease regarding the truck usage.

9 CHAIRMAN STUTO: And some type of internal and/or
10 external improvements as approved by the Department and
11 the Town Designated Engineer, and also to appeal to the
12 Town for signage, if necessary.

13 MS. VAIDA: And maybe they're going to need an
14 elevator --

15 MR. LACIVITA: That's going to be subject to the
16 evaluation process.

17 CHAIRMAN STUTO: That's one of the things that we
18 discussed.

19 MR. LACIVITA: As well as the lighting as it's
20 evaluated.

21 CHAIRMAN STUTO: If it's in the record, it's one
22 of the conditions.

23 We have the motion and the second. Any discussion
24 on that? Any further discussion on that?

25 MS. GOMEZ: I'll make a motion.

1 MR. LANE: Second.
2 CHAIRMAN STUTO: Any discussion?
3 (There was no response.)
4 CHAIRMAN STUTO: All those in favor?
5 (Ayes were recited.)
6 CHAIRMAN STUTO: All those opposed?
7 (There were none opposed.)
8 CHAIRMAN STUTO: The ayes, have it.
9 MR. BRICK: Thank you all very much. Happy
10 Holidays.

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(Whereas the proceeding was concluded at
10:05 p.m.)

1 CERTIFICATION

2
3 I, NANCY STRANG-VANDEBOGART, Shorthand Reporter
4 and Notary Public in and for the State of New York,
5 hereby CERTIFY that the record taken by me at the time
6 and place noted in the heading hereof is a true and
7 accurate transcript of same, to the best of my ability
8 and belief.

9
10 _____
11 NANCY STRANG-VANDEBOGART

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14 Dated January 3, 2013
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