

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 VILLAGE OF NEW LOUDON
5 622 AND 624 LOUDON ROAD
6 APPLICATION FOR CONCEPT ACCEPTANCE
7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter BY NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on
11 July 10, 2012 at 9:20 p.m. at the Public Operations
12 Center 347 Old Niskayuna Road,
13 Latham, New York 12110

14 BOARD MEMBERS:

- 15 PETER STUTO, CHAIRMAN
- 16 MICHAEL SULLIVAN
- 17 BRIAN AUSTIN
- 18 TIMOTHY LANE
- 19 KAREN GOMEZ
- 20 ELENA VAIDA, Esq., Attorney for the Planning Board

21 Also present:

- 22 Joe LaCivita, Director, Planning and Economic
23 Development
- 24 Ted Kolandkowski, Barton and Loguidice
- 25 Dan Cleary, Cleary Development Services
- Mark Nadolny, Creighton Manning Engineering
- Tony Fazzone
- Donald Guthrie
- Jeff Kulzer
- Carol LaBatte
- Donna Lynch

- 1 Max Morehouse
- 2 Sara Nikifora
- 3 Karen Osterhout
- 4 Sandy Sparanza
- 5 Don Wong
- 6 Richard Woodward
- 7 Kristin Woodward

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1 CHAIRMAN STUTO: The project before us is
2 the Village of New Loudon, 633 and 624 Loudon
3 Road, application for concept acceptance.

4 I'll ask for an introduction. This is a
5 fairly substantial project. Apparently, there
6 is a lot of public interest, so we'd like to
7 have all the comments on the record and have
8 all the questions answered.

9 Joe LaCivita, would you like to give an
10 introduction and we'll turn it over to the
11 applicant?

12 MR. LACIVITA: Sure. As this Board is
13 aware and as the public is aware, this is the
14 final phase of the Village of New Loudon;
15 Phase III. Phase I constructed the Berkshire
16 Bank. Phase II was Rumors and the final phase
17 is actually going to be for 59,000 square feet
18 of commercial and restaurant square footage,
19 71 condominium units and 24 apartments. The
20 Village of New Loudon has been around for a
21 number of years and again, tonight they're
22 here for concept acceptance for the final
23 phase of the project. I'll turn it over to Dan
24 Cleary, the project's engineer.

25 MR. CLEARY: Thank you, Mr. Chairman and

1 thank you, Joe.

2 I'm Dan Cleary from Cleary Development
3 services. With me here tonight is Anthony
4 Fazzone. He's the owner and developer of the
5 parcel. Also with me are Mike Tucker from
6 Creighton Manning and also Mark Nadolny from
7 Creighton Manning.

8 As Joe said, we've been around for
9 awhile. This project started back in late 2007
10 and 2008 with a master plan development and
11 original DCC meeting. In the interim, we have
12 permitted and built both the Berkshire Bank as
13 a Phase I and the Rumors Hair Salon just
14 recently opened for business. This is the
15 third and final phase of the project.

16 The site is located on on the west side
17 of Route 9. There is a driving range, an ice
18 cream stand, bead store, family fun center,
19 miniature golf course, and of course Rumors
20 and the bank are there as well. It's just more
21 of Hoffman's Playland. The site is essentially
22 36.6 acres.

23 CHAIRMAN STUTO: You're not proposing to
24 develop the Playland.

25 MR. CLEARY: No. The site property is the

1 vacant area that you see here and the driving
2 range and the retail businesses that are up
3 front and the miniature golf course. The
4 Playland is a separate part. It was originally
5 part of the overall master plan, but it hasn't
6 been part of the master plan for several
7 years.

8 CHAIRMAN STUTO: Okay, I think that's
9 important for everyone to understand.

10 MR. CLEARY: Again, it's a 36 acre site.
11 Most of the current development is up along
12 Route 9 here and the driving range extends
13 back in this area (Indicating). A lot of the
14 site in the back here is actually some wetland
15 area which will remain untouched. Actually the
16 development of the site, which I'll go over
17 with you in a second, only encompasses the
18 upland area of the site and inside of the 100
19 foot buffer. So, there is no impact on wetland
20 areas or encroachment into the wild areas that
21 are there now. So, if you live back in this
22 area now, essentially all of this is going to
23 stay exactly the same. That won't change.

24 CHAIRMAN STUTO: So, you're impacting
25 half the site - the Route 9 half?

1 MR. CLEARY: Actually 68 percent of the
2 site is going to remain essentially green. The
3 majority of that natural, the way that it is
4 today. Some of that is greenspace which we
5 will develop within the project. I'll talk
6 about that in just a minute.

7 The project itself - it's a mixed-use
8 project and has been developed in conformance
9 to the NCOR district. That is a zoning
10 district in the Town which was developed and
11 located on this particular parcel and in other
12 areas along Route 9 in the Newtonville area
13 here (Indicating). It's part of the
14 Comprehensive Plan. So, years ago, in going
15 forward with this project, it was recommended
16 to us by the Town at one point that we take
17 the PDD route. We opposed that and we actually
18 wanted to stick and adhere to the NCOR
19 standards which are very stringent. Stringent,
20 particularly in the design concepts and the
21 way that you develop the streets and how the
22 buildings interact with the landscaping and
23 the pedestrian connections and other things
24 that are required as part of the design
25 standards of the NCOR district.

1 This plan, given the mix of residential
2 with the mix of commercial, meets all of the
3 requirements of the NCOR district with
4 exception of parking. We were requesting a
5 parking waiver, which we'll talk about in a
6 little bit.

7 Essentially what we have is commercial
8 which would be in this area (Indicating).
9 There are approximately 59,925 of new
10 commercial in addition to the bank and Rumors.
11 If they're separated into four distinct
12 buildings - there's a building here, this
13 building here along Route 9 -- all these
14 buildings are pulled up on the street
15 (Indicating) as it's required by the NCOR
16 standard with greenspace in front and no
17 parking in the front yards of these areas. So,
18 you'll have a consistent street scape as we go
19 from what you see at the bank across from
20 Rumors. That will continue down into this
21 area.

22 There is another building in the back
23 here which will be first floor retail
24 commercial. The second floor is where the 24
25 market rate apartments will be.

1 This building is kind of a signature
2 building of the site. It's located in the
3 internal part of what is referred to as a new
4 urbanism type concept. It's kind of a village
5 type environment. This will be a focal point
6 here inside of the development and also part
7 of the focal point will be development of or
8 the inclusion of this public space here
9 (Indicating). This greenspace will be used for
10 functions such as band concerts and things
11 like that and public gatherings - all
12 incorporated into the overall village concept
13 that we're trying to create here.

14 In the rear, we have 71 market rate
15 condominiums. I'll show you the typical
16 architecture of those in a second.
17 Essentially, we're looking at high end condos.
18 They'll be owner occupied and garages. There
19 will be on street parking and landscaping. The
20 sidewalks are all in accordance with the NCOR
21 design standards and again, we have stayed
22 within all the standards and outside the
23 existing 100 foot buffer of the wetland areas,
24 which were certified by DEC back in 2008.

25 Access to the site will be off of Route 9

Legal Transcription

1 and there will be a main access in this
2 location. We retain the existing access point
3 which is between the bank and Rumors. There is
4 an access point out of Glennon Road and we
5 have also allowed for future access
6 potentially to the Hoffman parcel if that
7 redevelops, or if they ever desire to have a
8 connection there.

9 So, essentially what we have done is two
10 things. We provided an interconnection to
11 provide traffic flow within the park that
12 doesn't have to back out onto Route 9 to
13 access the other buildings. We also cleaned up
14 a number of very large wide open curb cuts
15 that are along Route 9 and consolidated that
16 all into one location at this point
17 (Indicating). By cleaning that up, it's going
18 to create and reduce what they call side
19 friction which is where you have a lot of cars
20 coming out at different locations. Ultimately,
21 that slows down traffic going along the main
22 line and focuses it at this one point.

23 We've done a traffic study. The traffic
24 study has been submitted to the Town TDE. They
25 have reviewed it, and DOT is revising it. We

1 received preliminary comments from DOT this
2 morning. They basically found that the study
3 was in conformance and was reasonably done.
4 They had some minor technical comments and
5 made a point to echo or emphasize what our
6 consultant had recommended. That is that in
7 developing this driveway, that we work with
8 the people across the street - the A Frame
9 Pools and some of the other businesses on this
10 side to consolidate access there, as well and
11 provide a focal point here to help clean up
12 that side of the street, as well. The traffic
13 study looks and says that at some point in the
14 development of this project, this intersection
15 will warrant a traffic signal. It does warrant
16 one today, on day one, but approximately
17 around the 50 percent half-way mark or 60
18 percent development of this site, there will
19 be volumes enough coming out of this driveway
20 that will warrant the installation of a
21 signal. At that point, that signal would be
22 connected with the Newton Plaza signal down
23 here (Indicating) and likely also be connected
24 with the 155 so that they would work in
25 sequence. That would help, again, the flow of

1 traffic through this area which right now.
2 This road carries about 21,000 cars a day
3 which is a lot of traffic as we all know going
4 in and out of there. So, that will help with
5 the traffic getting in and out of the site,
6 and will also provide an outlet for the
7 Glennon Street neighbors in this direction.
8 Again, it will potentially help consolidate
9 traffic that comes out in this area, if this
10 connection is ever made (Indicating).

11 The other components for the utility;
12 water, sewer and all of the major utilities
13 are already located here (Indicating). There
14 is a sewer line that goes through this area,
15 and we'll be connecting to both of those. We
16 will be looping our waterlines through the
17 site as the Water Department is requiring.
18 Drainage on the site will be incorporating a
19 variety of different techniques using the
20 latest DEC standards. The main drainage will
21 be developing a detention pond in this area
22 (Indicating) and essentially the site will
23 drain to this pond. The water will be treated
24 and then released off into the system where it
25 goes today. And as required by state

1 regulation, it will be put out at the rate
2 that it goes today or less. So, all that will
3 be incorporated along with best management
4 practices on the site, swales, and other means
5 to help filter and treat the stormwater within
6 the development.

7 Landscaping - while we're only at the
8 concept level, we will be developing a
9 detailed landscaped plan for the entire
10 development. I wanted to point out that one of
11 the main features in the residential piece
12 helps break up the development and provides
13 recreational space for the residential
14 component of the project and provides also a
15 focal point for the design.

16 Last but not least there are sidewalks
17 and pedestrian access. One of the key
18 components of this is that there will be a
19 sidewalk constructed. We would propose that we
20 would construct a sidewalk along the entire
21 frontage here (Indicating). We have money in
22 escrow now for the bank, but what we would
23 propose is when this begins - because I know
24 that things are moving along as far as
25 providing sidewalk connections all the way

1 down to Siena - that we'd like to go ahead and
2 install this right away, rather than go
3 through the process that we have gone through
4 in the last two projects. That is in regards
5 to the escrow money and the hope that someday
6 the Town would do that. We're at the point now
7 where we're going to need it. There is enough
8 critical mass out here where we're getting
9 pedestrian activity now and we would go ahead
10 and provide that.

11 Finally, one thing that I did want to
12 touch on which is - I talked to Joe a little
13 bit about this, but we were approached
14 recently by the Rumors folks. They have been
15 pretty successful over there - just from the
16 get go.

17 CHAIRMAN STUTO: They're not open yet,
18 are they?

19 MR. CLEARY: Yes, they're open. They have
20 asked us to ask you - they were originally
21 permitted with 81 parking spaces and they were
22 also going to share with us with the bank.
23 They found that they have some peak times now
24 where they need additional spaces. Those will
25 be accommodated once we have the next phase

1 in.

2 We recently took down half of the
3 miniature golf course and put in a temporary
4 lot in this area for the fun center over here
5 and the ice cream stand - basically for
6 employees and other people to park so that we
7 didn't tie up the parking spaces over here
8 (Indicating). What we'd like to do is provide
9 a temporary - not a permanent parking lot, but
10 essentially over the area where our parking
11 will be at some time in the future when we do
12 construct the next phase. We'd like to put in
13 a temporary lot here for them and allow 30
14 spaces and allow them for some overflow
15 parking during their peak time and create a
16 pedestrian connection for people to get from
17 there up to here (Indicating). I mentioned it
18 to Joe earlier. It's just something that has
19 come up and he suggested that I bring it to
20 your attention at this point. Again, it would
21 be temporary until the rest of the development
22 starts construction and ultimately they'll
23 have additional parking all through there
24 (Indicating).

25 So, with that, Mr. Chairman, I'll take

1 any questions that you have.

2 CHAIRMAN STUTO: Can you put your other
3 renditions up so that the public can see
4 those?

5 MR. CLEARY: This is a similar
6 development that represents the architectural
7 style that we'll be using with the Village of
8 New Loudon. You see the condominiums here
9 (Indicating) and the garages on the front.
10 It's more of a colonial look with brick mixed
11 in with clapboard. You see the roof treatment
12 there, the chimneys. It's more of a colonial
13 style. What we submitted with our concept
14 package are representative with what those
15 units are going to look at as well as what the
16 retail would look like within the Village of
17 New Loudon. You can see the landscaping and
18 grass areas to kind of give it much more of a
19 residential high-end residential feel. It's
20 all tied together with the retail as well.

21 CHAIRMAN STUTO: Can you go back to the
22 other drawing and show where the garages will
23 be and how the traffic flow will go in the
24 residential portion?

25 MR. CLEARY: This is the main access road

1 here (Indicating). It's two lanes. For a lack
2 of a better word, there's a rotary here to
3 distribute traffic. These are in all four
4 directions here. This will be gated in this
5 area. All residential parking will be
6 controlled at this point (Indicating).

7 CHAIRMAN STUTO: Will there be a person
8 there?

9 MR. CLEARY: No, a card reader probably.
10 There won't be someone there at all times; no.

11 So, essentially you have a two-way flow
12 all through this area. There is a standard
13 24-foot wide street here with parallel parking
14 along the edges as well as sidewalk and a
15 planting area along the street. These units
16 along the back here - you can see that there
17 are short driveways that lead into the garages
18 here (Indicating). The internal units will be
19 accessed from this access here. It's about 30
20 feet wide. It allows for a little wider
21 because for a lack of a better term, it's an
22 alleyway that allows them access to the back
23 of the buildings. We made them a little bit
24 wider for snow and for easier access turning
25 in. Essentially, all of this is two-way access

1 all the way through here and all controlled at
2 this point (Indicating).

3 CHAIRMAN STUTO: How many units are in
4 the building?

5 MR. CLEARY: There are 71 single
6 condominium units.

7 CHAIRMAN STUTO: From here it looks like
8 orange blocks.

9 MR. CLEARY: There are little dashes in
10 there. So, this is a block of four, this is a
11 block of three and a block of four.

12 CHAIRMAN STUTO: And they are up and down
13 units?

14 MR. CLEARLY: Yes.

15 CHAIRMAN STUTO: I just want to make sure
16 that everybody understands.

17 MR. CLEARY: This is the parking and the
18 access for the 24 units above.

19 CHAIRMAN STUTO: What is the greenspace
20 of the middle of the residential -

21 MR. CLEARY: That's the common area that
22 I spoke of earlier. Essentially, it's a focal
23 point for the community.

24 MR. AUSTIN: That's just accessible for
25 the condominium owners?

1 MR. CLEARY: This will be deeded, but
2 there is also pedestrian access up through
3 here (Indicating). We have this greenspace
4 here that's associated with the retail
5 portion, but I'm certain that there will be
6 interaction between both of these
7 (Indicating). That is the way that it was
8 designed.

9 MR. AUSTIN: You mentioned activities and
10 entertainment.

11 MR. CLEARY: That's in this area
12 (Indicating). We're not talking rock concerts.
13 We're talking barbershop quartet and high
14 school jazz bands. Things to make this an
15 active, vibrant area. That's the idea of new
16 urbanism is to try to make this into a small
17 village center with the activity and the
18 interaction between the residential and the
19 commercial and also pad that in with the
20 larger community as well.

21 CHAIRMAN STUTO: We'll take comments from
22 our Town Designated Engineer and then we'll
23 take comments from the public. Our Town
24 Designated Engineer is Barton and Loguidice.
25 Ted Kolankowski has done a review.

1 Ted, can you give us your comments on the
2 project so far?

3 MR. KOLANKOWSKI: Thank you, Chairman
4 Stuto.

5 We've reviewed the submission with the
6 exception of photos, but we've visited the
7 site several times and are quite familiar with
8 it. Our general comments are contained within
9 the letter that was sent out on June 29th. I'll
10 just kind of go through the key comments.

11 As the applicant has stated, they went
12 out of their way to comply as much as possible
13 in the NCOR zoning. I note that the NCOR
14 established by the Town Code established to
15 enhance the image and quality of the Town's
16 small scale commercial areas. I think that
17 this project is generally consistent with the
18 style and the architecture. The mix of retail,
19 commercial, offices, residential and the
20 pedestrian improvements that are internal,
21 sort of setting a precedent that may lead to
22 greater expansion of pedestrianization on New
23 Loudon Road.

24 The cross-connections of the parking to
25 the neighbors is also a very nice feature and

1 the arrangement of their uses is sort of
2 consistent with the surrounding uses as well.
3 They did request a waiver for parking. At this
4 point I think that it's 44 spaces. It appears
5 to be something that would be appropriate,
6 given the mix of uses there.

7 CHAIRMAN STUTO: Do we want more or less
8 than required?

9 MR. CLEARY: They're asking for less
10 here.

11 It may be appropriate because the demand
12 will likely be staggered because of the mixed
13 uses.

14 CHAIRMAN STUTO: Why don't you go into a
15 little bit more depth about that? If the
16 applicant wants to give their explanation,
17 that's fine; whichever makes more sense, Ted.

18 MR. KOLANKOWSKI: I can talk about it
19 quickly.

20 The staggering of uses is in other words
21 that the residential parking demands will be
22 completely different time frames than general
23 retail. There will be other parking demands
24 related to the evening activities. So, this is
25 really not a significant request in terms of

1 that.

2 CHAIRMAN STUTO: Can you describe how
3 many parking spots would be required and what
4 the rationale is - like so many per
5 residential, so many per square feet of
6 commercial? That's just so the lay people can
7 understand.

8 MR. CLEARY: The way that the zoning is
9 laid out is we look at all the individual
10 uses, the zoning requires an X number of
11 parking spaces for that specific use. We had
12 in our original request that zoning required
13 for 554 spaces. If we take each individual use
14 of restaurant, retail, office, apartments and
15 residential, it comes out to 554 spaces. As
16 Ted was saying, the whole concept of this is
17 an interaction of different uses - a mixed-use
18 development - a true mixed-use development
19 where a restaurant is busy at 6:00 at night is
20 not the same time that the Rumors is busy, for
21 instance. There are different peaks for
22 different uses. An insurance office is not
23 going to have evening peak hour parking issue.
24 People that are going to the restaurants will
25 use those spaces. Those are all common spaces.

1 CHAIRMAN STUTO: Is that rationale
2 applied more to the commercial than it does to
3 the residential?

4 MR. CLEARY: During the day, obviously
5 with the residential, everyone goes to work.

6 CHAIRMAN STUTO: If you looked at the
7 residential separate, do they have enough
8 parking for the development?

9 MR. CLEARY: Oh, more than enough. We
10 have more than enough residential parking;
11 yes.

12 MR. LACIVITA: Besides, the back end is
13 gated anyway, so they can't get back there and
14 use it.

15 MR. CLEARY: If there was a special event
16 or something where they needed to use some of
17 the spaces, we could make arrangements for
18 that.

19 CHAIRMAN STUTO: Are you including the
20 bank in that calculation?

21 MR. CLEARY: Yes.

22 MR. LANE: There's going to be garage
23 parking, but is there going to be on street
24 parking for visitors?

25 MR. CLEARY: Correct. For instance, along

1 the street here you have on street parking and
2 it is configured as it was shown. We've shown
3 on street parking here and in this area and
4 here. That is to essentially service
5 visitors -

6 CHAIRMAN STUTO: What's the total acreage
7 again?

8 MR. CLEARY: That's 36.6.

9 CHAIRMAN STUTO: Okay, Ted, go ahead.
10 We'll absorb that as you move forward with
11 your comments.

12 MR. KOLANKOWSKI: Some of the other
13 comments that we have really are related to
14 pedestrian facilities. Obviously, we'd like to
15 see the walkways and the applicant has already
16 stated that they're going to show the walkways
17 in the entire frontage of the site.

18 A couple of improvements can be made to
19 the internal systems, but that's kind of a
20 minor issue. I think that Mike Lyons pointed
21 out a connection that was missing between a
22 couple of buildings.

23 In terms of stormwater, we look forward
24 to more details in that regard. We have some
25 concerns about the soils. There is a

1 significant portion of the site that's going
2 to be developed where the soils are kind of
3 urban soil type. In accordance with normal
4 procedures, the Town requires a solid test
5 witnessed by the Town Stormwater Department
6 and encourage you to get those tests done as
7 soon as possible.

8 Given the demands on the water supply,
9 one of our engineers suggested looking into
10 rainwater harvesting on the site. There might
11 be some opportunities there to use for
12 landscaping and other great water uses.

13 Like the landscaping shown, there is also
14 a significant amount of buffering indicated on
15 the plans. A lot of our comments relate to the
16 traffic study. We just received the DOT
17 comments today, as well. A lot of what Dave
18 commented on, we commented on as well. They
19 agreed with a lot of the assumptions used in
20 the traffic study.

21 The first kind of theme of our comments
22 relates to the limits of the study. DOT asked
23 about the eastbound turn lane at 155 - if that
24 might be incorporated. We also have some
25 concerns on the other end with the

1 intersections of Homestead and Maxwell, given
2 that 60 percent of the traffic generated by
3 the project is going to be exiting and
4 traveling south. Maybe some of this can be
5 coordinated with the previous presentation and
6 their traffic study. As Kevin pointed out,
7 there is a problem with Homestead as well with
8 people driving through the Loudon Plaza.

9 Also at 155 there are some concerns that
10 we have with the function of the queuing at
11 Old Loudon Road and Route 9 intersections on
12 155. In that area there are a lot of queuing
13 problems there. Maybe that could be
14 incorporated.

15 Several comments related to the new
16 project entrance. DOT had comments on that as
17 well. Aligning the west bound approach at the
18 A Frame and getting some conversation started
19 as soon as possible. DOT stated that they
20 wouldn't move forward with their review until
21 that was addressed and we agree with that
22 comment.

23 The phasing of the project related to the
24 timing of the signal installation -- the
25 applicant explained that 50 percent build-out

1 is what they thought the appropriate time was.
2 I'm not sure that was in the traffic impact
3 study that we reviewed.

4 Also there were some questions about
5 whether timing improvements are needed and you
6 talked about synchronizing the 155 signal and
7 maybe some of the other ones. The Newton Plaza
8 signal and elsewhere - they need to be
9 incorporated. In summary, basically with all
10 of the traffic comments, we suggest a
11 coordination meeting with planning in the
12 Town, DPW, DOT and the applicant as soon as
13 possible.

14 That's pretty much the summary of our
15 comments.

16 CHAIRMAN STUTO: Does the Board have
17 anything before we go to the public comments?

18 ***(There was no response.)***

19 CHAIRMAN STUTO: I'll call the names of
20 the people that signed in. If you haven't
21 signed in and you'd like to speak, please do
22 so.

23 Donald Guthrie.

24 MR. GUTHRIE: I just want to ask a couple
25 of questions. What land is not going to be

1 touched? Can you tell me what the sight
2 distance will be? This line is showing here
3 (Indicating), but you won't be using all that
4 anyway. Do you have any idea how far that
5 sight distance would be? The last time that
6 they did it, they had it at 100 feet. That was
7 really too close. If you're not going to touch
8 any of the wetland, I have no problems.

9 MR. CLEARY: The answer to your question:
10 The wetland line is somewhere in here
11 (Indicating) and it will be 100 feet from
12 that.

13 MR. GUTHRIE: And the condominiums are
14 two stories height?

15 MR. CLEARY: Correct.

16 CHAIRMAN STUTO: Mr. Wong.

17 MR. WONG: My question is already
18 answered.

19 CHAIRMAN STUTO: Sara Nikifora.

20 MS. NIKIFORA: My biggest concern is
21 traffic. With Route 9 going from multiple
22 lanes down to one lane at right about Ted's
23 Fish Fry, just before Mr. Clean -- it's great
24 that they want to put in a light. That's not
25 going to alleviate the traffic issue, though.

1 With another basically 100 units, say two cars
2 per unit - that's a huge influx of cars and
3 traffic that's never been there. I think that
4 most of my neighbors will agree that there is
5 a traffic issue there.

6 I live on Glennon, so if we want to take
7 a left out at certain times of the day, really
8 it's next to impossible with Rumors there, and
9 the bank. I've had people come and pull out
10 from there and sit right in front of Glennon,
11 just waiting to merge into traffic. I don't
12 foresee that getting any better whatsoever. As
13 far as lessening the parking - I really have
14 an issue with that just in the respect that
15 you've already underestimated the cars at
16 Rumors already. If they're underestimating
17 that already and they want to lessen the
18 parking, I just think that's a huge issue.

19 CHAIRMAN STUTO: We're going to keep a
20 list of the comments and hopefully address
21 them in a systematic way. We're not
22 necessarily going to address one by one as
23 they come in.

24 Richard and Kristin Woodward?

25 MS. WOODWARD: Good evening, everybody.

1 I'm Kris Woodward and we live up on Hoffman
2 Drive, directly across from Glennon. We've
3 lived there 39 years. We have had a huge
4 amount of construction with the office
5 building below our street, and then Bayberry.
6 Now, I understand that there is another
7 section that's going in next to Bayberry. I
8 guess it was approved last month. I think that
9 there are 37 parking spaces there. Now, we
10 have Rumors and they're having an issue
11 already and we have the bank. Now, we have the
12 new bank that we had earlier tonight and then
13 we have this project. Although it's beautiful,
14 I have my issues. It's a beautiful project and
15 that was a nice presentation. We have trouble
16 getting out of Hoffman and Old Loudon Road
17 where the Evergreen bank is - that is a major
18 issue. All the way down Route 9 past Newton
19 Plaza -- I'm very concerned, as is my husband
20 about the traffic. I did have several
21 questions. You had talked about completion
22 time. It's going to be in increments in the
23 project. I'm interested in knowing what kind
24 of time sequence we're talking here. Where we
25 live, we heard the construction of these last

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1 two buildings all winter, early in the morning
2 at 6:00 they're doing whatever they do and we
3 get to look at all of that in the wintertime.
4 We get to look at this whole project. So, I'm
5 concerned with all of this. I'd like to know
6 the completion time. I'd like to know if the
7 new buildings that have been approved - if
8 that traffic -- if the parking and the amount
9 of traffic from those buildings has been
10 incorporated in this traffic plan.

11 CHAIRMAN STUTO: Which new building? Do
12 you mean Rumors and the bank?

13 MS. WOODWARD: Rumors -

14 CHAIRMAN STUTO: Other projects that have
15 been before this Board?

16 MS. WOODWARD: The Bayberry that's coming
17 in, the bank that's going in -- all of those
18 things. And at completion, do you have numbers
19 of what the estimated increased traffic is
20 going to be on those two lanes going north?
21 That's all in addition to what we have now.
22 Thank you.

23 CHAIRMAN STUTO: Thank you.

24 MR. LACIVITA: As everyone knows, the
25 Department of Transportation owns and

1 maintains Route 9. They also own and maintain
2 7, 2 and 155. They are in charge of and review
3 the capacity and any build-out capacity on
4 those corridors. This project is currently
5 under review. I understand that traffic is a
6 major concern, as it should be. But again, it
7 comes under the purview and review of the
8 Department of Transportation and they are the
9 ones that talk about the signalization, the
10 build-out capacity and the access management
11 plan as they go along. They shut down curb
12 cuts as they go, so they have an access
13 management plan that goes as well. DOT has
14 full oversight of this project, as well as the
15 Town of Colonie during the course of this
16 review.

17 CHAIRMAN STUTO: Thank you.

18 Mr. Woodward, do you want to say
19 something?

20 MR. WOODWARD: Yes, thank you.

21 I have not heard the term impact study
22 very much tonight. If that is something which
23 is involved in all of your determinations down
24 the road, has someone made strong impact
25 studies and shown them the John Q. in the

1 newspaper as to the impact on Route 9. I'm
2 very concerned about that, as my wife said.

3 It's our anniversary by the way; 40 years
4 of marital bliss.

5 It's been a very good 39 years. We've
6 felt very, very comfortable living in Latham.
7 Most of the years that I did the news on
8 television; they were great years because the
9 traffic wasn't that awful, but it's getting
10 worse. I sit on the newly constructed deck
11 looking out onto Route 9 in stark disbelief in
12 the way that traffic builds up in the key
13 traffic periods. I understand that's
14 inevitable, but it's hard to imagine what's
15 going to happen when these new streets go in.

16 I did hear reference to one new street. I
17 got the impression that I was going to connect
18 with 155 in the back, is that correct? That's
19 an awful lot of streets all boarding back down
20 into Route 9. I'm very concerned about the
21 traffic.

22 One other thing and then I'll sit down
23 and listen to the positive sides to all of
24 this. It's a lovely building, by the way.
25 Don't misinterpret what I'm saying. I love the

1 look of it. It seems to be a very nice
2 constructed piece of property down the road.
3 But you have to be thinking about that impact
4 on Route 9.

5 Also, it would be very nice to hear
6 someone mention a positive impact on property
7 taxes from new revenue coming in from all
8 these businesses. Our taxes don't seem to go
9 down at all, they just continue right up.
10 You'd like to believe that the influx of new
11 business would bring down the amount of taxes
12 that we have to pay on our properties. Is that
13 realistic, or am I whistling Dixie here? I'll
14 listen to your reply with great interest.
15 Thank you.

16 CHAIRMAN STUTO: We're going to go
17 through and address all of these things. We're
18 all taking notes.

19 Sandy Sparanza.

20 MS. SPARANZA: My main thing is the
21 traffic and the previous comments cover pretty
22 much everything. It's a dead stop at Maxwell
23 Road pulling out onto Route 9 during the later
24 travel times.

25 CHAIRMAN STUTO: We have a traffic

1 engineer. Not at this point, but are you
2 prepared to give a more through analysis?

3 MR. CLEARY: As I mentioned, Mr.
4 Chairman, we have done a complete traffic
5 study which is under review by both the Town
6 and the DOT. There are some comments that have
7 been made by both the TDE and the DOT. We will
8 be addressing all those going forward.

9 CHAIRMAN STUTO: Are they going to be
10 allowed to speak tonight - the traffic
11 engineers?

12 MR. CLEARY: I would be happy to go
13 through all of that, as well.

14 CHAIRMAN STUTO: We'll definitely do that
15 because I want us to understand and I want the
16 public to understand what we're really talking
17 about in terms of traffic.

18 Jeff Kulzer.

19 MR. KULZER: My name is Jeff Kulzer and I
20 live at 17 Ashley Drive, which is
21 approximately right here (Indicating). Right
22 at the edge of my driveway is a storm drain.
23 Are you going to be draining some of the water
24 from this property into those storm drains?
25 Here is where your drainage problem is right

1 here (Indicating). You're coming on my
2 property right here. My storm drain can't
3 handle the water now. We get whirlpools for 10
4 minutes sitting here. If there is any more
5 water coming from this property onto that road
6 and in that drain, 10 minutes is going to be a
7 half hour and you're going to have floods.
8 Like I said, under heavy storms, you get
9 nothing but a whirlpool for at least five to
10 ten minutes. Whatever water is going to be
11 coming from this property is going to be an
12 issue.

13 I don't know what kind of study that
14 you're going to do, but if I stop at Ted's
15 Fish Fry and I try to take a left, you're
16 taking your life into your hands coming out of
17 Ted's Fish Fry at night. Traffic is a big
18 issue and definitely drainage is a big issue.
19 Thanks.

20 MR. LACIVITA: What is the name of that
21 street?

22 MR. KULZER: I'm on Ashley Drive; 17.

23 CHAIRMAN STUTO: Karen Osterhout.

24 MS. OSTERHOUT: Hi I'm Karen Osterhout
25 and I'm at 14 Fireside Lane, which is this

1 area right around here (Indicating).

2 CHAIRMAN STUTO: How do you access your
3 street?

4 MS. OSTERHOUT: Currently, I would be
5 coming down Ashley, Green Leaf and coming
6 around into Fireside which is kind of a dead
7 end. Currently we have difficulty with water
8 very similar to the individual talking on
9 Ashley. If we already have such water issues,
10 I'm very concerned what's happening. Here are
11 our wetlands. We're already seeing where they
12 are adding some dirt, I believe, to this area
13 which has already had increased water coming
14 to our area. So, I'm hoping that there will be
15 a real close study done on the water.

16 I guess I'll also talk about the traffic.
17 I don't know about anybody else, but trying to
18 get through on Route 9 with those two lanes is
19 just about impossible between say, Siena
20 College and I dare say up to the traffic
21 light.

22 CHAIRMAN STUTO: I would say that it goes
23 all the way from Albany to Halfmoon.

24 MS. OSTERHOUT: I understand what you're
25 saying, but especially in those two lanes.

1 Someone, I think, mentioned that they were
2 glad that they were going to have a Stewart's.
3 Well, some of us would like to get to the
4 Stewarts over here, but we can't get to it.

5 What are these trees here? I don't recall
6 them.

7 MR. CLEARY: That's a representation of
8 the existing vegetation. They're not new
9 trees.

10 MS. OSTERHOUT: So, there won't be
11 anything blocking us - all of our neighbors
12 from seeing this. Let's keep that in mind.

13 CHAIRMAN STUTO: We'll make a note of
14 screening.

15 MS. OSTERHOUT: So, we're talking about
16 lighting and that's going to be represented.
17 We're talking about the construction noise.
18 Let's talk about the rubbish. If it's retail,
19 we have people coming in and getting garbage
20 out. I guess I want to mention again about
21 cautioning about the parking. I think that
22 we've already heard that Phase I and II - it
23 was assessed that there was adequate parking
24 and we're finding that it wasn't. What's going
25 to happen in this particular case?

1 I think that will do it. Thank you.

2 CHAIRMAN STUTO: Thank you.

3 MR. MOREHOUSE: I live at 20 Glennon
4 Road, which happens to be exactly right there.
5 Right now we have a beautiful view of dark
6 starry nights all the way back into the golf
7 course and the driving range and it's truly
8 nature's beauty. We're concerned about grading
9 and the site plan. We saw it in the Planning
10 Department. There is an extensive retaining
11 wall right next to the Hoffman's property up
12 here on the hill (Indicating). What are they
13 going to do right here? In this dark green
14 stripe here - is that going to be regraded or
15 flattened out? Are all those trees that are
16 buffering going to be eliminated? Is there any
17 plan that we can look at that is a site
18 grading plan in terms of elevations relative
19 to where Glennon Road is and where this
20 property is?

21 CHAIRMAN STUTO: We'll answer that at the
22 end.

23 MR. MOREHOUSE: So, there are no grading
24 plans at this point in time?

25 CHAIRMAN STUTO: We're not answering

1 questions right now.

2 MR. MOREHOUSE: There were extensive
3 discussions on limiting Glennon Road as a left
4 turn only and not allowing left turns. Is that
5 part of the traffic study? There is concern on
6 the construction dust and the phasing. The
7 plan that I reviewed said that this is a
8 project that is going to take over three years
9 to be fully realized. What are we supposed to
10 do uphill and down wind from the site for
11 three years? I've got a pool and a deck and
12 I've got a beautiful view. Am I going to have
13 to get someone in to clean everything every
14 two weeks because of the dust and dirt?

15 CHAIRMAN STUTO: How did the construction
16 for the bank work?

17 MR. MOREHOUSE: It wasn't as bad because
18 it was back here and I'm down here
19 (Indicating). I bet you that Mr. Hoffman, who
20 is in the audience somewhere, could talk
21 directly to how bad it was for him during the
22 construction with the dirt and the debris.

23 CHAIRMAN STUTO: We'll address that.

24 MR. MOREHOUSE: I heard in another
25 project earlier with regard to the NCOR. I'm

1 not familiar with it. It requires a 300 foot
2 buffer from residential properties. I don't
3 see that here. That doesn't comply with the
4 zoning, as far as I can tell.

5 Again, over three years all of us know
6 about the eyesore that's Eammon's. The large
7 stair towers that are sticking out of the
8 ground. What's to guarantee that they don't
9 start this residential and then just walk away
10 from it when they can't sell 91 units of 2,500
11 square feet in a Town that has a vacancy
12 today?

13 CHAIRMAN STUTO: Thank you.

14 Carol LaBatte.

15 MS. LABATTE: I just have a real quick
16 question. What is the height of the building?

17 CHAIRMAN STUTO: Go ahead if you want to
18 answer that.

19 MR. CLEARY: The commercial or the
20 residential?

21 MS. LABATTE: The highest one that you
22 have.

23 MR. FAZZONE: The two stories are typical
24 that they be the same as a two storey colonial
25 in a typical neighborhood. They're two

1 stories.

2 FROM THE FLOOR: I'll be very brief. I
3 live to the south of the project. I look at
4 planning. What is going to happen to this 25
5 years from now? I don't see why everybody has
6 to come to Mecca or Dubois or this hot place
7 that we have when we have a box up here - I
8 call it velvet Elvis. It's not used. It's just
9 not used. Why does it sit there and nobody
10 goes in that place, but we've got all this
11 Mecca thing going on now?

12 MR. AUSTIN: Are you referring to the
13 mall?

14 FROM THE FLOOR: I'm referring to the
15 mall. It's a ghost town. I do not go north
16 after 3:30 in the afternoon because I can't
17 get from my home, which is south of Siena to
18 that area. It's horrendous. What's going to
19 happen in 25 years? That's all I have to say.

20 CHAIRMAN STUTO: That's the end of the
21 list. Anybody else from the public want to
22 speak?

23 Kevin?

24 MR. DELAUGHTER: I'd like to first
25 commend the applicant for the overall design.

1 I know that they've been working on this for a
2 long time. They've been very faithful to the
3 NCOR principals and I think that generally the
4 design of the project will be an asset to the
5 community.

6 The traffic, obviously is a concern. I
7 wanted to clarify in terms of whose
8 responsibility it is to really look at the
9 traffic. I don't know if this has been
10 classified as an unlisted or a Type I SEQRA
11 action, but unless DOT is designated as lead
12 agency, the Planning Board definitely does
13 have an obligation under SEQRA to look at
14 traffic impact as well as the other
15 environmental impacts.

16 As far as Latham Circle Mall, I would
17 love to see Tony or somebody like him take a
18 crack at that property.

19 One point, as far as the shared parking
20 goes, I would point out one of the rationales
21 for that also is that we would expect the
22 residents of the condos to be customers of the
23 commercial so that they're walking and not
24 parking. That's one of the ideas of the new
25 urbanist development that you do get that

1 synergy and the ability for shared uses. Thank
2 you.

3 CHAIRMAN STUTO: Thank you.

4 Anybody else?

5 MS. LYNCH: I'm Donna Lynch and I live at
6 26 Greenleaf Drive. My concerns are in one of
7 the statements that I had read. There is
8 something about a 56 foot elevation in the
9 properties. If that is going to be drainage -

10 MR. CLEARY: That's meant to represent
11 the change in elevation from the front of the
12 site to over here (Indicating). The high point
13 of the site is 56 feet.

14 MS. LYNCH: I assumed that Greenleaf is
15 in the lower -

16 MR. CLEARY: Correct.

17 MS. LYNCH: My concern is that behind my
18 house when we do have a lot to drain, it does
19 build up quite a bit back there. If this is
20 going to be your drainage area, that is my
21 concern as well as all my neighbors on
22 Greenleaf Drive.

23 The other thing is that someone mentioned
24 about the dumpsters. We hear dumpsters from
25 Newton Plaza about 4:00 in the morning. Could

1 someone could look into the time changes that
2 they could make to pick up their dumpsters?

3 The other thing is depending upon how
4 you're going to do your greenspace, the area
5 right now between Greenleaf Drive and the
6 proposed site is not going to have all
7 evergreens. We have trees that don't have
8 leaves. Right now my kitchen gets lights from
9 the spotlights from the driving range. People
10 could look right in and I'm sure that other
11 people have the same type of situation. If the
12 lighting is very high, we're going to have
13 that right in our houses. Thank you.

14 CHAIRMAN STUTO: Thank you.

15 I've made a list of questions and I'd
16 like you to try to answer those. Traffic will
17 then be something that we'll ask you to more
18 formally address.

19 Tax revenue - there are no tax breaks on
20 this; is that correct? All the users are going
21 to pay full tax just as any other user?

22 MR. CLEARY: Right.

23 CHAIRMAN STUTO: Does anyone have any
24 kind of tax projections?

25 MR. FAZZONE: I can tell you that the

1 revenue from the two phases that are done have
2 doubled the revenue from that site five years
3 ago. That's on just the bank and the Rumors
4 building, from vacant land to commercial
5 retail use.

6 CHAIRMAN STUTO: I think that it's going
7 to be a significant impact for revenue for the
8 Town. I don't think that there is any doubt
9 about that. And there is no tax breaks; right?

10 MR. CLEARY: Correct.

11 CHAIRMAN STUTO: I guess you'd need an
12 economist to do actuarials or something like
13 that, but it's going to be significant
14 revenue.

15 Can you talk about construction phasing
16 and how you're going to mitigate those effects
17 on the neighbors? Can you also talk about
18 screening both Glennon and the areas on the
19 other side?

20 MR. CLEARY: What we have here is an
21 example or representation. We haven't done a
22 detailed landscaped plan. Certainly we'll be
23 looking at screening the areas along the
24 Glennon Street side and in other areas where
25 we're close to the residential areas to try to

1 mitigate the visual impact and that will
2 certainly be part of our detailed landscaping
3 plan.

4 CHAIRMAN STUTO: Can you stay on
5 screening just a little bit more? A couple
6 people from Glennon were talking about some
7 type of retaining wall. Can you tell them what
8 they would be looking and what they can
9 expect?

10 MR. CLEARY: Mr. Hoffman's house is up
11 here and it drops off (Indicating).
12 Essentially, to grade the site, we started off
13 with a very expensive wall. We have it down to
14 a wall that basically goes to this area right
15 here (Indicating). I think that it's about six
16 feet tall.

17 CHAIRMAN STUTO: Is that in design?

18 MR. CLEARY: It's based on this concept
19 plan and a very preliminary conceptual plan.
20 We had put a wall in here in order to make the
21 grades work. It only runs in this area right
22 here (Indicating). Again, it's because you
23 have this hill that drops off and then
24 flattens out here at the driving range.

25 CHAIRMAN STUTO: What can you see of the

1 screening that's going to be helpful to the
2 Glennon people?

3 MR. CLEARY: We're showing screening up
4 along this area right here (Indicating). There
5 are plantings and evergreens and things like
6 that along the top here. It's very similar to
7 what we did over here (Indicating). It's the
8 same thing. I think that in the original plan
9 we had screening that was lower on our
10 property, and I think that Tony worked with
11 Mr. Hoffman to actually put it on his property
12 where it would be more effective. That's the
13 theme of what we've been doing. We want to
14 make this thing blend in and be comfortable
15 for everyone around this. We're going to try
16 to incorporate some screening because we have
17 residential people here and they don't want to
18 look out this way either. So, we've got it in
19 both directions.

20 CHAIRMAN STUTO: How about people on
21 Ashley and Fireside? What do you envision
22 there?

23 MR. CLEARY: I really have to take a look
24 at that because, again, we're keeping this all
25 natural - exactly the way that it is today.

1 There may be an opportunity in here to do some
2 screening. We have an easement in here. We'd
3 have to take a look at it. This is all within
4 the buffer area.

5 MR. AUSTIN: It looks like there are
6 pretty well mature trees back there.

7 MR. CLEARY: What they're saying is that
8 they're not pine trees.

9 CHAIRMAN STUTO: Is there room for
10 evergreens in there?

11 MR. CLEARY: We'll look at that with the
12 landscaping plan. We may be able to plant the
13 top of the berm here by the detention pond.
14 There might be some things that we can look
15 at, but where we have opportunities to do it,
16 we'll do it. I don't think that we can
17 necessarily go into the buffer zone or into
18 the wetland area to change that. We're not
19 proposing that. But where we have the capacity
20 to add screening, again, it works both ways.
21 So, we've got residences here screening from
22 residents.

23 What I'd like to point out is by their
24 nature, those are residential uses around that
25 corner. From a lighting standpoint, they will

1 only have those rear yard lights that a house
2 would have. So, they're going to screen the
3 lighting from the commercial part just by
4 being there. The lighting issue won't be an
5 issue with that.

6 FROM THE FLOOR: I would disagree because
7 a 35 or 30 foot high light - I would be
8 looking at that right in my face.

9 MR. CLEARY: We're putting cut off
10 fixtures at I believe 20 feet high. It's all
11 dictated by the NCOR zoning standards. All the
12 lighting will be designed that way.

13 MR. FAZZONE: The lights that are up
14 there for the driving range right now are
15 several thousand watts. The distance from that
16 back corner unit to any of the residents that
17 have spoken here today is a little over a
18 football field. It's not well vegetated
19 because we can't go into the wetland. Because
20 it's wet you have nasty willows and that type
21 of vegetation.

22 FROM THE FLOOR: Except from a resident
23 that spoke that is within spitting distance
24 from your back corner. It's elevated 10 feet
25 higher. Right here where you have that buffer

1 zone (Indicating).

2 MR. FAZZONE: That's probably 200 feet.

3 CHAIRMAN STUTO: Can you talk about
4 stormwater?

5 MR. CLEARY: You want to talk about the
6 phasing first?

7 CHAIRMAN STUTO: Yes, the phasing and
8 then the stormwater.

9 MR. CLEARY: Because of the way that the
10 NCOR works, you have to have so much retail
11 and you have to have so much housing.
12 Depending on market conditions, the first
13 phase of retail in the first phase of
14 residential will go hand in hand. Two things
15 that need to be considered in the phasing is
16 what we may want to do. Say we want to do 25
17 units of residential in the first phase and
18 25,000? I'm just picking numbers here. Your
19 stormwater regulations only allow you to have
20 five acres of disturbance. There is a limit on
21 how much you can do in order to control the
22 amount of run-off and dust and other
23 construction activities on the site so that it
24 doesn't become on big open mess. We obviously
25 have to adhere to that. We obviously have to

1 adhere to all of the stormwater regulations.
2 There will be a SWPPP prepared as probably the
3 next phase. All of that will be laid out in
4 that as well. More than likely - it will
5 happen very quickly in the period of three to
6 five years. But again, it's market driven. We
7 have tenants on the retail side, but we've
8 been very fortunate as the project moves
9 forward. We've had a lot of interest in the
10 retail piece as we had in the first two phases
11 and we're confident that we have a back log of
12 people currently looking to buy these condos.
13 The market right now is very good.

14 CHAIRMAN STUTO: What do you envision
15 being built first?

16 MR. CLEARY: I haven't memorized the
17 equation, but that would probably allow us to
18 build about half of the residential pieces.

19 CHAIRMAN STUTO: Would you do that?

20 MR. CLEARY: I don't know if we would
21 build half of them right away. It would be
22 based on how much we presell. If the demand
23 was there, yes.

24 CHAIRMAN STUTO: What portion of the
25 residential would go first?

1 MR. CLEARY: I don't know. More than
2 likely, probably over in this area because we
3 need that fill to put down here (Indicating).
4 So, we would cut this and put it down there
5 and stabilize it. That's one of the first
6 things that we have to do is the detention.
7 Likely because of the way that the site works,
8 we probably would be looking at this piece up
9 here first (Indicating).

10 MR. AUSTIN: Would you be building that
11 before the apartment?

12 MR. CLEARY: The apartment piece goes
13 hand in hand with the first floor commercial
14 and back. That's the toughest commercial to
15 sell, as you might imagine.

16 CHAIRMAN STUTO: What types of mitigation
17 would you have to reduce the impact on the
18 neighbors for noise? What would their
19 construction hours be and so forth?

20 MR. CLEARY: I think that the Town
21 dictates 7:00 to 7:00. I've forgotten exactly,
22 but the Town dictates when you can be
23 operating machinery. That's all part of the
24 building permit as well as your site plan
25 approval.

1 As far as mitigating activities for
2 construction, it's all laid out in the SWPPP
3 which is reviewed. One of the typical things
4 is when the site gets dusty, they require
5 water and there are tracking pads coming off
6 of the construction site. They're required to
7 wash the wheels down. Obviously, there is
8 sediment control all around the open areas so
9 that the dirt stays on the site and doesn't
10 get into the streams. All of that is very
11 strictly regulated by the Town; very strictly.
12 We are veterans of that.

13 MR. LACIVITA: There are weekly
14 inspections that the Town does.

15 CHAIRMAN STUTO: Can you talk more
16 specifically about stormwater? Which way does
17 the water flow? What does your plan look like?

18 MR. CLEARY: One thing that I'll just
19 start at off by saying if you're having issues
20 now, this is going to help. What we're going
21 to be doing is controlling an uncontrolled
22 situation. Right now this site - essentially
23 this is the high part of the site here.
24 Everything drains in this direction, generally
25 (Indicating). We're also catching drainage

1 from Route 9 which will be intercepting with
2 our curbing and treating that issue as well.
3 Essentially, what you've got right now is that
4 it rains and it goes this way. There is no
5 control. By regulation, what we have to do
6 when we develop something is develop a system
7 that treats and controls the run-off. The
8 reason that we're building this big pond is so
9 that all the water goes here first so that we
10 can regulate how it goes out. It has to go out
11 at the same rate than what it does now. So, if
12 we're having issues as far as letting all this
13 water go, what we're going to do is we're
14 going to capture it in a drainage system on
15 site, which will go into this pond and then
16 will be let out over a period of time and that
17 water will be treated as well as it goes
18 through the system. So, you'll get clear water
19 and you'll get less water at the critical
20 times. You're going to get the same amount
21 because we have to put that amount back. We
22 can't divert it someplace else. It will change
23 it over time. It will be let out over a longer
24 period of time. That's why we have to build a
25 pond. It has to be big enough to store a 100

1 year storm and then what it does is it lets it
2 go over time. That way you won't be getting a
3 big hit all at once. That should be helping
4 you down in these areas.

5 One of the other things that we'll be
6 doing is working with the Town very closely on
7 this. They're very involved in the stormwater
8 design. We will take a look at the drainage.
9 You might have an issue with something being
10 plugged. Now that it's been brought to their
11 attention, we'll make sure that we take a look
12 at it to see if there is some kind of simple
13 rotor-roter type of situation. You should see
14 throughout that you'll get less water now than
15 you did before.

16 CHAIRMAN STUTO: When it's raining.

17 MR. CLEARY: We'll store it and let it
18 out over a longer period of time.

19 MR. FAZZONE: There are some residents
20 here from Glennon that could probably attest
21 to that there was a major problem with Glennon
22 before the bank went in. DOT and the Town - we
23 had some issues with the previous water and I
24 think that they will attest that that is gone.
25 These engineers, when we did the bank, came up

1 with a solution that was implemented by the
2 company and there is no more issues at the
3 bottom of Glennon. At least on Glennon, they
4 did correct that issue.

5 CHAIRMAN STUTO: Somebody had mentioned a
6 300 foot buffer. I'm not sure where that came
7 from.

8 FROM THE FLOOR: That was on a previous
9 project, you mentioned that.

10 CHAIRMAN STUTO: I'm not sure that's the
11 standard.

12 MR. CLEARY: We meet all the zoning
13 requirements.

14 FROM THE FLOOR: The bank off of
15 Homestead is talking about 300 -

16 MR. CLEARY: They're in a different zone.
17 That's a COR zone and we're NCOR.

18 CHAIRMAN STUTO: Someone had mentioned
19 refuse removal.

20 MR. CLEARY: Having worked on Newton
21 Plaza, we get those comments all the time.
22 Again, the retail part of this is in the
23 front. The residential part is in the back and
24 they'll have normal trash pick up just like
25 every residential area. In the retail areas,

1 you'll have dumpsters. They have to be
2 enclosed, gated, screened, and all the zoning
3 regulations that have to be met. That will be
4 the case there.

5 As far as trash pick up goes, it's a
6 story that we've heard a lot in this
7 neighborhood. That's due because the trash
8 pick up over at Newton Plaza and the trash
9 pick up in this area (Indicating). It can be
10 conditioned as part of the approvals.

11 CHAIRMAN STUTO: You want to talk about
12 lighting?

13 MR. CLEARY: Sure. In the residential
14 area, it will be a residential scale as
15 dictated by the NCOR requirements. There will
16 be decorative street lighting. You're
17 comparing it to the lighting for the driving
18 range, which are ancient high poles with
19 clusters of lights and very high intensity.
20 The residential piece will be low light poles.
21 I don't remember exactly what the sizes are
22 but it's pedestrian scale lighting on the
23 streets. You'll have your normal lighting
24 around buildings any residents would have. The
25 lighting will be like decorative street

1 lighting.

2 In the retail portions, I believe the
3 regulation is 20 foot maximum height with cut
4 off fixtures. With cut off fixtures there are
5 hoods that go over the lights that push the
6 light down and doesn't allow for spillage. By
7 regulation, you're not allowed to have any
8 spillage off the property. So, for the
9 neighbors that are on the back, and even the
10 folks on Glennon Road, with regard to the
11 lighting on the retail side of things, you
12 won't even see.

13 CHAIRMAN STUTO: This is a little bit off
14 topic, but somebody mentioned it.

15 Joe, is there anything about Latham Mall
16 that you can tell us?

17 MR. LACIVITA: First of all, Wegmens is
18 not coming. I know that there have been people
19 that have called us a number of times asking
20 if Wegmens is coming. In fact, all the rumors
21 are hindering any type of potential to get any
22 type of tenant that's interested. We are
23 working with the current applicant now who is
24 based out of the Boston area. We are working
25 through the demolition component of the

1 project. We understand that a major component
2 of the demolition is going to happen towards
3 the late fall or early winter.

4 We are working on design. It's going to
5 be no longer an interior mall. It's going to
6 go back to that pedestrian style of mall where
7 you walk up to it that we all know or used to
8 know. The components that are staying are like
9 the roads and the adjacent bank. There will be
10 four new potential pad sites along the parking
11 area that they're working with now. Again,
12 these are all temporary designs. We're working
13 through the zoning components now, as his site
14 has done in working very well with the NCOR
15 district. That's generally what we try to work
16 with and the components we can actually work
17 with current zoning that goes to the
18 Comprehensive Plan and doesn't look for those
19 special waivers. So, we are working with the
20 current applicant diligently, just as we did
21 here.

22 CHAIRMAN STUTO: Thank you. I think
23 that's informative.

24 We're whittling through these issues
25 before we get to the big one, which is

1 traffic.

2 I don't know if Ted is the right one, or
3 the applicant. You talk about what reviews
4 were done on this - the environmental review.

5 MR. KOLANKOWSKI: Yes, the Town Attorney
6 has classified it as a Type I action. So, the
7 applicant has prepared Part I of the full
8 environmental assessment form. If no other
9 agency objects, the Planning Board would be
10 the lead agency for the project and conduct
11 the SEQRA.

12 In connection with that, the Board will
13 probably want to address a lot of the
14 concerns. We'll want to see the stormwater
15 pollution prevention plan prepared that the
16 applicants will prepare, the revisions to the
17 traffic impact study reflecting the public's
18 comments, and some of the other comments as
19 well as addressing the cross-connection issue
20 with the main entrance. There will be some
21 other reports necessary. They have the
22 archeological taken care of. I don't know if
23 there is anything else. Threatened and
24 endangered species -

25 MR. CLEARY: We filled out the portion of

1 threatened and endangered species. This is the
2 third go around on this, but we'll have the
3 same guys say that there are no endangered
4 species.

5 CHAIRMAN STUTO: Do you think that the
6 traffic engineer will be most effective - talk
7 about what's going on in the Route 9 corridor
8 and all the related areas?

9 MR. CLEARY: That's the beauty of Cleary
10 Development Services, Mr. Chairman. I am the
11 traffic engineer.

12 CHAIRMAN STUTO: I see that you have
13 people from Creighton Manning.

14 MR. CLEARY: Creighton Manning actually
15 did the study. We did prepare a short
16 presentation that we have. I've got Mark here
17 as a back up to give a detailed answer.

18 CHAIRMAN STUTO: Thank you.

19 MR. CLEARY: We did a full traffic impact
20 study of the development. The study area that
21 is shown here and the project site is here
22 (Indicating). Essentially, the dots in blue
23 are the intersections which we looked at in
24 the traffic study. It goes for the signal here
25 at Newton Plaza. I would say that it

1 incorporates our intersection here as well as
2 the driveways across the street from us. The
3 existing bank and Rumors driveway which is
4 here, Glennon Road and Route 9, the existing
5 driveway that goes on to Glennon Road as well
6 as these twin intersections here on 155 and
7 the Old Loudon Road and Route 9 intersections.
8 They basically work together.

9 These are the critical intersections in
10 the corridor and are affected by our traffic
11 as it kind of dissipates and goes about the
12 roadway network.

13 The counts were done and I believe that
14 we did current movement outs and we also took
15 the data from the state. We also did our own
16 automated traffic reports counts along here to
17 judge the direction speed and volume of
18 traffic.

19 Currently Route 9 right now has a traffic
20 problem and it fluxuates on the highs and lows
21 of the year. It has a traffic volume of about
22 21,000 vehicles per day. A two lane road
23 typically is about 24,000 cars. So, it is the
24 capacity typically between peak hours. I don't
25 think that anybody would dispute that.

1 The study projects traffic by doing two
2 things. First, in looking at what the Town
3 projects there are and adding that traffic in,
4 as well as looking at general growth in the
5 corridor over time. It's called background
6 growth. The background growth in this case was
7 actually negative. But we used a half percent
8 mark per year increased traffic and added that
9 traffic onto the existing traffic that's out
10 there today. We did take into account other
11 projects that were in line based on the
12 information that was supplied to us by the
13 Town. On top of that traffic we added in the
14 traffic that our site is going to generate.
15 It's essentially what we look at to project
16 something called viable traffic engineering,
17 which is the trip generation manual. It's
18 published by the Institute of Traffic
19 Engineering. Basically, it looks like a
20 variety of land uses - pretty much everything
21 that you can think of and they've done studies
22 of these various land uses all over the
23 country. You take that database and we take
24 the square footage like the number of seats in
25 a restaurant or the number of units of housing

1 and then you can project the amount of traffic
2 and the number of trips that particular use
3 would generate. We took each of the uses that
4 is proposed on the site - for all the
5 different uses - the restaurants and the
6 retail and included the Rumors and included
7 the bank, the apartments and all the
8 residential units and projected the traffic
9 flow from the traffic volumes that they would
10 create once they are fully occupied. There are
11 certain other factors that you have to adjust.
12 One is the fact that this is a mixed-use
13 development. There is some credit for traffic
14 that will be internal to the site. I think
15 that it's only 10 or 15 percent. There is also
16 another factor of people that come to the site
17 and then don't just go to one place, but they
18 go to two or three places. That's another 10
19 or 15 percent.

20 Then, there is another factor which is
21 referred to as pass by traffic which is
22 traffic that has already gone by the site that
23 will now turn in here because they want to
24 grab a bit to eat, get a hair cut or whatever
25 it is because that's available here now. They

1 might have been going by the site and going
2 someplace else. When we take that all into
3 consideration, you look at both the morning
4 and the afternoon peak hours. The critical
5 time here is the afternoon. This entire
6 development will generate 254 new vehicle
7 trips. That's 127 in and 127 outs. That's
8 during the p.m. peak hour when this road is
9 the worst. The morning is less. It's only 182.
10 Once you look at that and you know how much
11 you're going to generate, you're going to
12 determine what direction that traffic is going
13 to go in.

14 CHAIRMAN STUTO: Can you go over the peak
15 again, just so I remember?

16 MR. CLEARY: Yes. It's 254 vehicle trips.
17 That's total. That's 127 in and 127 out.

18 CHAIRMAN STUTO: Per hour?

19 MR. CLEARY: During the peak hour. That's
20 one hour.

21 CHAIRMAN STUTO: That's when to when?

22 MR. CLEARY: Generally it's like 4:30 to
23 4:45 - in that hour. Basically the commuter
24 peak in the afternoon.

25 CHAIRMAN STUTO: You can't be more

1 precise?

2 MR. CLEARY: It really depends on what
3 intersection you're in.

4 MR. NADOLNY: It's 4:45 to 5:45.

5 CHAIRMAN STUTO: Can you think of a
6 comparison? What's one of the other sites that
7 would compare to this?

8 MR. CLEARY: McDonald's would generate
9 more than this.

10 CHAIRMAN STUTO: One McDonalds; okay.

11 MR. CLEARY: Again, there is a lot of
12 benefit because of the interactivity of the
13 site. People are coming and going at different
14 times. It spreads it out. That's why the peak
15 isn't as high as you would if you were putting
16 in just the retail, for instance.

17 The next component is to determine where
18 the traffic is going. If you look at the
19 existing traffic flow patterns that are
20 pre-established, commuters are going in during
21 the morning and out at night. We expect that
22 this will follow the same patterns. We take
23 those trips that we've estimated using the
24 industry data and we apply them to the roadway
25 network. You add them to the intersections

1 that we had in our study area. So, all of this
2 traffic is added to the various intersections
3 and the turning movements that occur at each
4 of those intersections.

5 Once we got that, then we could do our
6 analysis. Essentially, what we're looking at
7 here is basically in an overall operating
8 condition for each intersection. They apply a
9 letter grade grades in school; A is great and
10 F is bad. They do that for all of these
11 intersections. We looked at how they are
12 operating today, how they would be operating
13 in the future if we didn't build our project,
14 how they would operate with our traffic added
15 to it, and how they would operate once we add
16 our traffic and tweak them based on the
17 recommendations that the engineers have made.
18 The bottom line is that each and every one of
19 these intersections will operate at the same
20 level of service overall; either with us or
21 without us. There are a couple of turning
22 movements particularly at this intersection
23 that are affected. DOT has criteria that if
24 you break it, you have to fix it. They're
25 basically already broken and we've looked at

1 these turning movements to look at what we
2 could do from a signal kind of perspective to
3 bring it back to where it is today. We were
4 able to do that at this location and that
5 location here (Indicating). The overall
6 general operating condition of the corridor
7 will not be noticed to be different with or
8 without this project. So in retrospect, like I
9 said, 254 cars in the peak hour - half of them
10 in and half of them out - half of them going
11 one way and half of them going the other way.
12 It's not a significant amount of traffic
13 getting added to the network during the peak
14 hour.

15 CHAIRMAN STUTO: We have questions.

16 MR. SULLIVAN: You said that you received
17 a memo from DOT today?

18 MR. CLEARY: Yes.

19 MR. SULLIVAN: Did they require you to
20 add an actual road to this study?

21 MR. CLEARY: The comments that I saw did
22 not.

23 MR. KOLANKOWSKI: That was our comment.

24 MR. SULLIVAN: Will you be doing that?

25 MR. CLEARY: We would want to get

1 together with the Town. I know that the
2 applicant that was before you previously, is
3 going to be working on it, as well. So, there
4 might be some synergy there and some sharing
5 of information.

6 MR. SULLIVAN: I would be interested in
7 seeing what could happen with that as well.

8 MR. CLEARY: They may very well be
9 looking at adding us into it. If they're not,
10 they should. If they're not looking at it,
11 then we'll look at it.

12 Once we had all the facts from the study
13 based on the calculations that we've done,
14 Creighton Manning went back and looked at the
15 access plan and then the overall function in
16 the corridor and what things could be done to
17 enhance traffic flow and mitigate any impacts
18 that we might have.

19 First and foremost was the access. Some
20 of the things that we're doing here are going
21 to make some significant improvements to this
22 area. First and foremost is that we're going
23 to focus our point of access at this location
24 and close a variety of curb cuts that kind of
25 littered this side of the street. They're wide

1 open curb cuts now. People can go in and out
2 anyplace that they want, essentially,
3 throughout this entire area except for right
4 here at the mini golf (Indicating). We've
5 consolidated that into one access point here
6 and one access point here (Indicating).
7 Originally, we had proposed way back in the
8 original master plan an access point at this
9 location as well. That was in the DCC comments
10 and that was eliminated. So, we have not
11 proposed it and we are not proposing it. We're
12 only having two access points onto Route 9;
13 this one and this one (Indicating). This
14 access was approved when the bank was in. DOT
15 issued a letter at that time that said we're
16 going to let you have full access at this
17 point and we're going to monitor it. At any
18 time in the future if it becomes a safety
19 issue or a congestion issue, they reserve the
20 right to make a right-in and right-out or even
21 close it. This access on Glennon Road -- this
22 spine travels through our site with the
23 potential of connecting over to the Hoffman
24 property over here at some future date
25 (Indicating). What that does is that

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1 alleviates the reason for taking people from
2 our site and going out onto Route 9 to access
3 another property along this corridor. It's all
4 internalized. It also allows any traffic from
5 Glennon Road, and sometime in the future,
6 traffic from this parcel over here to
7 access -- about 50 percent of the development
8 will be a signalized intersection. What we've
9 done is we've cleaned up, as I said in my
10 original presentation, all the side friction
11 and the randomness of access along this side
12 which will make this piece of the corner move
13 a little more smoothly. We've also
14 internalized the traffic and kept everything
15 on site until they finally exit the site and
16 that will more than likely occur at this
17 location (Indicating).

18 The other critical component and what DOT
19 touched on in their comments was what we're
20 doing here. They want to do the same thing
21 over here with bringing in the pool company
22 and some of the other uses over here, and
23 focusing their access at this location as well
24 (Indicating). Creighton Manning recognized
25 that it's something that they would likely

1 want to do and make that recommendation and
2 will certainly be part of the design of this
3 entrance and certainly with the signal going
4 forward.

5 CHAIRMAN STUTO: How do we induce those
6 private property owners?

7 MR. CLEARY: It's going to be a benefit
8 for them in the long run. I mean, for a
9 signalized access from a retail perspective,
10 it's a very big incentive. It increases the
11 value of the property.

12 MR. SULLIVAN: Have you had formal
13 discussions with them? DOT mentioned that they
14 want you to settle that before they see the
15 review.

16 MR. CLEARY: We will respond to that
17 formally.

18 MR. SULLIVAN: But this all hinges on
19 that.

20 MR. CLEARY: We understand that.

21 MR. SULLIVAN: I'm sure that you do. I
22 just want to know what the status of that is.

23 MR. CLEARY: Right now it's up for
24 concept. One of the things that we're looking
25 for from DOT conceptually is: Is this going to

1 work? What they are saying is that
2 conceptually, yes it does. But the condition
3 is that you have to bring these guys into the
4 fold, as well. So, that's the next step. We
5 understand that. We won't get an access permit
6 unless that happens.

7 MR. SULLIVAN: Thank you.

8 MR. CLEARY: Finally, the other component
9 to this is pedestrian access. As you know, Mr.
10 Chairman, on this project and multiple other
11 projects on the corridor there is that
12 question of: Where is the sidewalk going to
13 go? The question of: Is there going to be a
14 sidewalk is a paramount one. From the day that
15 we developed the bank, we have been willing to
16 put in all our sidewalks and we deferred that
17 based on the request from the Town. We've had
18 money in escrow. What we strongly recommend is
19 that when we do this project, that we create
20 the sidewalk for this project for both our
21 benefit and the larger benefit of the
22 pedestrians along Route 9 as part of the
23 larger master plan for pedestrian access up
24 and down this corridor. So, that's always been
25 our position and we're going to request that

1 from your directly moving forward. So, in a
2 nutshell, those are the access recommendations
3 that we have implemented into our plan. There
4 are other minor signal timing adjustments that
5 will be proposed at both this intersection and
6 these two intersections to make these flow
7 better (Indicating). If and when this signal
8 is installed, they will be interconnected with
9 these two signals to allow for a smoother flow
10 through the corridor, lessen delay, and
11 improve the quality of traffic flow along the
12 corridor.

13 I didn't even mention the drainage
14 improvements by putting curbing in. DOT is
15 going to require catching all of the open flow
16 that now comes out to our site, through our
17 site and this young man's yard (Indicating)
18 We're going to be controlling that, as well.
19 That will now be brought into our site and
20 part of our drainage system.

21 There is also a recommendation to work
22 with CDTA on the location of the bus stop that
23 needs to be relocated, or a pad. We'll be
24 coordinating with them. I think that we got
25 their comments. They were very positive about

1 what we were doing here with all the
2 pedestrian amenities and what we were
3 encouraging with this development.

4 CHAIRMAN STUTO: Ted, do you have any
5 comments or criticisms about the traffic
6 presentation?

7 MR. KOLANKOWSKI: Not at all. I was just
8 showing Joe CDTA's comments that included some
9 of the upgrades that they're going to do to
10 some of their local routes on Route 9. One of
11 the things that they are going to do is change
12 the 29 bus stop to a new bus that's actually
13 going to run on weekends and evenings.

14 MR. LACIVITA: CDTA is also partnering
15 with the sidewalk development in that corridor
16 so they want to know where pedestrians will be
17 picking up the bus.

18 CHAIRMAN STUTO: Okay, we'll open this up
19 to the Board.

20 Brian?

21 MR. AUSTIN: I think that it's a great
22 project. I really do. I think that this is
23 going to be great. In the future, thinking
24 about the surrounding areas and the
25 development of the nanotech facilities and the

1 facility in Malta as well, this is a much more
2 centralized location. We've drawn a lot of
3 that kind of business in Latham and can
4 provide them with these residences. Also, the
5 retail is good.

6 I'm also willing to give any
7 residents -- we have the same drawings and the
8 site plans to anyone who would like to see
9 them, you can have my copies. If you see me
10 after the meeting, I have a copy of the
11 Creighton Manning report as well. It's very
12 detailed and they've done their homework. They
13 spent a lot of time on it, and it's nice to
14 see it come together.

15 CHAIRMAN STUTO: Tim?

16 MR. LANE: I agree that it's a good
17 looking project. I'm just kind of concerned
18 that we have a stalled condo project that's
19 not too far from this. I was wondering if you
20 had done a study for this area that shows that
21 the project is actually going to work.

22 MR. CLEARY: All I can say is regarding
23 how market and studies go, I know that Tony
24 has a waiting list of people for the
25 condominiums. Before the meeting we had people

1 coming up to us asking us the \$350,000
2 question of how much are these going to cost.
3 There has been a lot of interest going forward
4 and the difference between this project and
5 that project. That other project you mentioned
6 is the mixed-use and the location. This is a
7 prime location for this type of housing. With
8 the high-end type of restaurants and other
9 things that we're proposing at this location,
10 we really think -- and just based on the
11 demand that we have now, that it's going to be
12 very successful.

13 CHAIRMAN STUTO: Do you know your price
14 points on these?

15 MR. CLEARY: Yes, \$350,000 to \$400,000.

16 CHAIRMAN STUTO: Do you want to talk
17 about the market?

18 MR. FAZZONE: I'm not being critical of
19 the other project, but our price is much lower
20 and we're much more practical. We don't want
21 to see these go over \$450,000. We think that
22 our primary demographic empty nesters. We
23 think that the empty nesters are moving out of
24 bigger family homes and will make room for
25 other families that come in that need their

1 homes. A lot of the folks that we have - we
2 have a list of close to 40 people that are
3 interested in the units. We haven't even
4 marketed it or anything. This is a place that
5 they can have a low maintenance situation.
6 Everything is first floor master bedrooms and
7 two had a half car garage. The upstairs is
8 basically bedrooms in case your kids come
9 home. There is also a lot of young
10 professionals and single parents that are also
11 interested that don't want to cut a lawn or
12 snowplow. Initially, we traveled the east
13 coast. We've been tighter now with the
14 Planning Board for awhile now. We traveled the
15 east coast extensively. We looked at all of
16 those plans. Initially, we had a hot tub and a
17 swimming pool and a work-out facility. The
18 bottom line is that people don't want that. If
19 you want that, you go to LA Fitness or you go
20 to Gold's Gym. If you want to go play golf,
21 you go there. If you pay for those things and
22 don't use them, it's unfair. So, essentially,
23 we bring the minimum conveniences, make it
24 walkable, make it low maintenance or no
25 maintenance and provide the best of the

1 retailers in the Capital District that we can
2 offer in this little area in front where you
3 can walk to from that location. People can
4 walk to Fresh Market, which is great and
5 everyone loves it. You can walk all the way
6 down to Rite Aid to get a prescription filled.
7 So, presumably you can go a day or two without
8 your car. The whole point is that you can do
9 35, but the whole density thing that's set up
10 that Kevin spoke to -- and Kevin was
11 instrumental in establishing with the LA Group
12 that there is density that you need to
13 establish. That's as opposed to a rather
14 laissez faire development. That density
15 requires that many units and could go less
16 units and charge more, but then you get more
17 of a country club atmosphere instead of a
18 village. Through the studies, that's what we
19 determined. Our feeling is that the price
20 point is low and they will sell out quick and
21 hopefully, they will be full.

22 The 80/20 split allows us to go back to
23 front and not overbuild. They're broken down
24 into three and four unit buildings. When three
25 are sold, they're going to be built. We're not

1 going to put infrastructure in for 70 units
2 and not sell them and leave a graveyard of
3 concrete. It will be done at two and three at
4 a time and they won't be constructed until
5 they're sold.

6 CHAIRMAN STUTO: Thank you.

7 Mike?

8 MR. SULLIVAN: My questions have been
9 answered.

10 CHAIRMAN STUTO: Karen?

11 MS. GOMEZ: No questions.

12 CHAIRMAN STUTO: Okay, we're going to
13 give it another opportunity for the public.
14 Anything else anybody else wants to ask or
15 say?

16 FROM THE FLOOR: I had a question about
17 the traffic study that was done by DOT.

18 MR. CLEARY: It was done by Creighton
19 Manning. It's being reviewed by DOT.

20 FROM THE FLOOR: One of the things that I
21 didn't understand is you said that during the
22 day it would be 21,000 a day.

23 MR. CLEARY: Correct.

24 FROM THE FLOOR: And that's not going to
25 change with this project at all?

1 MR. CLEARY: I didn't say that. What I
2 said was that the operating condition of the
3 corridor isn't going to change noticeably.

4 FROM THE FLOOR: Can you give me a
5 number?

6 MR. CLEARY: It depends on which point -

7 FROM THE FLOOR: Well, with 21,000 cars a
8 day now, what point was that?

9 MR. NADOLNY: I don't know what the daily
10 is of the project.

11 MR. CLEARY: So, you're adding about 800
12 daily trips in either direction.

13 FROM THE FLOOR: That's only up to the
14 point where you did your study from. That's
15 not including Maxwell Road.

16 MR. CLEARY: The question that she asked
17 was: How many more daily trips are we going to
18 add to that? That's the answer.

19 MR. WOODWARD: With the traffic situation
20 being reviewed, how do you come to a
21 conclusion on what happened next when the
22 review is not in yet?

23 MR. CLEARY: Well, the traffic study is
24 complete. What they're doing is reviewing the
25 traffic study. What they've told us is

1 basically the traffic study was done correctly
2 and they generally agree with our conclusions.
3 They're looking at specific issues and they
4 haven't given us the final comments yet.

5 FROM THE FLOOR: For the retail and the
6 restaurant section, where are the big delivery
7 trucks coming and going?

8 MR. CLEARY: Well, it depends on the
9 specific user, but for the most part in this
10 complex, they are smaller users. You don't
11 have big Walmart or Hannaford Brothers and
12 things like that. They're small restaurants
13 and small retail. Most of them will be what
14 they call single unit vehicles which are the
15 small trucks. You're not going to get the
16 tractor trailers. We don't have big loading
17 docks in here. They'll go in through the front
18 door.

19 CHAIRMAN STUTO: And the hours will be
20 restricted.

21 MR. CLEARY: And the delivery hours will
22 be restricted.

23 MR. FAZZONE: The distance from Route 9
24 to the residential - there won't be a dumpster
25 back more than 200 feet, whereas Newton Plaza

1 is the opposite. The dumpsters are behind the
2 building and right against the houses. Right
3 here, we have our own residential before even
4 the neighborhood. All of the dumpsters are
5 within 150 feet of Route 9. Again, we have 71
6 units. We don't want anyone waking up at 4:00
7 either. They're going to be dumping at a
8 reasonable hour. Everything will be loaded
9 from the front.

10 FROM THE FLOOR: Regarding the pond, for
11 lack of a better word, how deep is that going
12 to be and will there be provisions for the
13 mosquitoes and more breeding?

14 MR. CLEARY: There are two kinds of
15 ponds. There is a retention pond and a
16 detention pond. This detains, so it lets it
17 out over time. Most of the time it's going to
18 be dry. It might be wet in certain areas
19 because we have to put certain plantings in to
20 help clean the water. Retention pond will keep
21 it there all the time and then you'd have that
22 concern.

23 What was your other question about
24 retention?

25 FROM THE FLOOR: I'm assuming that if it

1 has water in it, it will be treated for
2 mosquitoes.

3 MR. CLEARY: Most of the time there won't
4 be any water unless you get a period -- like
5 right now there would be no water in it. But
6 if you have a rainy period, there might be
7 water in it for a period of a week or so or
8 maybe longer. It eventually will drain out.

9 MR. FAZZONE: The water sheets across the
10 driving range form right to left, over to this
11 gentleman's house (Indicating). Pretty much
12 when it rains hard, it doesn't stop. We can't
13 use our driveways for two days until it sinks
14 in. The whole difference here is that the
15 engineers would take that water before it ran
16 over into your yard and detain it. When it
17 gets to the wetland, we can't go out there and
18 you can't go out there. There will be some
19 mosquitoes, but it flows pretty much from
20 north to south - right across. I think that
21 the idea of they are trying to do here is
22 catch it, contain it, treat it and let it out.
23 The wetland doesn't really slow it down. It
24 does slow it down, but it doesn't stop. It
25 goes right through.

1 CHAIRMAN STUTO: Any other questions?

2 FROM THE FLOOR: I kind of do, but I'm
3 not really sure how to address this.

4 I sense that if they get concept
5 approval, you're asking a neighborhood of
6 probably 200 homes to accept this project
7 right in the center of us. What do we do when
8 we are concerned with the detention pond that
9 doesn't work, or the lighting that's in our
10 faces because there is not sufficient
11 blockage?

12 CHAIRMAN STUTO: If concept is granted
13 tonight - and we need enough votes to do
14 that - our Town Designated Engineer is going
15 to review it based upon all the comments that
16 were made today.

17 With respect to stormwater, it's got to
18 conform to the federal regulations. We're
19 going to have engineer drawings that are
20 reviewed by our engineer. The same thing with
21 respect to lighting, and you can ask those
22 specific questions again and we'll address
23 that. If it's designed properly, it shouldn't
24 happen. You can ask specific questions on the
25 lighting and the screening and it will be

1 drawn on paper. We'll have more specific
2 answers and we're asking them to screen it as
3 best they can.

4 FROM THE FLOOR: My major concern is
5 actually the water, because right now we have
6 an entire stream right behind our house.

7 CHAIRMAN STUTO: Are you on Fireside
8 Lane?

9 FROM THE FLOOR: I am. So, literally the
10 whole back part of me is the stream. On
11 occasion I have no back yard because it's a
12 puddle. I would like to trust that this
13 detention pond is going to solve -

14 CHAIRMAN STUTO: It's going to take a
15 little bit off of it. It's not going to
16 entirely solve it. You still have a wetland
17 back there. It will slow it down during rainy
18 conditions.

19 FROM THE FLOOR: It's just logical to me
20 that if the elevation is higher, that is going
21 to increase the water in that stream.

22 MR. CLEARY: We're actually going to make
23 it less. It is a hard concept to understand
24 sometimes, but what you've got now is
25 uncontrolled run-off going into the stream

1 from this property. Once it's built, we're
2 going to contain that and regulate it. There
3 are many more acres of property to contribute
4 to the stream. This will control and limit
5 what happens on this property. You may see
6 some improvement in that because I think that
7 15 acres are running into the stream
8 immediately. There will be an improvement.
9 Chairman Stuto is saying that there are other
10 contributors to the water flow going to that
11 stream.

12 FROM THE FLOOR: I will just have to
13 trust that you're not going to contribute to
14 that.

15 MR. CLEARY: You don't have to trust.
16 We're required to do that. It's the law that
17 we have to.

18 CHAIRMAN STUTO: And there is another
19 layer of our engineers that are reviewing
20 that. We'll be able to talk about the
21 stormwater treatment in more specificity next
22 time.

23 MR. CLEARY: Yes, we haven't done the
24 design yet. This is just a conceptualization
25 of it.

1 FROM THE FLOOR: Will there be more
2 meetings taking place?

3 CHAIRMAN STUTO: Yes.

4 FROM THE FLOOR: Will we be notified?

5 CHAIRMAN STUTO: Yes.

6 FROM THE FLOOR: You were actually pretty
7 vague about the grading system on the
8 intersection impact on the traffic study. What
9 were the grades for the intersection of 155
10 and 9 now?

11 MR. CLEARY: You mean the level of
12 service grade?

13 FROM THE FLOOR: Right.

14 MR. CLEARY: Route 155 is now currently
15 operating at an E and it will continue to
16 operate at an E during the peak hour.

17 FROM THE FLOOR: What about Newton Plaza?

18 MR. CLEARY: That's a B and C now and it
19 will be B and C in the future.

20 FROM THE FLOOR: Maxwell Road?

21 MR. CLEARY: We didn't study Maxwell
22 Road.

23 FROM THE FLOOR: What about Glennon?

24 MR. CLEARY: Actually Glennon Road
25 operates at a level of service C during the

1 peak hour and that's an unsignalized
2 intersection. There will be times when you're
3 trying to get out of there and you'll have to
4 wait a few minutes, but there will be times
5 when you're not going to get out right away
6 but it's an average.

7 CHAIRMAN STUTO: Anybody else?

8 ***(There was no response.)***

9 CHAIRMAN STUTO: I think that we are in a
10 position to consider concept acceptance for
11 this. I think that the applicant has heard all
12 the neighbors' comments and our TDE as well.

13 Do we have a motion for concept
14 acceptance, based upon those comments and the
15 comments in the TDE's letter?

16 MR. AUSTIN: I'll make that motion.

17 MS. GOMEZ: I'll second.

18 CHAIRMAN STUTO: Any discussion?

19 ***(There was no response.)***

20 CHAIRMAN STUTO: Okay, I'll just say that
21 I hope that the applicant heard what we said
22 here. We're definitely going to scrutinize the
23 final application in even greater detail than
24 we would tonight. There are a lot of specific
25 things that I think that we want to know and

1 the public wants to know and we're all
2 entitled to know.

3 MR. CLEARY: We're happy to disclose it.

4 CHAIRMAN STUTO: I'll call for a vote.

5 All those in favor?

6 *(Ayes were recited.)*

7 CHAIRMAN STUTO: All those opposed?

8 ***(There were none opposed.)***

9 CHAIRMAN STUTO: The ayes have it.

10 Thank you to the residents. I think that
11 we've learned a lot from you and I think that
12 the project will improve because of your
13 comments. We'll invite you back next time. I'm
14 not sure when it's going to be.

15 MR. CLEARY: I'm hoping August.

16 CHAIRMAN STUTO: Okay.

17

18 ***(Whereas the proceeding was***

19 ***concluded at 11:19 p.m.)***

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22

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CERTIFICATION

1
2
3
4 *I, NANCY STRANG-VANDEBOGART, Short hand*
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.*

11
12
13
14 _____
 NANCY STRANG-VANDEBOGART

15
16
17 *Dated July 25, 2012*