

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 THE VILLAGE OF NEW LOUDON
622, 624, 626 & 628 LOUDON ROAD
5 SEQRA DETERMINATION AND APPLICATION FOR
FINAL SITE PLAN

6 *****

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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 10:12 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

18 ALSO PRESENT:
19 Elena Vaida, Esq., Counsel to the Planning Board
20 Joe LaCivita, Director, Planning and Economic Development
21 Dan Cleary, Cleary Development Services
22 Tony Fazzino, Schuyler Properties
23 Mike Tucker, PE, Creighton Manning Engineering
24 Dean Osterhout
25 Donald Zee, Esq., Donald Zee and Associates, PC
Sandy Speranza
Grace Goodman

1 (cont.)

2 Ted Kolankowski, PE, Barton and Loguidice

3 Tom Johnson, PE, TR Johnson Engineers

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1 CHAIRMAN STUTO: We'll call up the last item on
2 the agenda. This is the Village of New Loudon, 622,
3 624, 626 and 628 Loudon Road. This is for the SEQRA
4 determination and application for final site plan.
5 This is 59,925 square foot new retail commercial
6 restaurant and 71 condominium units and 24 apartment
7 units. This will be presented by Creighton Manning
8 Engineering.

9 Joe LaCivita, would you like to give an
10 introduction?

11 MR. LACIVITA: Sure. I'll make it brief in the
12 interest of time.

13 The project has been before us several times.
14 When we first saw the project as the Village of New
15 Loudon, Berkshire Bank came to us, then Rumors and now
16 we're in the final phase of the project where we'll be
17 acting on SEQRA and final site plan approval.

18 The concept, as you mentioned, Peter, is for
19 commercial retail restaurant and housing. Again, we
20 were looking for concept on this on July 10, 2012 and
21 we'll here tonight for final approval.

22 I'll turn it over to Dan.

23 MR. CLEARY: Thank you, Joe and Mr. Chairman. I'm
24 Dan Cleary of Cleary Development Services. With me
25 tonight is Tony Fazzone of New Loudon Road Associates

1 and Mike Tucker of Creighton Manning.

2 We've looked forward to having this meeting for
3 quite some time now. I told Joe when I delivered the
4 plans back in November that it seems like it's a long
5 time, but hopefully we're coming to the end here.

6 I'm not going to go back over the site plan. We
7 talked about that at concept. Now much has changed
8 from what you saw at concept. There are three things
9 that I want to point out to you from the site plans
10 that have changed.

11 First, we do have a tenant on the end of Building
12 D that was originally connected to the building. For
13 their corporate reasons and for real estate reasons
14 they needed to be separated, so we pulled the building
15 away and created 12 feet - half way between the
16 buildings and that will be the same square footage.
17 The square footage hasn't changed, we just separated
18 that building. The architecture will remain the same,
19 as you'll see from the architectural plans, but it has
20 been separated slightly and we have provided a
21 pedestrian connection through there.

22 We've proposed a second means of access to the
23 condominiums in the back. Fire Services had made a
24 comment recently that they'd like to see a second means
25 of access. Our only option is really to provide it at

1 this location here (Indicating). That's the to the
2 condominiums and it will be a reinforced earth type
3 with grass on it and gated. It will have to be kept
4 clear in the wintertime. We've given that to Fire
5 Services. They're reviewing it. I think that Mike
6 talked to them today and we're still waiting on their
7 final approval of that. Their initial indication of
8 that was that it might work. We'll continue to follow
9 up with them on that issue.

10 Thirdly, I just wanted to point out some thing
11 that were based on some of the comments that were
12 received at concept.

13 In the landscaping plans you'll see that we did
14 beef up some of the landscaping along this area in the
15 rear here and provided more screening to the back
16 (Indicating). We'll also be working through the final
17 plans to develop the final landscape plans. I'm sure
18 you'll hear from some of the comments from the TDE in
19 providing more specific planting of plans as far as the
20 low plantings and other plantings that we will have as
21 part of the overall development. Again, as we've said
22 all along, we'll continue to work with the Board and
23 the TDE on fine tuning that as we go to final plans.

24 The real thing that I wanted to present to you
25 tonight - and we're excited about - is I want to talk a

1 little bit about the architecture and what we are
2 proposing for these buildings. I know that you don't
3 have color plans in your package.

4 What I have up here is the colored rendered
5 elevations for Building D. This is the southern most
6 building right up on the road (Indicating). The top is
7 the east elevation, which is what would be facing Route
8 9. The middle is the west which faces the new tunnel
9 parking lot, and then south is where the Dunkin Donuts
10 drive-thru would be. The north is the intersection of
11 the main access of Route 9. I give kudos to Steve
12 Cotler and his staff who came up with this design. We
13 tweaked it a little bit to marry it together with what
14 we were doing with the condominiums in the past.
15 Basically, they tried to take a Dutch Colonial
16 historical approach to this and put it at a scale that
17 is comparable to other businesses along Route 9 and not
18 to try to overwhelm it, but to make it a signature icon
19 as we move across the landscape of Route 9. Steve has
20 developed a condo design vocabulary for this particular
21 unit which we will carry through the entire
22 development. So, buildings B and C, which are in the
23 back, will be similarly deigned. They'll look very
24 similar to this and we've been able to take some of the
25 design features of the condominiums, which I'll show

1 you in a minute, and incorporate them. It ties the
2 front of the development, the retail and the
3 commercial piece together with the rear of the
4 development where the residential will be.

5 We also have a third component which is Building
6 A, which is this building right here on the north side
7 of the entrance road (Indicating). The next building
8 down from Rumors if you're going to the south -- these
9 are the colored elevations for that building. The
10 proposal is for a high-end quality restaurant on the
11 first floor and for Mr. Marini's corporate offices to
12 be on the second floor. This is the design that ties
13 into what we're doing as well as meets the design
14 pallet of the type of restaurant that he is proposing
15 at that location.

16 Last but not least is the condominium units in the
17 rear. As you know there are 71 units and Dominick
18 Ranieri is the architect on this particular part of the
19 project. For the homebuilder, he has developed a very
20 attractive similarity to the Brownstone of Albany and
21 tried to bring kind of an older feel to the
22 condominium, and also tie it to more of a Dutch
23 Colonial type in the front of the development. Again,
24 you're looking at stepped up limestone along the
25 bottoms, dormers, chimneys and brick. It's very much

1 in line with what we showed you in the pictures in the
2 concept which were from Williamsburg Virginia and to
3 pick up on that, kind of melded that with the Albany
4 Brownstone type feel. That essentially is the
5 architectural treatments that we are proposing for the
6 development. Again, we were very pleased at the way
7 that they turned out.

8 Again, I want to emphasize that we have not given
9 you the exact architecture for each and every building
10 because we don't have tenants for B and C. I heard you
11 actually talking about this with the mall, as well. It
12 will look very similar to what we have here and we'd be
13 more than happy to come back once we have that to show
14 them to the PEDD and show them to the Board and talk
15 about it as we get there. This is potentially what
16 we're proposing.

17 The last few months and particularly over the last
18 several weeks, we've had a series of meetings with Town
19 Departments, Joe, the TDE, myself and Tony. We met
20 with DOT just about 10 days ago to get their comments.
21 That meeting went very well. I'm sure that the TDE
22 will talk about that tonight as well. Essentially, the
23 proposal that we put on the table with respect to
24 traffic was potentially signalization of the main
25 intersection when it's warranted, the sidewalks, the

1 curbing, the drainable improvements and the curb cut
2 consolidations that were all proposed as part of the
3 traffic study that we talked about last time. They
4 were all accepted and we were still waiting on final
5 comments from DOT, but there were no surprises at that
6 meeting with respect to major changes or any
7 differences with the traffic study as it was presented
8 to them. So, again, I'm sure that the TDE will talk
9 about that a little bit. At that meeting, we felt that
10 we were in pretty good shape.

11 We did receive a number of comments from the TDE
12 and the Town Departments last week. We were able to
13 respond to those today. They're not in your packet,
14 but we have responded to them. We have not changed the
15 plans, but most of the comments that were provided by
16 the TDE and Town Departments were editorial changes and
17 design changes that they'd like to see with respect to
18 the technical parts of the plan. There are a handful
19 of different issues which, again, I'm sure that the TDE
20 will bring up as we go through that. For the most
21 part, all of the comments are addressable and will be
22 incorporated into our final design.

23 Finally, I'll note in your packet that there is a
24 letter from our neighbor, the Hoffmans, with regard to
25 their review of our plan. We were able to meet with

1 them and their attorney, Mr. Zee, who is here today.
2 We met with them for a couple of hours today and worked
3 through some issues that they raised in their comment
4 letter. I know that Mr. Zee is going to talk a little
5 bit, but essentially it revolved around the access
6 connection between the two properties. We basically
7 told them that we could make that connection whenever
8 they like and basically where they would like with the
9 aisle there. We're going to give them the easement and
10 allow that ride to stay there for a couple of years
11 until they're at a point where they are ready to
12 redevelop and he can remove the ride. We offered to
13 help him do that with the relocation of the ride as
14 well.

15 We also talked about some design changes along
16 this corridor where the parking is between their
17 property and the circle that goes to the traffic
18 signal. We offered to them to bring ours to 24 feet
19 with standard parking spaces. We have enough room on
20 the west side around the building there that we could
21 widen that to 26 or 27 feet to make that a little wider
22 and a little bit easier for traffic to get back and
23 forth from a signal to there, to their site. We also
24 offered to have reciprocal parking and access easements
25 as we have always talked about. We also told them that

1 we would continue to work with them as they advance
2 their project, whenever that project advances, in order
3 to work with DOT to maintain the integrity of their
4 access and make sure that an access to and from our
5 property and their property onto Route 9 remains
6 acceptable to everyone. Essentially, I'm hoping that
7 when Mr. Zee talks to you this evening that the
8 Hoffmans are supportive of what we have agreed to this
9 afternoon.

10 With that, I'll take any questions that you have.

11 CHAIRMAN STUTO: Are there any questions before we
12 go to the TDE?

13 (There was no response.)

14 CHAIRMAN STUTO: We're going to ask our Town
15 Designated Engineer for their comments. We'll open it
16 up to the public after that. I ask that you sign in on
17 the sign in sheet over there, if you want to speak. It
18 just helps us.

19 Ted Kolankowski with Barton and Loguidice, would
20 you like to offer your comment on this project?

21 MR. KOLANKOWSKI: Thank you. As Dan said, we've
22 been working quite a bit over the past couple of months
23 on this project. Just a general comment - this project
24 was sort of the poster child for what the NCOR design
25 standard should do for the Town of Colonie. I think

1 that it's a very admirable project and sustainable
2 development. It's redeveloping any existing disturbed
3 site and so on.

4 We did issue a comment letter on the 10th and
5 today we received a reply to those comments. Our main
6 concerns going on the 10th related to the SWPPP, which
7 we had met with the applicant and received explanations
8 and some clarification on that. We no longer have any
9 concerns on that.

10 The other thing was traffic and I'll let Tom talk
11 a little bit about that in a couple of minutes. There
12 were some other items that had not been submitted such
13 as detailed items on lighting. They sent us a lighting
14 plan and we were able to review that and it does
15 provide fixtures that will meet the design standards.
16 The illumination levels are appropriate and they are
17 using the proper cut-off lights so there won't be any
18 light trespass.

19 As Dan said, the landscaping needs to be worked
20 out into a little bit more detail. They're basically
21 showing street trees, but they have agreed to also show
22 some lower level plantings on the plans, moving
23 forward.

24 As they mentioned, we did meet with DOT on
25 December 6th. Tom was in attendance. The applicant

1 was in attendance also.

2 Tom, would you like to review that quickly?

3 MR. JOHNSON: Sure. As far as the DOT meeting, a
4 couple of comments that they had brought up - one was
5 in regard to the new traffic signal that's being
6 proposed down the road. DOT was taking a big picture,
7 a look at an additional signal and seeing if adjacent
8 businesses could get access to that signal so that it
9 would tie in as many businesses on both sides of the
10 road to get to the traffic signal. Also, with that
11 signal, a realignment with the A-Frame Pools - their
12 driveway would come in opposite the site driveway for
13 this project as well. Not knowing what plans would be
14 for Hoffman's, it would get them to another traffic
15 light.

16 There are restrictions as to what can and cannot
17 be made. Another question was the layout of the cross
18 connection between this project and Hoffman's as far as
19 how it was aligned and again, with the parking coming
20 out into the travel lane versus like we discussed with
21 the shops, just have no parking through that area.
22 There are parking constraints that we may or may not be
23 able to work though. I don't know what the plans are
24 now. Those were basically the DOT concerns.

25 A couple of the items that I had brought up were

1 how the site is going to work until the traffic light
2 is installed at the later stages. The applicant
3 supplied some traffic analysis for the driveway under
4 stop sign control. There will be, obviously, as you
5 get more and more development onto the site before the
6 traffic light is put in, you will get more and more
7 delay on-site. It's not going to effect traffic on
8 Route 9 and the left turns into the site. It's just
9 going to effect the queue lanes on the site, but it
10 won't be anything that will extend back to the traffic
11 circle until it's a build-out. But at build-out,
12 that's when they're proposing it at the latest to put
13 in the traffic signal.

14 Lastly, I had brought up a comment. How does the
15 installation of a traffic signal effect the traffic
16 flow on Route 9? I believe that was a comment brought
17 up by the Board and also the public was concerned about
18 that, knowing that there are some delays, especially
19 during the p.m. peak hour going northbound. They
20 provided some queueing analysis of the traffic signal
21 for that location and also for the adjacent signals.
22 The results were that there is not going to be
23 overlapping. The queue lanes will not be so long that
24 they will not impact flows of traffic between the
25 signals. Once the signal gets put in, they will work

1 with the DOT in coming up with better timings to make
2 sure that they are coordinated to get through the
3 signals better.

4 That's all I have.

5 MR. KOLANKOWSKI: In general, all of the comments
6 that we had to this point except for the ones that I
7 talked about before were very sort of technical in,
8 nature, and they have agreed to address all of those
9 comments as well as some of the Department comments.
10 We did not get all of the Department comments, but I
11 would suspect that they would all be technical in
12 nature, at this point.

13 They are going to need to request three waivers.
14 They're asking for 31 less parking spaces, which
15 appears to be appropriate given the mixed-use.

16 Dan, did you have that diagram?

17 MR. CLEARY: For the parking?

18 MR. KOLANKOWSKI: Yes. It wasn't attached.

19 MR. CLEARY: Yes, I do.

20 MR. KOLANKOWSKI: Just to sort of make their case,
21 I asked for a diagram that would show the parking
22 demand over the course of a day where you'll have
23 certain levels of demand just to show a justification
24 for that particular waiver.

25 They're also looking for a zero setback wherea

1 10-foot minimum parking setback is required. For that,
2 I asked them to provide some additional information
3 about where that would be so it wasn't granted for the
4 entire site.

5 Dan, did you want to point to that?

6 MR. CLEARY: Where we require the zero setback
7 waivers?

8 MR. KOLANKOWSKI: Yes.

9 MR. CLEARY: Very similar to what we did with
10 banking for Rumors -- and we'll have more than likely
11 a setback waiver for this building here on both of
12 these corners. At this point, I think that's it. In
13 the future there might be a requirement for us to come
14 back for additional ones if the lot lines change. I
15 think that's basically it right now. Of course, the
16 parking buffers and all the same types of waivers were
17 required the last time because of the shared nature of
18 the site. That's basically what we're asking for now.

19 MR. KOLANKOWSKI: Then there is a third waiver
20 that will be required for the interior greenspace and
21 the parking. They weren't able to meet the 15 percent.
22 With respect to that, I think that because they're not
23 creating a massive parking area, it's kind of difficult
24 for them to comply entirely with that. They are
25 providing quite a bit of greenspace around the parking

1 as well. It just doesn't meet that 75 percent
2 perimeter test.

3 CHAIRMAN STUTO: So, what's the overall
4 greenspace?

5 MR. KOLANKOWSKI: I believe it's 68 percent.

6 MR. CLEARY: Mr. Chairman, the issue becomes if we
7 have to provide interior islands, we lose additional
8 parking. We have provided significant public spaces on
9 the site, major greenspace. Again, those are the kinds
10 of things that we needed to do in order to make it work
11 within the NCOR and by having to meet the additional
12 interior requirements, we get kind of double taxed on
13 that one. We end up losing parking spaces in some of
14 the areas. It really only effect us, Mr. Chairman, in
15 this parking lot right here (Indicating).

16 CHAIRMAN STUTO: Anything else before we go to the
17 public?

18 MR. CLEARY: Mr. Chairman, I did just want to
19 touch base and talk to you a little bit about the
20 traffic across the street. We have worked with the
21 A-Frame Pool folks and Anthony Brennan from A Frame
22 Pools is here tonight. We do have a letter of
23 understanding with them for the development and the
24 parking and the connection there. We did investigate
25 the connection to the north to the insurance company.

1 As we explained to DOT, it's just not practical for
2 that landowner to engage in it because it really does
3 more harm to them than good. Because of grading, you
4 end up losing too many parking spaces.

5 CHAIRMAN STUTO: Okay, we'll call up members of
6 the public as they have signed in.

7 MR. KULLMAN: Hi, I'm Fritz Kullman. I wasn't at
8 the earlier meetings, so I'm kind of behind here. I'm
9 just curious about something. This is wetlands, I
10 assume, right (Indicating)? So, does that tell us that
11 this project can never be expanded any further to the
12 rear?

13 MR. CLEARY: Yes. That heavy dashed line is the
14 edge of the wetlands. It's a DEC wetlands, so it has a
15 100-foot buffer.

16 MR. KULLMAN: I assume that you will have garages.

17 MR. CLEARY: Those are the condominiums.

18 MR. KULLMAN: Parking is on the side, then.

19 MR. CLEARY: There are garages in the
20 condominiums.

21 CHAIRMAN STUTO: Thank you.

22 MR. MOREHOUSE: Good evening. I'm Max Morehouse.
23 At our last meeting I had specifically cited my
24 property up here at 20 Glennon Road and the fact that
25 we were about to lose what is now beautiful dark space

1 and forested area. I had asked for screening to
2 possibly be extended. I don't see any of that
3 happening.

4 CHAIRMAN STUTO: We'll ask the applicant about
5 that.

6 MR. MOREHOUSE: Also, I had asked to see a rear
7 elevation simply because we don't know what the
8 lighting fixtures are on the back and we sit up above
9 that site only about 20 feet. The last thing that we
10 want to do is look at people's spotlight out in the
11 back yard. Again, there is nothing that I've seen that
12 has any rear elevation or how that's going to be
13 treated in the back.

14 CHAIRMAN STUTO: It kind of makes sense to address
15 that now.

16 MR. CLEARY: We have requested the rear elevation
17 from the architect, Mr. Chairman, and we will provide
18 that to you. As far as the lighting goes, we can make
19 a condition with regard to lighting in the rear, it can
20 be incorporated into the condominium association rules,
21 which are required as part of your submission as well.

22 CHAIRMAN STUTO: What about the screening?

23 MR. CLEARY: Mike can speak to that.

24 MR. TUCKER: There is a pretty significant slope
25 down from the back of these properties down to our

1 site. There is actually a small retaining wall that
2 varies from three to four feet along that side. We
3 have shown some pretty substantial screening along the
4 top of that and some additional back here (Indicating).
5 This area slopes down this way. We did extend the
6 landscape buffer around that corner strictly because
7 it's on a little bit of a steeper slope there. It's
8 certainly something that we can look at.

9 CHAIRMAN STUTO: I'd like to help this gentleman
10 out.

11 MR. MOREHOUSE: It was expressed that the site was
12 going to be open for a couple of years as it was in the
13 past. How do we deal with the dust?

14 CHAIRMAN STUTO: Do you want to address that, as
15 well?

16 MR. MOREHOUSE: There was some talk about
17 controlling the dust as it goes out to Route 9, but
18 that doesn't effect the dust coming back to my
19 property.

20 MR. CLEARY: We're required - and I think that we
21 talked about this the last time - by Town statute to
22 provide a certain amount of erosion control; dust.
23 There are conditions that have to be met which are all
24 part of our SWPPP. They're all listed in the SWPPP.

25 As far as phasing goes, most likely the first two

1 buildings to go will be these two here (Indicating).

2 CHAIRMAN STUTO: Is the Marini building one of
3 those?

4 MR. CLEARY: Yes.

5 CHAIRMAN STUTO: Which one?

6 MR. CLEARY: This one (Indicating) -- these two
7 buildings here, the condominiums. We can only do so
8 many based on zoning, so most likely the phasing will
9 include those first two buildings and then a portion of
10 the condominiums which I would guess would be a block
11 or something of that nature, and push the grading this
12 way (Indicating). My thought is that this will be the
13 first area in the rear that will happen along with
14 these. If they're going to happen exactly at that same
15 time, there will be some delay. It's my anticipation
16 that in the spring that's where the construction will
17 begin is in those three locations. We are restricted
18 to five acres total being open at any one time by Town
19 regulation. So, we would need a waiver from that, if
20 we wanted to do more.

21 CHAIRMAN STUTO: Let's talk specifically about
22 screening. I'd like to do that for this gentleman and
23 get that issue out of the way. What can we do to
24 improve it for him?

25 MR. CLEARY: We talked essentially about this area

1 right here (Indicating). We can work with him in this
2 area. Like Mike said, it was a slope there and this is
3 also all natural. If there are some selective
4 plantings like evergreens or things like that he would
5 like to see there, we can work with him on that.

6 CHAIRMAN STUTO: What would you like to see there
7 sir? Do you know?

8 MR. MOREHOUSE: I'd like something there so that I
9 don't have to look into a backyard.

10 MR. LACIVITA: I think that one of the things that
11 the design does from a screening aspect as far as the
12 buildings go - I think that it helps the gentleman and
13 I agree that I think that landscaping should be added
14 to it. It's also protecting it. If you looked at when
15 he had the lighting concern, the lighting that is there
16 now - the highlights and the floodlights, that's all
17 going to change. This is going to be a village that's
18 being presented here. The building is also creating a
19 buffer to the playground.

20 MR. MOREHOUSE: I disagree.

21 MR. LACIVITA: But what I'm saying is that it's
22 going to be completely different from what we are
23 seeing currently as far as the lighting, but I think
24 that it has to be addressed through the course of this.

25 MR. KOLANKOWSKI: Dan, could you show us where the

1 limits of disturbance are in that area?

2 MR. CLEARY: Actually, we're right in here
3 (Indicating). This is the buffer zone here, so we have
4 to stay out of that.

5 From your back yard to there would remain
6 undisturbed.

7 CHAIRMAN STUTO: Donald Zee?

8 MR. ZEE: Good evening. My name is Donald Zee and
9 I'm the attorney for the Hoffmans.

10 I have to say that I want to thank both the
11 developers of this project because yes we did meet
12 today. We had a very short conversation yesterday
13 morning. They came and we had close to a two and a
14 half hour meeting and they pretty much addressed all of
15 the concerns within their power.

16 As Mr. Cleary had indicated, some of our concerns
17 deal with regards to travel lane and the roundabout
18 here and my clients property. They had indicated that
19 they probably would widen that lane somewhere from 24
20 feet to 26 or 27 feet and hope that some widening would
21 occur because it would make it a little bit easier for
22 access into my client's property. We had raised a
23 concern because one of the old plans that we had FOILED
24 and looked at in this vicinity right here (Indicating),
25 there was, in fact a showing of a drainage swale. If

1 that was where the point of connection was going to be,
2 we had concerns about what kinds of structures would
3 have to be installed if the connection were to be made
4 to my client's property. They have indicated now that
5 the drainage or design will be created so that there is
6 really no structures necessary. There will be really
7 no swale necessary in that area. As Mr. Cleary had
8 indicated, he has to put in and we will have an
9 agreement with regard to cross reciprocal easements and
10 reciprocal parking.

11 CHAIRMAN STUTO: Where is the connection going to
12 be made?

13 MR. CLEARY: It's somewhere in the vicinity right
14 here (Indicating).

15 CHAIRMAN STUTO: It looks like there are parking
16 spaces, but that looks like the logical connection.

17 MR. CLEARY: Mr. Chairman, we show parking because
18 at the time that we did the original plans, we weren't
19 sure what the Hoffmans' plans were. Essentially, the
20 connection can be anywhere in this area. We've also
21 told Dave that if you want to have a connection now,
22 we'd grade that in as well and work with him on that.
23 Effectively, it will be somewhere in this area right
24 where we show it on the plan (Indicating). We've told
25 them that we'll work with them with regard to that.

1 The other thing is that ride is right there that
2 they want to keep. There are some timing issues there,
3 as well.

4 CHAIRMAN STUTO: That raises another issue. One
5 of the TDEs pointed out to me that coming off that
6 circle and going into that spot - this is a true
7 roundabout, is what they told me. Going into that
8 parking location, it looks like you're going to bump
9 into the end of that one row of parking. Do you know
10 what I'm taking about?

11 MR. CLEARY: We talked to DOT about that. We're
12 going to see if we can shift that a little bit so that
13 when you come in, you're coming straight in. That came
14 up at the DOT meeting as well and we told him that we'd
15 correct that.

16 CHAIRMAN STUTO: Is that where he said he's going
17 to widen from 24 to 26?

18 MR. CLEARY: The aisle that goes from this point
19 to there (Indicating) - we're going to widen that.
20 We've got quite a bit of buffer area around this
21 building and we can steal a couple of feet there to do
22 it.

23 CHAIRMAN STUTO: Thank you.

24 MR. ZEE: Also in the application they had
25 previously talked about signage so that people would

1 have directional signs and they have agreed to allow us
2 to have some directional signs showing what tenants we
3 may have in the future as we develop a parcel.

4 There is one thing that the developers could not
5 agree to and it's not within their power to agree to,
6 but my clients have a concern. Based on my experience
7 with working with DOT, my clients anticipate that they
8 are getting older. Mr. and Mrs. Hoffman have been
9 operating this facility all their lives and now they're
10 at a stage where the children no longer want to operate
11 it. So, in the very near future we anticipate that
12 they are probably going to stop having the Playland
13 there and they're going to come back in with some
14 development plans. Our concern deals with that we
15 understand that there is going to be a traffic light
16 here at some point in time in the future, but right now
17 we have curb cuts and a massive curb cut, obviously
18 going into the Playland area. We have the ability to
19 take left hand turns out, as well as vehicles traveling
20 north on Route 9 to take left hand turns in.

21 What I've seen in recent days by DOT when a
22 developer comes in and you have a traffic light here as
23 well as a traffic light further south by Schuyler
24 Realty's development down there is that all of the
25 sudden DOT decides to limit the access into the site to

1 a right-in and right-out only. We have grave concerns
2 about that because we think that if that were to take
3 place, that would be a loss of a very large property
4 right that we currently have. I know the Board may
5 say, well, that may not happen. Unfortunately, I've
6 had that recently happen to a client of mine who wasn't
7 even in the development process. I'll tell you exactly
8 where it is. In the Village of Colonie on Central
9 Aavenue right where Otto is. Shop Rite is going in
10 there.

11 My client who had the office building immediately
12 across the street went to every single Planning Board
13 meeting and in all of those meetings, nothing was ever
14 discussed with regard to his curb cut which was on the
15 other side of the road. No plans submitted to the
16 Planning Board would ever show any modification to his
17 curb cut. All of the sudden, after the Planning Board
18 approved it, DOT got their hands on it and my client
19 lost his full service curb cut so that they came in
20 during the middle of the night and gave him 48 hours
21 notice. They came in and said, right-in and right-out
22 only. Since it's our curb cut, we've changed
23 dramatically. So, we have a concern about that.

24 Hopefully, you will have your TDEs as well as the
25 Town understand that with regard to my clients and

1 their future ability to utilize their property to what
2 they believe is the maximum extent possible under your
3 existing zoning codes, that they do not lose that
4 ability to have the people utilizing their site having
5 a left turn in as you travel north on Route 9, as well
6 as people existing the site to travel north on Route 9
7 to make that left hand turn.

8 As I said, I appreciate the diligent efforts by
9 the developers. They were very quick and as I said, my
10 office and ABD who wrote that letter - we were just
11 retained in them middle of last week. We had just a
12 quick review and Mr. LaCivita was very helpful in
13 providing my client with copies of the site plans. We
14 were able to review it and they were very responsive
15 and I want to thank them. I think that it should be
16 noted that they have been very cooperative. Thank you.

17 CHAIRMAN STUTO: Thank you.

18 Sandy Speranza.

19 MS. SPERANZA: I'm Sandy Speranza and I live at 17
20 Ashley Drive. I have a couple of questions.

21 Last meeting there was a difference of 200 cars
22 per day in traffic with DOT evaluations. With the new
23 evaluations, what is the difference per day?

24 MR. CLEARY: The traffic projections have not
25 changed at all. It's the same thing that we talked

1 about last time. It's the same traffic study. It's
2 been reviewed by the TDE and by DOT.

3 MS. SPERANZA: So, there is no change in the
4 traffic study.

5 What businesses are planned currently to go in
6 right now? I heard a Dunkin Donuts. What other
7 businesses are planned?

8 CHAIRMAN STUTO: Do you want to point that out?

9 MR. CLEARY: Currently we have Dunkin Donuts at
10 this location and Mr. Marini's restaurant and his
11 office building in this area (Indicating). We have
12 planned but no tenants at this point for retail space
13 on the first floor of this building, offices on the
14 second floor, retail or restaurant space in this
15 building and potentially offices on the second floor of
16 that as well. This is retail/commercial space off of
17 what I would call soft commercial which would be more
18 H&R Block type of business (Indicating). It's not a
19 real type of retail space in the back here on the first
20 floor. The upper floors are two floors of apartments;
21 24 units. That's been the plan throughout. That's
22 exactly what the traffic study looked at.

23 MS. SPERANZA: This is the first that I've heard
24 of a Dunkin Donuts and restaurant.

25 What do you plan on asking for the apartment?

1 What are they going for? I hear that the condos are
2 \$350,000 to \$450,000 with an HOA? How much is the HOA?

3 MR. CLEARY: I don't have that information right
4 now.

5 MS. SPERANZA: I'm looking at people paying for it
6 and not seeing you start to build it and then have
7 something like Emmons. You're on a two-lane road. I
8 live right down the road and traffic is horrendous
9 right now. You're adding all of this commercial and
10 condos and apartments which may not get filled. Now
11 there's a restaurant and Dunkin Donuts. That's
12 constant traffic going in and out. It's going to be a
13 mess. That's my main concern. It's going to be a
14 mess. It's an accident waiting to happen.

15 CHAIRMAN STUTO: Thank you.

16 Grace Goodman?

17 MS. GOODMAN: I'm Grace Goodman from 11 Hills Road
18 and I'm concerned mainly with traffic, too. It sounds
19 like DOT has worked on a study and sort of said that
20 it's okay. From my perspective, I've already seen
21 traffic backed up from Ted's Fish Fry all the way down
22 to Newton Plaza several times a day. We're going to be
23 adding more traffic there, and another light. That
24 whole corridor is just becoming approaching gridlock,
25 in my opinion. I just wonder about the Board's vision

1 of the future of quality of life in Colonie.

2 MR. LACIVITA: If I may speak to that Peter? From
3 a planning perspective and I'll certainly let the
4 traffic engineer speak to this, but from a planning
5 perspective when we talk with DOT, they are the ones
6 who control Route 9. They are the ones that determine
7 the capacity. They have the build-out analysis that
8 they do. We tell them the projected plans that are
9 coming. They do the studies and they dictate as to the
10 curb cuts that come about. So, that's the partnership
11 that's built with the developers, with the Town of
12 Colonie, and so on. We can't go to them and say we
13 want larger. They know what the reserve capacity is on
14 the roadways that they control. So, when our planning
15 comes, yes we say that we want a mixed-use and we know
16 what can potentially go there because we're in
17 partnership with DOT.

18 MR. CLEARY: Mr. Chairman, with regard to traffic
19 in general, there are a couple of things that I'd like
20 to point out: regardless of what you develop in that
21 corridor, there is going to be an issue with traffic.
22 We understand that. We have done an extensive traffic
23 study and it has been reviewed by your folks and also
24 by DOT. There are a couple of things that we have to
25 keep pointing out. One is that this is an existing

1 developed site. This is not greenfield development.
2 This is redevelopment. This is sustainable
3 development, or whatever you want to call it. There
4 will be an increase in traffic; there is no question
5 about it. But the type of development that we have
6 designed is exactly what the Town planned on for this
7 site. It's almost to the letter NCOR zoning standards.
8 It's a mix of uses. They are compatible uses. You'll
9 get people who will shop, live and will work and help
10 reduce the stress on the road. We're providing
11 interconnection from properties that again, helps
12 reduce the stress on the road. We're doing a lot of
13 things with this development other than a raws number
14 of trips that come out of it to help improve the
15 quality of traffic flow along Route 9. Putting the
16 signal in and connecting those signals will also help
17 with platooning of the traffic through there and making
18 it a little bit easier to get in and out.

19 CHAIRMAN STUTO: Joe, do you want to talk about
20 pedestrian and sidewalk plan for Route 9? This may be
21 the appropriate time.

22 MR. LACIVITA: Currently, I don't know what the
23 neighbors have heard or anything at this point in time,
24 but there is a plan that we're actually very close to
25 having finalized that the sidewalks are going to be

1 installed from Siena College all the way down to the
2 Berkshire Bank. We were fortunate enough that
3 Assemblyman Reilly who is leaving office at the end of
4 the year has granted the Town and Siena College
5 \$400,000 to install sidewalks. We've talked with this
6 developer. We've talked with Schuyler. We've talked
7 with Siena College. We have just a short amount of gap
8 that we're collecting escrow from other companies that
9 are looking to build. So, the sidewalk that you see -
10 Siena is going to start to install hopefully by spring
11 of next year along Route 9. It's going to be on the
12 easterly side of Route 9 and then it's going to cross
13 over on Maxwell Road and pick up and come right in
14 front of the Village of New Loudon that you see here
15 (Indicating) and then also Newton Plaza. So, we've
16 been very successful in obtaining sidewalks to improve
17 the Route 9 corridor that actually is going to be safer
18 for the kids at Siena College to walk and our residents
19 as well.

20 CHAIRMAN STUTO: And hopefully these residents
21 will take walks during the day, if they're retired or
22 so forth.

23 I live in the community. Route 9 is not good
24 during rush hour. In the morning going south, it's
25 difficult and in the evening going north it's

1 difficult. It is a reuse of an existing property and
2 something is going to go there. It's not perfect, but
3 it's a pretty nice project.

4 MR. LACIVITA: Actually prior to what we are
5 seeing here, the Town was actually pushing them to a
6 planned development district, which would have allowed
7 for greater density. The developers fought back to
8 say, no, we want to stay within the design standards
9 and stay within the zoning which kept the density as to
10 where it is now.

11 CHAIRMAN STUTO: Thank you.

12 Dean Osterhout?

13 MR. OSTERHOUT: Hi, my name is Dean Osterhout and
14 I live at 14 Fireside Lane. I am the gentleman at the
15 bottom of the hill in the back. Probably all of my
16 property abuts up against the wetland here
17 (Indicating). It has been pointed out in the past that
18 there was a creek that runs down through here and we're
19 talking serious changes here in elevation. I think
20 last time I heard 50-something feet. I'm at the bottom
21 of the 50-something feet. They talked about a catch
22 basin here and draining off water into this creek at
23 the same rate that it's going into the creek now. I
24 don't know how they figured that out. Anyway, this
25 creek in many places is no deeper than a foot. Today,

1 I have water in my yard from last night's rain. I can
2 only imagine what this is going to do to my property.
3 During the spring, I can have water 15 feet into my
4 property. Approximately 20 feet from my back door. I
5 have to tell you that something has to be done here.
6 Who's responsibility is it for this creek? Is it
7 theirs? Is it the Town's? Is it mine? Is each
8 neighbor responsible for their own area? I'm telling
9 you that you're looking at a lot of water coming off of
10 here and coming back down in there.

11 CHAIRMAN STUTO: We'll let the developer or our
12 Town Designated Engineer address that.

13 MR. KOLANKOWSKI: I can say that Brad Grant, our
14 Stormwater Management Specialist, had some concerns
15 initially with the review of the SWPPP after it was put
16 in place. We had a meeting with the development team
17 and generally he's satisfied what is required. I think
18 that they're voluntarily treating this as a new
19 development site rather than a redevelopment site.
20 Technically, they wouldn't have all of the requirements
21 on the stormwater management plan that they're
22 complying with.

23 CHAIRMAN STUTO: Can you talk more specifically?

24 MR. CLEARY: Mr. Chairman, I think that we talked
25 about this at the concept level because I think that

1 the gentleman had the same concerns.

2 Effectively what he has now is an uncontrolled
3 site. The water runs off the site and into the creek
4 and into the wetlands. There is no control to it. As
5 part of the stormwater design by law, we have to design
6 it in such a fashion that the volume and concentration
7 do not change. They go into the stream equal to or
8 less than what goes in there now. Plus, we have to
9 incorporate the discharge into the ground. We have to
10 put a certain amount of water into the ground to meet
11 the DCC standards. Again, that's something that we've
12 done. We've installed here above and beyond what we
13 are required to do. A large portion of the site is
14 currently blacktopped and we've taken some credit for
15 that, but not as much credit as we should. We also
16 designed a detention basin that's slightly bigger than
17 what we need. Again, that is to help to alleviate some
18 of the existing conditions out there. Effectively, by
19 installing this drainage control on our site, that
20 process should actually get better. I can't say that
21 it will be solved and you can't say that it will be
22 measurably better in his back yard, but the control of
23 the drainage release from this entire site is going to
24 have a significant impact. We can't do anything to the
25 creek. It's in the middle of the wetlands area. You

1 can't disturb that.

2 CHAIRMAN STUTO: Can you talk specifically about
3 how the water is going to behave?

4 MR. CLEARY: I'm going to let Mike do that.

5 MR. TUCKER: As Dan had said, currently the site
6 is somewhat developed and there is some that is not,
7 but there is a good portion of the front that is
8 developed. All of the run-off now basically comes from
9 Route 9 across the site uncontrolled into the wetland
10 and into the stream.

11 CHAIRMAN STUTO: It just sheets across the
12 property.

13 MR. TUCKER: Basically, yes; it goes across the
14 driving range. It all gets down to the stream one way
15 or the other. It's totally uncontrolled. Our design
16 captures everything within the site with the exception
17 of a small portion of the back of those condominiums.
18 That water will flow across this buffer zone. This is
19 a green infrastructure that DEC has laid out for us.
20 The remainder of the site is all being captured through
21 a series of catch basins and pipes either being
22 infiltrated in various areas of the site, or ending up
23 in this detention basin (Indicating). This detention
24 basin, as Dan said, will hold the water and not let it
25 discharge any faster.

1 CHAIRMAN STUTO: Is that underground?

2 MR. TUCKER: This is a pond. The break out of
3 this for a storm event will not be any greater than the
4 rate that it reaches that stream today.

5 CHAIRMAN STUTO: You're saying that it's designed
6 actually to do even better than the curent conditions.

7 MR. TUCKER: Yes, and for the larger storm events,
8 we're actually reducing the run-off into that stream
9 upwards of 20 or 30 percent.

10 In addition, we are adding a couple of areas of
11 porous pavement. I know that the Town is really
12 working on that these days. It's a great practice. It
13 allows you to just infiltrate off of the pavement and
14 directly into the ground water. That water will never
15 reach the basin. We've been conservative with our
16 design for that basin. We feel that this design and
17 actually being able to control this now, capture it in
18 a basin, let it out at a slower rate than it hits the
19 streets, will actually improve conditions.

20 CHAIRMAN STUTO: Thank you.

21 MR. FAZZONE: I'd like to talk about that stream
22 as well. Perhaps we can send a letter to DEC on behalf
23 of the residents. The problem is that everyone is
24 afraid to set foot in it. If one tree goes down and it
25 blocks something, DEC won't come in and clean it and no

1 one has the right to clean it. It's a mess back there.
2 Stopping 20 or 30 percent should help a large part, but
3 unless DEC cleans that stream up, they're going to have
4 that problem. On the top part, there are a lot of
5 trees that are down and people said, why don't you go
6 in there and clean it up? We'd love to do that, but
7 it's all in the wetland buffer. We're not allowed to
8 go in there and clean it up. If they would trench that
9 stream so that the stream would stay in the bed, it
10 wouldn't be a problem.

11 MR. TUCKER: In addition to that, this whole
12 stream flows this way and it's piped. That pipe is a
13 36-inch pipe which is probably undersized for what's up
14 there. It's not clear on the survey whether it
15 actually falls within the Town easement, if it's a Town
16 pipe, or what. It's just not clear. There is the
17 potential to potentially upsize that.

18 MR. AUSTIN: So, the residents are allowed to go
19 back into the woods? If a tree falls down into the
20 stream; and they can fix that?

21 MR. FAZZONE: At \$5,000 a trip -- you're allowed
22 if you can afford it. You could probably get good
23 money for the firewood. We've tried that and there are
24 trees everywhere. There are power lines on Glennon and
25 old trees that are in the wetland boundary. National

1 Grid and DEC won't touch them. They're down everywhere
2 and that's a problem. We'd love to see something done
3 about that, as well.

4 CHAIRMAN STUTO: How long is that pipe? It runs
5 from where to where?

6 MR. TUCKER: It starts about here and it runs
7 north and it spills out onto the stream here --

8 CHAIRMAN STUTO: And it goes under a road?

9 MR. TUCKER: I know that it goes under private
10 properties. I'm not sure because I think that there is
11 a Town easement there.

12 CHAIRMAN STUTO: Our engineers agree with that
13 analysis, as described by the applicant?

14 MR. KOLANKOWSKI: From what I've seen, it does go
15 into some type of structure and into private property.

16 CHAIRMAN STUTO: But also, the whole analysis on
17 the stormwater management of the parcel?

18 MR. KOLANKOWSKI: Absolutely.

19 CHAIRMAN STUTO: Anybody else from the neighbors
20 want to be heard?

21 MR. FAHEY: I know that it's late and I'm sorry to
22 belabor the point, but I have just a couple of
23 observations.

24 Joe, I wished the website hadn't gone down. I
25 need the minutes. I'm doing this from memory.

1 With regard to the parking waivers, when Rumors
2 was proposed, a waiver was issued for that. I think
3 that it was at the July meeting that they said that
4 they had underestimated the parking and needed 30
5 temporary spots. Maybe their math isn't that good.
6 You might want to think about that when you're looking
7 at the waivers.

8 I don't know who is responsible, but I know that
9 when I left a little over a year ago, I left one of
10 these meetings and everybody was pretty happy with the
11 way that the project was going. I'm speaking about
12 Rumors. I remember many of the Board Members discussed
13 putting windows on the Route 9 side for architectural
14 and aesthetic reasons. What they forgot to tell the
15 applicant was you can't put posters in those window.
16 So, those four windows are billboards for hair care
17 products ever since they opened in June. I don't think
18 that you intended for that to happen. I don't know how
19 you back up on that. More importantly, one of the
20 Board Members -- and I can't remember who it was -
21 specifically asked if Rumors was going to ask
22 amenities. The response from up there was two tables;
23 coffee and tea for their patrons, only. Eight days
24 after Rumors opened, Rumors announced that Fazzone was
25 putting in that building a 50 seat restaurant with a

1 full service bar, outdoor patio with fire pits. No
2 wonder they don't have enough parking.

3 I don't know how it happened with the parking. I
4 don't know how it happened. Is this something that the
5 Building Department screwed up on, or did something
6 slip through the cracks here or something was done and
7 nobody got caught? I've had this under a microscope.
8 I have nothing specifically to say about this one. I
9 don't know enough about it. I don't live anywhere near
10 there. If this kind of thing is going to happen at
11 this phase, I think that we have a serious problem. If
12 it slipped through the cracks, gee, it's too bad but
13 you can't put that toothpaste back in the tube. That
14 place is going to open very soon. There is a lot of
15 work to be done down there and that's going to add
16 significantly to traffic with a high end restaurant,
17 not to mention the other one that's proposed. I just
18 wanted to get that one off my chest. If you can tell
19 me who let that cat out of the bag, I'd appreciate it.

20 CHAIRMAN STUTO: You raised some good points. I'm
21 unaware of what you're saying. I don't know if we're
22 prepared to answer that now. I don't remember it being
23 approved for a 50-table restaurant.

24 MR. FAHEY: This is from their website and then
25 the following one goes into detail about what Fazzone

1 is putting in there. I know you didn't approve a
2 restaurant.

3 CHAIRMAN STUTO: We'll look into it.

4 MR. FAHEY: I heard two tables for coffee and tea.

5 CHAIRMAN STUTO: That's not what they applied for.

6 MR. LANE: I don't recollect that, as well.

7 MR. FAZZONE: Mr. Chairman, I'd be glad to address
8 most of it.

9 With the parking, Rumors was overparked. We asked
10 this Board for 80 parking spots for a 10,000 square
11 foot building. I didn't believe at the time -- and I
12 believe that most of you didn't believe at the time
13 that when we wanted more parking then, the code
14 required almost twice as much. That's what we put
15 on-site. They opened to a wildly successfully
16 establishment. They were going to have tea and coffee.
17 They have that on their initial plan a coffee area.
18 Because of their success, they were fortunate enough to
19 bring in one of the areas foremost restaurateurs.
20 Somehow I feel like I'm apologizing for that and either
21 we're against some sort of development, or I think that
22 it's a great thing. He's going to run that coffee shop
23 and that bistro. Did they come back before the Board
24 and in front of Pplanning? Absolutely. I sold that
25 property and we did basically exactly what we said we

1 were going to do.

2 With regard to my math, it's not the best and
3 you're absolutely right. We overparked it to start
4 with. The reason that this was set like this pursuant
5 to the Comprehensive Plan was because when it's
6 entirely built-out, each part of the plan we will have
7 different demands on parking. No one goes to a
8 restaurant until 5:00 at night. When the next piece is
9 done, there is going to be another 60 parking spots.

10 FROM THE FLOOR: But you've got a Dunkin Donuts,
11 and another restaurant is going in right next door.

12 CHAIRMAN STUTO: Let him finish his presentation.
13 We'll let you speak again.

14 MR. FAZZONE: So, essentially we started out being
15 overparked with 82 parking spots on the Rumors side for
16 10,000 square feet. I think that the code probably
17 calls for 5 per 1,000. So, we started out with 30
18 additional than we initially needed, per code. The
19 plan was that we were going to have a restaurant inside
20 it and it was going to be run by them. They were so
21 busy when they opened - thank God in this economy -
22 they decided to sublet that. I'm sorry that we're in
23 the position to apologize for them. They're not here
24 tonight. They came back to the Board looking for more
25 parking and we have enough parking when this is

1 built-out. The restaruants are not going to have any
2 of the demand and they're going to be mostly for lunch.
3 One of the things that really benefits this area is
4 that we can have more people in this Town at lunchtime.
5 It's very dead at lunchtime. That's why when you have
6 all the other buildings going up, there is going to be
7 ample parking.

8 Maybe my math isn't so good, but my reading is
9 good. If you read in our plan, it spells that out that
10 the parking is going to be shared. With shared
11 parking, that's why there is going to be plenty of
12 parking for Rumors and for the bistro.

13 MR. CLEARY: The parking analysis that I handed
14 out earlier and you requested includes Rumors in that
15 parking. There are 307 spaces available for retail
16 which includes the bank, Rumors and all the retail and
17 office portion. The residential is segregated. The
18 analysis shows you that use by use, restaurants, retail
19 and Rumors -- what the demand is for three different
20 periods of the day and how those demands overlap. I
21 will tell you that for Rumors, because they are a
22 unique use -- we use IT parking generation calculations
23 for them and they are generally conservative. There is
24 nothing for a hair salon. If there were, there
25 wouldn't be anything like Rumors. So for Rumors, what

1 we included in there under maximum conditions was 130
2 parking spaces. That's included in that calculation,
3 and it still works.

4 CHAIRMAN STUTO: Did members of the public want to
5 say anything?

6 FROM THE FLOOR: Are they taking the curb cuts out
7 of Rumors?

8 MR. CLEARY: No, that plan hasn't changed. DOT
9 had no comment on that.

10 MR. ZEE: With regard to that screen and the trees
11 that have fallen in there, I believe that the direction
12 of the Town is if they sat down with DEC, you're going
13 to have to have your homeowners association or
14 condominium association -- that with the assistance of
15 the Town, DEC provides that the applicant prepares an
16 open space management plan and will permit people to go
17 into DEC wetlands on a regular basis to clean out the
18 stream corridor of these fallen tress and everything.
19 I'm familiar with that because I had a project where
20 they had the same type of thing. They also had beaver
21 damns being built and effecting railroad tracks and
22 they prepared an open space management plan that
23 allowed the adjoining property owners of single family
24 residential as well as the association to go in there
25 and clean it out. They are limited as to the type of

1 equipment that they use. You can't bring in backhoes
2 or anything like that, but they do allow it and it does
3 have to be under the direction of the Town. The Town
4 has to be an advocate.

5 CHAIRMAN STUTO: I assume that the Town will
6 cooperate with that.

7 Will the developer bear the expense of that
8 helping to develop an open space management plan?

9 MR. FAZZONE: Yes.

10 FROM THE FLOOR: With regard to the traffic: I
11 live on Hills Road and during peak hours the traffic
12 could be backed up all the way to Maxwell. To make a
13 left onto Route 9, you don't have a dedicated arrow.
14 You only have a green light. So, if the traffic is
15 coming the other way on Maxwell, you can't make that
16 left turn.

17 CHAIRMAN STUTO: You get one car for every traffic
18 light.

19 FROM THE FLOOR: You have to wait and hope that
20 there aren't a lot of cars coming straight onto Maxwell
21 in order to make it. You may miss a whole cycle. The
22 only way to get onto Route 9, north of Hoffmans, would
23 be to go down Old Niskayuna, hang a right onto
24 Watervliet-Shaker and then face that mess in the
25 intersection where you have another problem of getting

1 onto Old Loudon Road to make a left because you have
2 cars coming this way too that have the right of way.
3 So, if I'm going north on Route 9, and it's a one-way
4 road and cars want to go in and out of that complex,
5 how do I get around it? If there is a light there and
6 a dedicated left turn, then there has to be a dedicated
7 lane. How many cars are going to fit into that
8 dedicated lane? On Old Route 7 you have those
9 dedicated lanes that will allow for maybe two or three
10 cars to sit there to make the left.

11 CHAIRMAN STUTO: This drawing looks like there are
12 two northbound lanes.

13 MR. FAZZONE: We have a dedicated turn lane and a
14 thru-lane in the direction.

15 FROM THE FLOOR: There is a center lane where
16 people can compete to take a left right now.

17 MR. FAZZONE: The design is right here
18 (Indicating). You have a dedicated left turn lane into
19 our development.

20 CHAIRMAN STUTO: Is that going to change right
21 away?

22 MR. CLEARY: That will happen because the
23 intersection will be there. It's designed to be able
24 to put the traffic signal in when we need it.

25 CHAIRMAN STUTO: What you're suggesting is going

1 to be part of this project. There is going to be a
2 dedicated left hand turn. It looks pretty long. How
3 many cars will be stacked?

4 MR. CLEARY: I think that your TDE said that we
5 did a queueing analysis of not only this intersection,
6 but of the two adjacent signalized intersections and
7 you have that on the record. I don't have it with me
8 but I think that he maximum --

9 MR. JOHNSON: Maximum for the northbound was just
10 a few vehicles.

11 CHAIRMAN STUTO: That the maximum that you think
12 that you're going to have, but there is a lot of room
13 there.

14 MR. JOHNSON: Yes. You have that whole left hand
15 turn lane. It won't be striped.

16 CHAIRMAN STUTO: It should be more than adequate
17 right?

18 MR. TUCKER: Yes.

19 MR. JOHNSON: We can get easily six to eight
20 vehicles stacked in that lane. If they extend further,
21 you still have that median that they can enter into.
22 It won't be straight. The whole median will be
23 stripped exclusively.

24 FROM THE FLOOR: Excluding the business traffic,
25 you're going to have about 100 families --

1 MR. JOHNSON: That's all included.

2 FROM THE FLOOR: So, maybe two cars per family -
3 you're talking about a couple of hundred cars that are
4 going to be going in and out only off of Route 9?

5 MR. JOHNSON: All of the numbers are included --
6 the condos, the offices and the retail -- and if people
7 have two cars per unit, everybody does not leave their
8 house and come back to their house all within the same
9 one hour period. It's stretches out over several hours
10 of the day.

11 CHAIRMAN STUTO: Thank you.

12 Anybody else want to say anything?

13 (There was no response.)

14 CHAIRMAN STUTO: Okay, to the Board: Karen?

15 MS. GOMEZ: Nothing.

16 CHAIRMAN STUTO: Mike?

17 MR. SULLIVAN: Nothing.

18 CHAIRMAN STUTO: Tim?

19 MR. LANE: I don't have any questions.

20 CHAIRMAN STUTO: It would be the homeowners
21 association that would be working on the agreement with
22 DEC to access the wetlands?

23 CHAIRMAN STUTO: With the cooperation of the Town.

24 MS. VAIDA: That's the open space mangement plan.

25 CHAIRMAN STUTO: Brian?

1 MR. AUSTIN: I'm only sad to see Five Guys that
2 was originally in the picture is no longer being
3 planned for that.

4 I do have a traffic concern. I know that the
5 numbers work and DOT works. I go through that stretch
6 almost every day at least once at about five in the
7 morning and people don't drive 40 miles an hour. Once
8 you head over that hill after Ted's Fish Fry going
9 south, it comes to a dead stop sometimes. The merge is
10 a very hard merge and people have to understand how to
11 merge into one lane. There are some issues, but the
12 numbers do work.

13 I think that it will with the proper stripping and
14 the intersection light, that probably will help things.
15 We'll have to wait and see and that's the only way that
16 we can go ahead with this.

17 FROM THE FLOOR: I'm not against building it. In
18 maybe five years I might want to live there and the
19 Town would be crazy not to take in this kind of income.
20 I'd would hate to see the traffic issue left to
21 somebody else. I think that it's going to be worse
22 than you think.

23 MR. AUSTIN: Overall, even the two lanes are not
24 wide enough for that corridor.

25 MR. LANE: The idea for this kind of development

1 are to put people in a setting that they could walk to
2 a lot of things.

3 CHAIRMAN STUTO: We're doing all we can interims
4 of planning. I don't know if you were here at the
5 beginning of this meeting, but part of the process we
6 did for the Boght Area GEIS which talked about had
7 20-plus million dollars worth of improvements up there.
8 We're doing what the engineers say is the best thing
9 that we should do, and being consistent with handling
10 the traffic that's going to inevitably rise as the
11 development goes up.

12 Lou?

13 MR. MION: I don't have anything.

14 CHAIRMAN STUTO: You want to walk us through the
15 SEQRA?

16 MR. LACIVITA: Tony, some of the calls that I get
17 in the office is the landscaping at the Berkshire Bank
18 and I know that you guys do a wonderful job of
19 landscaping. If there's any way that we could assist
20 that and tie that into the Village of New Loudon, we
21 would greatly appreciate that.

22 MR. FAZZONE: Absolutely. That's already been
23 taken care of.

24 MR. LACIVITA: Brian, to your point -- Five
25 Guys -- we're looking to them to be Newton Plaza.

1 CHAIRMAN STUTO: Ted, you want to walk us through
2 the SEQRA?

3 MR. KOLANKOWSKI: Certainly. I can read this in
4 detail, if you want to --

5 CHAIRMAN STUTO: Do a medium version.

6 MR. KOLANKOWSKI: In the Board's packet is a long
7 Eenvironmental Assessment Form Part I, Part II and Part
8 III was incorporated into the negative declaration for
9 the project where we analyze the impacts that we have
10 been discussing tonight. We talk about mitigation
11 measures and reasons why we should come to a conclusion
12 of a negative declaration. I'll skip ahead to the
13 impact on the land.

14 The project will result in a physical change to
15 the site. A 13 acre portion of the site has previously
16 been developed and the actual development will occupy
17 about that same part of the site. There is some
18 construction on steep slopes, but it will be properly
19 handled in the grading plan.

20 The project will be a multiphased project, but it
21 will be completed in about 42 months. As the applicant
22 stated, they will be preparing an erosion sediment
23 control plan in accordance with Town and State Laws.
24 They are not going to disturb anymore than five acres
25 at a time.

1 Based on the above, it appears that the project
2 will not have a significant impact on land resources.

3 In terms of water, we talked about again the
4 stormwater management plan that will be in place. The
5 project will utilize some green infrastructure
6 practices including porous pavement. I think that we
7 lost the bioretention areas. We will also be, as they
8 stated, using some infiltration areas. There is a
9 state and federal wetland adjacent to the site. The
10 applicant is respecting the wetland and the 100-foot
11 buffer and is not doing any development in that area.

12 The project is also in the Schenectady/Niskayuna
13 sole source aquifer, but there will not be an impact on
14 the aquifer. There won't be any on-site treatment of
15 waste, stormwater. The runoff will not impact the
16 aquifer. There will be no chemicals stored or used in
17 commercial areas. The project is going to utilize
18 existing public sewer and water systems connecting to
19 existing facilities.

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

23 With regard to impact on air, the project will
24 generate a maximum of 254 vehicle trips per hour, which
25 is not considered significant for the purposes of air

1 quality. Construction activities will leave a
2 currently stabilized area vulnerable to dust, and as
3 we stated before will be controlled in accordance with
4 the stormwater pollution prevention plan.

5 Based on the above, it appears that the project
6 will not have a significant impact on air quality.

7 With regard to impacts on transportation, we heard
8 a discussion of the issues. The applicant prepared a
9 traffic impact study which we reviewed and we followed
10 it up with additional information to reassure us that
11 the queuing issue would not be significant.

12 Tom Johnson, as recently as Monday, submitted a
13 letter concurring with the conclusion of the traffic
14 study and the follow up study.

15 Based on the above, it appears that the project
16 will not have a significant impact on transportation.

17 In terms of aesthetic resources, the development
18 will replace an existing developed site and it is in
19 general compliance with the neighborhood commercial
20 office retail district requirements. The project is
21 adjacent to a primarily residential development along
22 Glennon Road and there may be some impact on views. To
23 reduce that impact, the applicant has added some
24 landscaping and buffering and tonight they have offered
25 to add additional screening at the residences to the

1 northwest to supplement the existing materials that
2 existing on the site that will be retained.

3 Based on the above it appears that the project
4 will not have a significant impact on the environment
5 related to aesthetic resources.

6 In terms of archeologic and historical resources:
7 The archeological resource survey was completed; Phase
8 IA and Phase IB and based on that survey the conclusion
9 was that there were no significant archeological sites
10 identified. So, based on that, it appears that the
11 project will not have a significant impact on the
12 environment related to archeological and historic
13 resources.

14 In terms of plants and animals, Mark Kiburz,
15 Ecologist, visited the site and screened for the New
16 York State DEC and the US Forest and Wildlife Services
17 for a list of threatened and endangered species and did
18 not find any. There is no evidence of habitat that
19 will be disturbed as part of the project. The project
20 may use pesticides and herbicides in landscaped areas.
21 These will be regulated by the DEC and certified
22 pesticide applicators will be given application.

23 Based on the above, it appears that the project
24 will not have a significant impact on plants and
25 animals.

1 In terms of growth, character and health of
2 community or neighborhood, the project will increase
3 demand for emergency services, school, recreation,
4 police and fire protection because it will include
5 residences that do not currently exist. The applicant
6 has coordinated with these services including
7 emergency, Fire Department and the Police Department.
8 Property taxes are expected to offset any increased
9 costs related to these community services. The project
10 is likely to set a positive precedent for future
11 development in the Town of Colonie which will encourage
12 more sustainable design and planning practices
13 including compact development, mixed use, redevelopment
14 of existing developed sites, incorporation of multi
15 modes of transportation such as pedestrians and
16 cyclists and preservation of open space. The project
17 is not expect to eliminate any jobs and expected to
18 create 50 construction related jobs and 45 new
19 permanent jobs. Site lighting will meet the 'Nighttime
20 Friendly' criteria utilizing full cutoff luminaires to
21 reduce light trespass onto neighboring properties.

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

25 In terms of impact on energy, The project site was

1 previously developed and will not require creation or
2 extension of an engery supply or transmission system.
3 The project will require energy for construction and
4 operation of residences, offices and retail. However,
5 the project will not significantly increase use of
6 energy in the Town of Colonie.

7 Based on the above, it appears that the project
8 will not have a significant impact on energy.

9 Finally, impact on noise and odor: The project
10 will generate noise and odors during construction from
11 construction activities and equipment operations. Since
12 the project site has been recreational and retail, the
13 noise generated during construction will exceed current
14 ambient levels. Once construction is completed,
15 ambient noise levels and odors will be consistent with
16 existing ambient levels.

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

19 The Town of Colonie Planning Board has completed a
20 careful review of the reasonably anticipated areas of
21 environmental concern raised by the Project. Based
22 upon that review, the criteria for determining
23 significance contained in the SEQRA regulations, and
24 the rule of reasonableness, the Planning Board issues
25 this negative declaration concluding that the facts and

1 circumstances of this project will not result in a
2 significant adverse environmental impact. An
3 environmental impact statement therefore will not be
4 required.

5 CHAIRMAN STUTO: Any questions or comments or
6 discussion on this negative declaration?

7 (There was no response.)

8 CHAIRMAN STUTO: Do we have a motion?

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

10 CHAIRMAN STUTO: Second?

11 MS. GOMEZ: Second.

12 CHAIRMAN STUTO: Any discussion?

13 (There was no response.)

14 CHAIRMAN STUTO: All those in favor?

15 (Ayes were recited.)

16 CHAIRMAN STUTO: All those opposed?

17 (There were none opposed.)

18 CHAIRMAN STUTO: The ayes have it.

19 We're doing a few waivers first. My notes say a
20 waiver for 31 less parking spaces than are required by
21 the Town Code. The second is zero setback where 10
22 feet are required for those two front buildings. Also,
23 interior greenspace is not going to meet the 15
24 percent. The overall greenspace is 68 percent.

25 MS. VAIDA: Are you going to mark on the plans

1 where the zero setback is?

2 MR. CLEARY: Yes.

3 CHAIRMAN STUTO: The only questions that I
4 personally have are on the parking. I'm glad to hear
5 from our TDE on this and how they feel about what was
6 requested.

7 MR. KOLANKOWSKI: I think that it's appropriate.
8 I asked for the shared parking aisle information as
9 sort of a back-up document. As Dan mentioned, the
10 capacity is 307 and you can see that just looking at
11 the commercial part of it is 307. Just looking at
12 that versus the actual demand over the course of the
13 day it approaches 300, but doesn't quite reach that.
14 So, presumably that demonstrates that they are
15 providing an appropriate amount of parking for the
16 commercial area of the project.

17 CHAIRMAN STUTO: Is there any way to squeeze any
18 more parking in there? I'm thinking that it's going to
19 be kind of close.

20 MR. CLEARY: Mr. Chairman, I talked about this a
21 little earlier, but the analysis that I gave you is
22 very conservative. It's based on parking generation
23 figures. For example, it says that the Dunkin Donuts
24 will need 18 parking spaces. They don't need 18
25 parking spaces; they need about 10 to 12. I included

1 130 for Rumors based on trying to be very conservative
2 knowing that would be a concern. I expect that on a
3 daily basis you'll have during the very peak times 20
4 to 30 spaces open. That's if we're pretty successful
5 and we hope that we are. That's during the peak at
6 lunchtime when people are coming to eat at the
7 restaurants. I'm not talking about December. In
8 December, every place has parking challenges. On a
9 daily basis, based on that analysis you'll see a peak
10 demand during the noontime and it will fall off as the
11 day goes on. So, really most of the time except
12 between 12 and 1 --

13 CHAIRMAN STUTO: Did the engineers say parking --
14 does it mitigate itself? The place is just packed so
15 much.

16 MR. JOHNSON: I think that with this case, they'll
17 just go to Hoffmans; seriously.

18 MR. CLEARY: We've agreed to have cross access and
19 parking easements with each other. Between the 80
20 parking spaces that they have and the 30 that they'd
21 like to have, that's 110. I allotted for 130.

22 MR. LACIVITA: You also have 68 percent greenspace
23 and -- there might be future ways --

24 MR. CLEARY: Right, and as it goes forward and
25 develops these parking numbers tend to run high. I

1 hope that every parking space is filled. That means
2 that we're doing well like Tony said with Rumors. The
3 data shows that what you see in front of you will be
4 parked just below what we have available. Again, the
5 whole idea of this development - we didn't take into
6 consideration the residential portion of the site, or
7 walk in traffic or anything else that is going to
8 happen as a result of this project. So, a lot of these
9 studies are done in suburban areas where there is no
10 pedestrian access, there is no bus access and you don't
11 have a residential development off the back of it
12 either. So, the whole idea of putting this
13 development together was to have the synergy of use.
14 We took some credit for shared parking and people that
15 would go to more than one destination while they're
16 there.

17 CHAIRMAN STUTO: Elena, do you have the criteria
18 for the waivers?

19 MS. VAIDA: No, but I know what they are.

20 The applicant has to show that this is necessary
21 for reasonable development of the property and that
22 there was no practical alternative to setting this up
23 in order to comply and that they really needed the
24 waivers. I think that they have shown that.

25 MR. CLEARY: The alternative, Mr. Chairman, would

1 be to use greenspace. We have plenty of it, but we'd
2 rather not trade greenspace for parking.

3 CHAIRMAN STUTO: Should we bank park it?

4 MR. CLEARY: That's an alternative. The areas
5 that we're parking is viable to the retail plan. That
6 is the green area behind Building C, which is dedicated
7 for public use. Other than that, it gets into pushing
8 it back, and we get constrained in that respect.

9 CHAIRMAN STUTO: I'd rather not encroach on the
10 public use.

11 MR. LANE: I agree.

12 CHAIRMAN STUTO: Okay, Elena thinks that there is
13 enough of the record.

14 MS. VAIDA: The other thing that we have on the
15 record is the shared parking arrangement with Hoffman,
16 which I think that we can rely on.

17 CHAIRMAN STUTO: Do we have a motion on the three
18 waivers?

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

20 CHAIRMAN STUTO: Second?

21 MR. AUSTIN: Second.

22 CHAIRMAN STUTO: All those in favor?

23 (Ayes were recited.)

24 CHAIRMAN STUTO: All those opposed?

25 (There were none opposed.)

1 CHAIRMAN STUTO: The ayes have it.

2 The main question is the final site plan approval
3 with all of the conditions that we expressed today on
4 the record. I don't know if we can repeat those or
5 not, plus the conditions set forth by the Town
6 Designated Engineer and their writings and spoken word,
7 plus the conditions set by all the Town Departments.
8 Specifically, with respect to the neighbors -- you're
9 going to work with that gentleman for screening.

10 MR. CLEARY: The screening and the conservation
11 agreement to go in and maintain the stream, yes, and
12 the cross access agreements that he just talked about.

13 CHAIRMAN STUTO: And the other agreements with the
14 adjacent neighbors -- the Hoffmans and whatever else is
15 on the record.

16 MR. CLEARY: Yes.

17 MR. AUSTIN: And also the agreement with A Frame
18 Pools. You hadn't spoken about that --

19 MR. CLEARY: Yes, we have a letter of agreement
20 with them that both parties have signed.

21 CHAIRMAN STUTO: And this is conditioned on the
22 traffic improvements that are set forth in the
23 application.

24 MR. CLEARY: Correct.

25 CHAIRMAN STUTO: Any discussion on that?

1 (There was no response.)
2 CHAIRMAN STUTO: Do we have a motion?
3 MR. LANE: I'll make a motion, as stated.
4 CHAIRMAN STUTO: Second?
5 MS. GOMEZ: Second.
6 CHAIRMAN STUTO: Any discussion?
7 (There was no response.)
8 CHAIRMAN STUTO: All those in favor?
9 (Ayes were recited.)
10 CHAIRMAN STUTO: All those opposed?
11 (There were none opposed.)
12 CHAIRMAN STUTO: The ayes have it.

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(Whereas the above proceeding was concluded at
11:45 p.m.)

CERTIFICATION

1
2 I, NANCY STRANG-VANDEBOGART, Shorthand Reporter
3 and Notary Public in and for the State of New York,
4 hereby CERTIFY that the record taken by me at the time
5 and place noted in the heading hereof is a true and
6 accurate transcript of same, to the best of my ability
7 and belief.

8
9 _____
10 NANCY STRANG-VANDEBOGART

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13 Dated January 4, 2012
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