

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

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FUNERAL DIRECTORS SUPPORT SERVICES OFFICE
605 SAND CREEK ROAD
APPLICATION FOR CONCEPT ACCEPTANCE

THE STENOGRAPHIC MINUTES of the above entitled
proceeding BY NANCY STRANG-VANDEBOGART, a shorthand
reporter commencing on February 7, 2012 at
9:13 p.m. at the Public Operations Center
347 Old Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- LOUIS MION
- TIM LANE
- BRIAN AUSTIN
- BRIAN HAAK
- MICHAEL SULLIVAN
- REBEKAH KENNEDY Esq., Town Attorney's Office

Also present:

- Joe LaCivita, Director, Planning and Economic Development
- Daniel Hershberg, PE, Hershberg and Hershberg
- Ted Kolankowski, RLA, LEED AP, Barton and Loguidice
- Wayne Larson

1 CHAIRMAN STUTO: We'll call up the next
2 project. Funeral Directors Support Services
3 Office, 605 Sand Creek Road, application for
4 concept acceptance.

5 Joe, would you like to give us an
6 introduction of this?

7 MR. LACIVITA: This is the Funeral
8 Directors Support Services Offices and it is
9 at 605 Sand Creek Road. It's a new building,
10 which is going to construct a 21,383 square
11 feet. It's a two-story building.

12 We were here before for sketch plan. We
13 were in front of the DCC, also. The project
14 developers are here tonight to get concept
15 acceptance.

16 The engineer is Mr. Hershberg and the TDE
17 is Barton and Loguidice.

18 CHAIRMAN STUTO: Mr. Hershberg, would you
19 like to make a presentation?

20 MR. HERSHBERG: Thank you, Mr. Chairman.
21 My name is Daniel Hershberg from the firm of
22 Hershberg and Hershberg. With me are
23 representatives from the Funeral Directors
24 Association and representatives from BBL
25 Construction Services.

1 This is a portion of a larger parcel. So,
2 concurrent with this application we also have
3 made an application for a minor subdivision to
4 remove this piece from the larger parcel
5 (Indicating). Although this is listed as 605
6 Sand Creek Road - based upon the fact that the
7 driveway comes off of South Family Drive, the
8 recommendation regarding the DCC process is
9 this have an address of 1 South Family Drive,
10 and the balance of the parcel becomes 3 South
11 Family Drive.

12 This is the concept plan for the Funeral
13 Directors Support Services Incorporated, 1
14 South Family Drive.

15 The project does require some waivers.
16 This building sitting kitty-corner at this
17 location (Indicating) does not honor either
18 Sand Creek Road or South Family Road as the
19 front of the building. By orienting in that
20 direction, we would require a waiver which
21 requires that we orient the building towards
22 the front of the parcel, parallel, or right
23 angles to that roadway.

24 We also request a waiver for the placing
25 of parking in the front yard of the parcel and

1 making this greater than 25 feet back from the
2 road.

3 Another waiver is required because this
4 is - although we consider the side of the
5 building the front yard, it's within the
6 projection of the front of that building.

7 If I may talk briefly to the need for
8 these waivers? Although, I think that we have
9 discussed them last time in front of this
10 Board.

11 The stormwater management system, by
12 virtue of this location, is at the low point
13 of the parcel. If we were to locate it on this
14 side of the City of Watervliet water main, it
15 would require significant crossings on that
16 water main with storm sewer pipes and it also
17 requires to grade the area behind that water
18 main right of way.

19 We did request a letter from the City of
20 Watervliet. They did refer to their engineer
21 who in so many words implied that they prefer
22 that we do not impact this at all. We're doing
23 a minor amount of grading in that easement and
24 by not putting the parking here - which would
25 be the rear of the building - we're avoiding

1 the impact on the Watervliet water main.

2 The orientation of the building is one
3 from the architectural needs and also the
4 orientation of this water easement sort of
5 sets the usable property. So, we believe that
6 is a rationale that would justify orienting
7 the building in that direction.

8 The details of the plans have changed
9 somewhat. We did a photometric analysis based
10 upon lowering the height of the light
11 standards. We originally showed a higher light
12 standard. These are now mounted with a 13 foot
13 standard which is less than required. The
14 photometric plan shows that it has zero light
15 at all the other property lines so that there
16 would be no light going off the site at all.
17 There is minor lighting on the building
18 primarily at ingress entrances.

19 There were some issues that were raised
20 about the landscape plan. The landscape plan
21 was an adoption of trying to use landscape
22 items that were used by the Shakers so we have
23 a picture of herbs, some shrubs and some roses
24 since the Shakers grew roses, as used for
25 medicinal purposes. We tried to make a plan

1 that utilized materials that the Shakers would
2 have found acceptable.

3 An issue was raised about the building
4 design. We do have a meeting scheduled with
5 the Shaker Society for Thursday of this week.
6 We're meeting with the Board to review this
7 design. This Board requires an opinion from
8 the Shaker Historical Society. Hopefully after
9 that meeting, they will offer their opinion.

10 Myself, Dave Martin and the building
11 architect had met previously with Starlyn and
12 talked over the project. It took quite a while
13 to schedule a Board meeting, but that's going
14 to take place on Thursday.

15 The pedestrian access has been provided
16 out to Sand Creek Road.

17 Another major question that I thought was
18 raised the last time was how do we get the
19 sidewalk from here down to the Shaker Run
20 Apartments? The applicant believes that it's
21 suitable for the applicant to be responsible
22 for that sidewalk. The problem is that in
23 order to have that sidewalk be built, we
24 believe that the proper location for it is
25 behind the drainage ditch. There is a very

1 narrow shoulder on Sand Creek Road and there
2 is a drainage ditch that runs about four feet
3 deep that runs parallel to Sand Creek Road. We
4 believe that sidewalk should be set behind
5 that drainage ditch. It would mean essentially
6 obtaining a permanent easement to receive
7 title for a portion of that for the public
8 access.

9 First of all, this is National Grid and
10 down here are other private owners
11 (Indicating). We think that it will take
12 awhile for us to have that physically in
13 place. What we would recommend is that we
14 commit to doing it, setting up an escrow
15 account to be assured that we do it so that it
16 doesn't become the issue that holds up us
17 getting through this project. We think that
18 might take significant cooperation from the
19 Village Engineer and for the builders to have
20 them approach those people to tell them why it
21 would be in their benefit to have this
22 applicant put in a sidewalk. It should be an
23 easy sell, but we think because of the
24 different jurisdictions in here, we think that
25 the easiest way for us to handle it would be

1 to escrow it out and commit to working with
2 the Village of the design of that.

3 CHAIRMAN STUTO: How far lineally are you
4 going to make a commitment?

5 MR. HERSHBERG: All the way up to Shaker
6 Road Apartments.

7 The \$25,000 figure works out that if you
8 figure all the numbers out, it works out to be
9 900 to 1,000 feet. We think that the best
10 figure to work with is the \$25,000. We think
11 that's a doable figure.

12 CHAIRMAN STUTO: Is there a sidewalk on
13 the other side? I drove by today and I can't
14 remember exactly where the sidewalk coming
15 from the Village ends.

16 MR. HERSHBERG: It ends up by the Shaker
17 Road Apartments. It stops at the driveway
18 entrance to Shaker Run.

19 CHAIRMAN STUTO: So, if we ever got that
20 built, it would be continuous to the Village.

21 MR. HERSHBERG: Yes.

22 CHAIRMAN STUTO: What are the impediments
23 to building it?

24 MR. HERSHBERG: Just time. We would gain
25 control of the property and also we don't

1 believe that we're going to effect the Army
2 Corps because our goal would be to stay behind
3 that drainage ditch, which is probably a
4 federal wetland now. We do have to cross one
5 culvert and we'll have to extend that culvert.
6 We think that might be a jurisdictional manner
7 to go with DEC or the Army Corps of
8 Engineers - to extend that culvert.

9 CHAIRMAN STUTO: So, how many
10 jurisdictions?

11 MR. HERSHBERG: The Army Corps, DEC and
12 potentially the Village of Colonie is
13 specific. National Grid is another party that
14 we'll have to deal with and any additional
15 property owners that are between National grid
16 and Shaker Run. We think that there is only a
17 single property owner.

18 CHAIRMAN STUTO: Joe, do you have any
19 comment on this?

20 MR. LACIVITA: As development goes into
21 that area, we start to develop a half way
22 plan. I think that we agree that probably an
23 escrow at this point in time would be the way.

24 CHAIRMAN STUTO: Have you talked to any
25 of those specific jurisdictions?

1 MR. LACIVITA: Sorry, Peter; no. We have
2 not talked to them.

3 CHAIRMAN STUTO: It makes all the sense
4 in the world.

5 MR. HERSHBERG: There was a comment
6 letter from the Village of Colonie Engineer
7 who essentially recommended that the sidewalk
8 be built all the way down to the Shaker Run
9 Apartments. He didn't offer any great help to
10 do it. It would have been nice if he said,
11 we're willing to help with that project.

12 CHAIRMAN STUTO: Where is the Village?

13 MR. HERSHBERG: The Village ends right
14 here (Indicating).

15 CHAIRMAN STUTO: That's where you're
16 looking to end it

17 MR. HERSHBERG: We had originally
18 proposed to end it at that point. We didn't
19 want to have to deal with the Village of
20 Colonie. Now, based upon that escrow account,
21 we think that we have enough money to extend
22 it down to Shaker Run.

23 CHAIRMAN STUTO: I think that's great.

24 MR. HERSHBERG: I don't know that there
25 were any other issues or opinions regarding

1 the building orientation, but I think that
2 essentially we have accommodated a number of
3 the comments received at the last meeting. I
4 think that basically there were no major site
5 plan changes other than the ones that I've
6 already indicated.

7 CHAIRMAN STUTO: Okay, we're going to
8 hear from our Town Designated Engineer and
9 also from the public.

10 We have Ted Kolinkowski from Barton and
11 Loguidice here.

12 Do you want to go over your comments?

13 MR. KOLINKOWSKI: Sure. Thanks and as
14 Mr. Hershberg said, many of our comments were
15 addressed.

16 As he stated there are some waivers that
17 are required. A couple of them have the
18 wording of "should" but that pertains to the
19 orientation which you spoke about. We can
20 provide justification for those that was
21 reasonable.

22 Then, the location of stormwater in the
23 front yard is another one of the waivers that
24 has the "should" attached to it.

25 The other two are maximum setback and off

1 street parking, and they're sort of linked in
2 terms of the site. There are justifications
3 for those, also. They did provide reasonable
4 justifications for that.

5 He didn't mention the visual impact on
6 the neighbors. I think that's relevant because
7 the building is up closer and also at a higher
8 elevation. It had more impact on property on
9 the other side of the street.

10 One other point was that it was
11 inconsistent with the neighboring properties
12 was to push the building up to the front.
13 That's relevant as, well. There would be
14 encroachment on the Watervliet easement.

15 There was a letter received from the City
16 and that was a concern of theirs. There is
17 also a DEC wetland on the other side of Sand
18 Creek Road, which has 100 foot setback for
19 structures. You have to have the wetland
20 flagged for sure.

21 In terms of the sidewalk, I think that
22 there was a number of \$40,000 to \$50,000
23 thrown out. I'm not sure if \$25,000 is
24 actually enough to get the sidewalk built.

25 CHAIRMAN STUTO: What number do they have

1 on the table?

2 MR. KOLINKOWSKI: They have \$25,000 in
3 the letter. At the last meeting somebody made
4 the statement that it would cost \$40,000 to
5 \$50,000.

6 MR. HERSHBERG: I think that the point
7 there is that if we relocated it, we would
8 have to modify that ditch line. It would be
9 significantly more expensive if we had to
10 relocate it and fill a portion of it. We think
11 that with a ditch line at the end of the
12 pavement, that's where the \$40,000 or \$50,000
13 figure comes from. I think that's putting it
14 behind the ditch and going on private
15 property. I think that essentially, we're in
16 the ballpark. We can't guarantee exactly what
17 the cost will be, but we think that it
18 significantly reduces the cost.

19 CHAIRMAN STUTO: I drove by it. There is
20 a little bit of dirt and then it drops down.
21 So, you think that it has to go on the other
22 side?

23 MR. HERSHBERG: It has to go on the other
24 side.

25 CHAIRMAN STUTO: There are a lot of reeds

1 over there.

2 MR. HERSHBERG: Again, there is a small
3 area that might be federal wetland. We'll have
4 to address that. That's why I said the Army
5 Corps may be an involved agency. DEC may also
6 be an involved agency during this process.
7 It's not just a matter of going out there to
8 put a sidewalk in.

9 CHAIRMAN STUTO: We're at concept right
10 now. Can we look at that closer?

11 MR. KOLINKOWSKI: Absolutely. The other
12 thing is: Does that include acquisition, or
13 are those going to be separate?

14 CHAIRMAN STUTO: Let me ask you another
15 question. Is that one of the roads where the
16 Town's easement goes where it needs to go?

17 MR. HERSHBERG: Actually, the Town
18 easement is actually someplace almost in the
19 middle of that drainage ditch. So, again, it's
20 a little awkward spot for a Town right of way
21 line, but that's where it is.

22 CHAIRMAN STUTO: Thank you.

23 MR. KOLINKOWSKI: We did receive the
24 documentation on the wetlands and we're
25 satisfied that the wetlands that were stated

1 on the site. We're still wondering about any
2 recent correspondence from the army corps of
3 engineers. I'm sure that they will provide us
4 with that.

5 In terms of the letter from the city of
6 Watervliet, I don't think that they were
7 necessarily opposed to having the crossing
8 with the banked parking. They did express
9 concerns for the concrete vault that existed.

10 CHAIRMAN STUTO: Is there a letter in our
11 file?

12 MR. LANE: I didn't see it.

13 MR. KOLINKOWSKI: I can read the contents
14 of the letter, if you like.

15 It's a letter from Dave Boyer to the
16 General Manager of the City of Watervliet;
17 Mark Gleason.

18 "We have conducted our review of the
19 above stated project that was sent to the City
20 of Watervliet on September 27, 2011 and again
21 on December 17, 2011 as it affects the City's
22 raw water transmission main.

23 Attached are the City of Watervliet's
24 requirements appropriate for this work being
25 done in the vicinity of their raw water main.

1 There is a required \$500 easement crossing
2 fee.

3 There is a little concern for the base
4 construction. We ask that, as shown, a minimum
5 amount of grading be done on the existing
6 water easement. The obvious bigger concern is
7 associated with the banked parking south of
8 the proposed building. There is a concrete
9 vault that is shown on plan sheet C3 that
10 scales 18 feet off the existing parking lot of
11 the westerly entrance to this proposed parking
12 area."

13 There is kind of a trapezoid in that
14 area.

15 This vault is believed to be
16 approximately six by eight feet cast-in-place
17 concrete constructed back in the 1930's, at a
18 high point in the old cast iron main. Per the
19 plan, this would be paved over. It would seem
20 to make better sense to revise the access
21 roadway to the banked parking so as not to
22 disturb the vault."

23 They're just concerned about the
24 fragility of that.

25 I presume that the plans to be reviewed

1 now is if the banked parking is to be
2 constructed. Proposed elevation should be
3 developed stating grades over both of the
4 remaining crossing locations.

5 Depending on field determined depth of
6 the pipe, it has been necessary and pass
7 crossings to give consideration to concrete
8 sub grade developed plans and/or pipe
9 insulation.

10 If the additional parking is not
11 constructed for years to come, how can the
12 City be sure that the requirements will be
13 done? What mechanism is in place so that the
14 City will be made aware of future construction
15 when and if it occurs?

16 It's signed by David Boyer of Frazer and
17 Associates.

18 I think that in summary, they're just
19 concerned about the vault and the placement of
20 fill and doing cuts and fills over the water
21 main.

22 To summarize everything, there really
23 aren't any outstanding issues that would
24 impact concept acceptance. There might be some
25 predictions on the escrow that we could work

1 out later; the location of the wetland,
2 correspondence from the Army Corps, revising
3 the plans to show the vault, more information
4 and the details on the location of the
5 Watervliet water main, the elevations that
6 might be there and some sort of mechanism to
7 provide for notification of the City in the
8 future when the parking is installed and
9 coordination with the shaker historical
10 society, architecture and plants.

11 CHAIRMAN STUTO: Does the Board want to
12 offer their comments and questions now, or
13 hear from the neighbors?

14 MR. LANE: Let's hear from the neighbors.

15 CHAIRMAN STUTO: Wayne Larson?

16 MR. LARSON: We brought up some things in
17 the last meeting that I'm surprised didn't
18 come up in this meeting.

19 First off, Mr. Stuto brought up the
20 thought of why is it 40 miles an hour to the
21 Village line to Albany Shaker Road when the
22 rest of Sand Creek Road is 30?

23 CHAIRMAN STUTO: I don't think that I
24 brought it up, but I do remember the comment.

25 MR. LARSON: Well, regardless, I didn't

1 hear any comment about that. It is a problem
2 because everybody knows that when it says 40,
3 everybody does 50. This road gets a lot of
4 traffic from Shaker Road, down at the BBL
5 properties, all their offices, from CBA, from
6 the Muslim church and from activities at the
7 Russian Orthodox Church across the street.
8 They have activities through the day with a
9 full parking lot. There is traffic there and
10 there is back up. There is egress to South
11 Family Road. It's very short. This backs up
12 further, so there are issues there. That's
13 almost directly across from the parking lot of
14 the Russian Orthodox Church. So, as far as
15 traffic goes, putting this building
16 here - people rely on being able to see
17 because the traffic is so fast. The ability to
18 pull out onto Sand Creek Road - traffic is
19 pretty fast and this is like, speed up and get
20 out before the next car comes up. So, you have
21 a lot of horn honking with that right now. I
22 live right across the road from this
23 structure. That's a concern for me

24 The fact that it is a historical site,
25 has anything ever been talked about

1 archeologically?

2 CHAIRMAN STUTO: Address the Board,
3 please. We're making notes.

4 MR. LARSON: This parking lot is close to
5 the road. It wasn't just because of the
6 wetlands because the view -- and the thing
7 that I'm surprised at is when you go through a
8 village or a city, probably one of the most
9 attractive buildings that you're going to see
10 is the funeral home. The restored buildings
11 are absolutely gorgeous. It's the kind of
12 place you want to live. It's very attractive.

13 This building is in a cow pasture. That's
14 what this was beforehand. It was a Shaker
15 field and they had their cattle out here.
16 There was nothing in this big field, and then
17 you have this brick building. While it's an
18 attractive building and it's a great building
19 for Wolf Road, it's not such a great building
20 for a cow pasture. It sticks out like a sore
21 thumb.

22 I don't know what the Shaker Society is
23 saying about the building, but they had a lot
24 to say when the Russian Church went in. They
25 had a lot to say when the mosque went in. They

1 had a lot to say when CBA went in. They kind
2 of gave a pass on CBA because they kept it low
3 and it's not in sight. You can't see it from
4 the road. You can see the lights from the
5 football field for 10 miles when they put the
6 lights on at night, but you can't see the
7 school.

8 You'll notice that the Russian Church is
9 a flatter building. The Town gave the nice
10 little gift by allowing them to construct a
11 Russian Church with some height. It's an
12 attractive structure considering what it is
13 and where it is. The mosque has a unique shape
14 to the building. It took a lot of time for
15 them to get this accomplished. As I said, it's
16 an attractive building. It would look better
17 on Wolf Road than it would look in the middle
18 of a cow pasture. That's the only brick
19 building around. This is only structure that's
20 modern like that around.

21 The height of it exceeds 30 feet, I know,
22 because it's two commercial stories which are
23 at least 10 feet and the structure above that
24 has to be at least 10 feet to cover the air
25 conditioning and so forth.

1 This parking lot here is very close to
2 the road. When I look out my window in the
3 morning, I'm facing my future with the Funeral
4 Directors. I'm going to see a whole bunch of
5 cars and I'm going to see a 30-foot building.
6 While you may not care, I do. I have the rest
7 of my life to live, whatever that amounts to,
8 looking across the street. It's going to block
9 my view. I can maybe deal with that. My
10 question is: Why does it have to be so close?
11 Why is the parking lot here and not in the
12 back? Watervliet doesn't care. I do. I'd
13 rather see it back here (Indicating) where I
14 don't have to look at it. I'd rather see this
15 kept green and some trees planted that will
16 take away the height of the building.

17 MR. LACIVITA: Peter, may I respond to
18 the questioning on the building? I had a very
19 lengthy conversation with Starlyn D'Angelo
20 from the Shaker Heritage Society.

21 The Society is struggling with the
22 identity of building design in a historic
23 corridor. Although I understand about your
24 question about the height, if you look at
25 historical Shaker dwellings, they did have

1 height.

2 MR. LARSON: They did; two stories.

3 MR. LACIVITA: And some higher. In fact,
4 the Shaker land meeting house was actually a
5 three-story dwelling and a full basement as
6 well.

7 As of right now the society themselves is
8 struggling with design content and what
9 they're looking for. If you look at Shaker
10 Point, if it was true traditional Shaker and
11 if it was in a historic district, they would
12 have argued against it. What they are having
13 struggles with is what defines true
14 traditional Shaker, historic Shaker and what
15 is a look-alike. So, although she says she's
16 happy with the height of the building, you
17 still have the Shaker line, straight and true,
18 but the height is not a concern to them.
19 Again, they're working through design
20 standards. They'd like to see a historical
21 district. They didn't have any concern with
22 the building which is currently before us
23 today.

24 CHAIRMAN STUTO: Thank you.

25 MR. LARSON: This is a good size piece of

1 property. Why does there have to be a parking
2 lot in the front? You'd have all this greenery
3 back here and Watervliet is saying that they
4 don't really care if they put a parking lot on
5 it or not. Why can't the parking be in back?
6 I'm not pleased with a building being that
7 tall which blocks the sun. All the sound of 50
8 mile per hour traffic is going to bounce off
9 that building and it's going to be a racket.

10 I'm hoping that probably within a year
11 I'll be coming before the Board asking for a
12 very tall fence in my front yard and I hope
13 that you'll be accepting of that.

14 CHAIRMAN STUTO: I'm going to interject
15 here. I agree with you about the parking. I
16 don't know if the building could be put back
17 or if you could do both. I try to express
18 those questions about crossing an easement and
19 putting parking in the back. I'm not sure that
20 I have a clear answer of where the City of
21 Watervliet is on the concept. I thought that
22 Mr. Hershberg said that they don't want that,
23 but I'm not sure if it was directly asked and
24 answered. Anyway, I agree with you on that. I
25 don't think that the parking should be up

1 front, if it could be avoided. I think that
2 there should be screening.

3 MR. LARSON: There could be screening or
4 trees that cut the height. If this is what
5 they really want -

6 CHAIRMAN STUTO: I will say that I
7 disagree with you on the building. I think
8 it's attractive.

9 MR. LARSON: I'm not arguing about that.
10 I'm just saying is it appropriate to be set by
11 itself in the middle of a field? If there were
12 trees planted or something with some height
13 that absorbs some of the noise from the 50
14 mile an hour traffic -- because with Sand
15 Creek, all of the sudden that area has
16 become -- we have CDTA busses on it. We have
17 18 wheelers on it. We have at least seven or
18 eight dump trucks a day; school busses and all
19 kinds of commercial traffic. This is fine for
20 that one mile bit of traffic that comes down
21 to where I am, but then it's going right into
22 the Village - all that noise - into a
23 residential area. It's still a residential
24 road. It's a designated bus route, but there
25 is nothing there that is limiting the

1 commercial traffic. It's getting nosier. This
2 is one of the last few areas that we have.
3 That area of Colonie is a historic district. I
4 think that it should be given that kind of
5 consideration. Anything built before this
6 building was given intense scrutiny. I would
7 like that same consideration for this
8 building.

9 I liked your comment on the lighting.
10 That was very much appreciated. Out there in
11 the pitch black where there are no other
12 lights - the low level lighting is much
13 appreciated.

14 We have elderly people walking Sand Creek
15 Road and plus the people that work in the
16 Travelers building down the road - they'll
17 walk up here and the sidewalks would be great.
18 We'd appreciate it. It's going to keep someone
19 from getting hit.

20 There is a little old lady who has been
21 missed twice and she waits at the same spot
22 every day at the same time.

23 That's the main consideration which is
24 the aesthetics of it. If you can get rid of the
25 parking lot look of it and give it a little

1 more country look to it as opposed to a
2 commercial building on Wolf Road -- I don't
3 really have too much of an argument with it.
4 There are brick buildings, if you'll notice,
5 in Coleman's on Shaker Road. Those are all
6 brick. They don't have this kind of style, but
7 they are two-story and they have a high
8 pitched roof. If we could give it a more
9 country feel and address the parking lot -- I
10 realize that you can't go back with a building
11 this way, but if you could move it from the
12 road a little bit, it would be appreciated.

13 Thank you for your time.

14 CHAIRMAN STUTO: Thank you.

15 Mr. Hershberg?

16 MR. HERSHBERG: Regarding moving the
17 building further from the road, we think that
18 would create problems because if we take the
19 same building and we slide it further in that
20 direction, we get very tight with regard to
21 egress and ingress to the site. We
22 specifically set the driveway up opposite the
23 driveway on the other side, which is preferred
24 from a traffic engineering standpoint, to have
25 driveways align on opposite sides of the

1 street.

2 CHAIRMAN STUTO: Can you explain to me
3 why that is? I know that I've heard it here a
4 lot of times.

5 MR. HERSHBERG: It's essentially so you
6 have an offset driveway. If someone is turning
7 while somebody else is just pulling out of
8 another driveway, there might be a conflict.
9 By having them directly opposite each other,
10 they tend to coordinate their movements.

11 CHAIRMAN STUTO: Because they can see
12 each other?

13 MR. HERSHBERG: Yes, they see the other
14 car moving and consequently they can provide
15 their own courtesy gap to allow people to go
16 through. Meanwhile, if this was offset so that
17 this was here (Indicating), someone pulling
18 out here might become immediately in conflict
19 with a car going out. So, the preferred method
20 is to have driveways opposite each other.

21 The distance back from here is I think
22 about 180 feet (Indicating). So, it has
23 queuing for nine or ten cars before you reach
24 it. I'm not saying that it would come back to
25 there, but I think that it would be highly

1 unlikely that the queue would obscure this
2 driveway.

3 The question of the parking in the front
4 is something that this Board, in their concept
5 acceptance, conditioned upon us removing a
6 portion of this parking from the front of the
7 building. We would certainly take that under
8 advisement and move a portion of this back to
9 the banked area.

10 This particular property owner who is
11 going to own this building has no intension of
12 ever needing the full bank parking. I think
13 that we told you that before. Even if every
14 member of the Funeral Directors Association
15 shows up for a Board Meeting and the employees
16 are there, we have provided enough parking. We
17 do not intend to have to use the banked
18 parking at all. However, that having been
19 said, if the goal was to move the parking lot,
20 we could take a look at it and decide in that
21 direction. We prefer this layout, but if
22 conditional acceptance wants to be conditioned
23 upon us doing another view, we can certainly
24 do that.

25 MR. AUSTIN: Mr. Hershberg, the front

1 parking area to the banked parking area in the
2 back - would you, in fact, have to move the
3 entrance of the building as well?

4 MR. HERSHBERG: Again, we have to keep
5 enough parking by what we call a front
6 entrance for some handicapped parking. We
7 realize that significant use of this building
8 will be by the employees, and you could always
9 assume that a portion of this parking lot
10 would be in the rear and only inconvenience
11 the employees that come in to either a side
12 entrance or rear entrance as provided at this
13 location here.

14 Programmaticaly, it's better laid out
15 for us the way that it is now. I don't want to
16 kid you. We worked pretty hard to satisfy our
17 client, but if in fact this Board is concerned
18 about that, we would take another look at
19 parking and use a portion of the back parking
20 area.

21 CHAIRMAN STUTO: I think that there are a
22 couple of other major things.

23 MR. HERSHBERG: The archeological study
24 was done. The previous study did cover this
25 entire area. We had an updated report from the

1 Berger Group which categorized the previous
2 studies that they've done and kind of sensed
3 all the archeological impacts on the site.
4 They were all part of a previous clearance
5 that was run through SHPO. That was a part of
6 our narrative report.

7 The issue regarding building design - I
8 think that essentially Joe LaCivita covered
9 that pretty well. We think that essentially
10 we're meeting with the Shaker Historical
11 Association on Thursday. Our assumption that
12 is that there might be some suggestions
13 regarding the building, but we don't think
14 there would be a significant change required.

15 CHAIRMAN STUTO: The screening with
16 trees?

17 MR. HERSHBERG: We had showed a very
18 minor planting in here (Indicating). Primarily
19 we used Holly Hocks, which is not normally
20 used on landscaped plans and I understand that
21 it's a strange thing. We can certainly change
22 that and put in trees at the front side of
23 that. There is no objection to that. We can
24 change the landscaped plan.

25 CHAIRMAN STUTO: Do you want to talk

1 about height briefly? We discussed that at the
2 last meeting.

3 MR. HERSHBERG: To the peak of this roof,
4 we're saying, is approximately 40 feet. These
5 floors are closer to 12 feet. This will serve
6 to screen the rooftop equipment. It won't be
7 visible anyplace because of the roofline being
8 continued around the building. This actually
9 will screen the rooftop. No use is made of
10 this area up here. Even the dormer windows
11 that are there - it's not habitable space. The
12 habitable space is on the first and second
13 floor. There is no habitable space to that.
14 That's really a screen for the rooftop HVAC
15 equipment that's there.

16 MR. AUSTIN: Were the dormers there last
17 time?

18 MR. HERSHBERG: Yes, I think that this is
19 the same plan.

20 MR. LANE: Yes, it is.

21 MR. HERSHBERG: That's one of the issues
22 that I don't know whether or not Starlyn and
23 the Shaker Historical Society will address.
24 Just like we have heard Members of this Board,
25 it's a nice looking building. We think that

1 it's a very attractive building. We think that
2 the clients have given us some latitude to
3 work with to give us a very nice looking
4 building and we think that's the result here.
5 Whether or not there are things here that
6 would bother the Shaker Historical Society;
7 we'll find that out Thursday. We just don't
8 believe that there will be a whole lot of
9 input into the building design.

10 They did have concerns about the
11 landscaped design because so much of the
12 Shaker Society had to do with agricultural and
13 what they did there. We could work with them
14 on trees. We could put a whole bunch of pear
15 trees in there, but again, I think that we
16 want some evergreens in there too which were
17 not normally used for agricultural purposes.

18 MR. AUSTIN: With regard to Mr. Larson's
19 concerns about the aesthetics of the building
20 itself: On the first floor windows, I'm not
21 sure if I'm using the right terminology.
22 You're using cornice over the windows?

23 MR. HERSHBERG: Right here (Indicating)?

24 MR. AUSTIN: Yes, putting some kind of
25 decorative over the window. Would that kind of

1 break up the brick design a little more.

2 MR. HERSHBERG: Quite honestly we tried
3 to follow a guideline. One of the Shaker
4 guidelines is straight and simple. We tried
5
6 not to get too decorative with the treatments.

7 CHAIRMAN STUTO: Any other questions?

8 MR. HAAK: No, I would just echo the
9 thought about moving the parking in the back.
10 That's really what I would like to see.

11 MR. SULLIVAN: I would like to see those
12 two lots that are closer to Sand Creek - see
13 if we can put those in the back as much as you
14 can and call it employee parking, and put a
15 sidewalk through like you proposed. That would
16 be my recommendation.

17 MR. LANE: We have a number of waivers,
18 seems to me, that we're granting. More than
19 two or three waivers on a project and it
20 starts to look to me like maybe this project
21 doesn't belong in this particular spot. To
22 have a little leeway on the parking, we'd
23 appreciate it because I entirely agree. I
24 think that it would look better with the
25 greenspace up front.

1 MR. AUSTIN: I totally agree.

2 MR. MION: I think that it's unanimous.
3 Take your handicap and move it over and get
4 the rest of it in the back.

5 MR. LACIVITA: Dan, those two sections
6 account for 20 spots and there are 20 in the
7 back, banked.

8 MR. HERSHBERG: It's not that we can't do
9 it. We were trying to implement a plan that we
10 had already discussed with the client at BBL.
11 If, in fact, this Board will require us to
12 move, I would say take these two nodes of the
13 parking lot (Indicating) and move them to the
14 rear and cut this off on that side there -

15 MR. LANE: I think that you'll have a
16 much better looking project.

17 MR. SULLIVAN: The sidewalk could come
18 down parallel to the front of the building.

19 MR. LANE: Could mitigation fees be used
20 to pay for a portion of that sidewalk? Is that
21 something that we were able to find out?

22 MR. LACIVITA: I honestly didn't know
23 that was one of the questions. I wasn't here.
24 I apologize for that. We can find out.

25 MR. LANE: I think that if that is

1 something that they can use, that would save
2 some of the cost.

3 MR. HERSHBERG: It certainly could.

4 CHAIRMAN STUTO: I agree with everything
5 that's been said. I would really appreciate it
6 if you could convene a meeting with the other
7 parties, with respect to the sidewalk, meaning
8 the Village, the Army Corps, DEC and whoever
9 else that you think to at least make some
10 progress on what's that really going to look
11 like and what the time table is going to be. I
12 think that the Village might participate.

13 I ran into Linda Murphy who is on our
14 Town Board and she lives in the Village and
15 she thought that they might be amendable to a
16 discussion.

17 MR. HERSHBERG: It's certainly something
18 that we would work with. We don't want to
19 leave it a hanging issue and put up money. We
20 will attempt to resolve the issue.

21 MR. HERSHBERG: Ted and Joe, if you could
22 make sure you follow up on that?

23 Those things being said with those
24 conditions - they're not firm
25 conditions - only in the sense that a concept

1 acceptance is not a binding decision by our
2 Board, but I think that you have our message
3 on parking, screen in with trees a little bit
4 better, and on the sidewalks. We're not doing
5 anything with SEQRA right now.

6 MS. KENNEDY: This is a Type I action and
7 it has been coordinated. DEC has declined to
8 become lead agency, so the Planning Board is
9 the lead agency.

10 CHAIRMAN STUTO: By default. So we're
11 lead agency on that, and it's a Type I. We'll
12 continue in that vein with the environmental
13 review.

14 On that basis and with those
15 conditions - and for the record and for the
16 applicant's benefit, the usual speech at
17 concept acceptance is that it's not an
18 approval. It's not a binding action upon our
19 authority. I want to make sure that the
20 applicant understands that.

21 MR. HERSHBERG: I do, sir.

22 CHAIRMAN STUTO: With that in mind, we'll
23 entertain a motion.

24 MR. AUSTIN: I'll make a motion.

25 MR. MION: I'll second.

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CHAIRMAN STUTO: All those in favor?

(Ayes were recited.)

CHAIRMAN STUTO: All those opposed?

(There were none opposed.)

CHAIRMAN STUTO: The ayes have it.

*(Whereas the proceeding concerning the above
entitled matter was adjourned
at 10:02 p.m.)*

CERTIFICATION

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

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12
13
14 _____
 NANCY STRANG-VANDEBOGART

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17 ***Dated February 29, 2012***

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