

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 MABEY'S SELF STORAGE  
 5 910 LOUDON ROAD  
 6 SPECIAL USE PERMIT

7 \*\*\*\*\*

8 THE STENOGRAPHIC MINUTES of the above  
 9 entitled matter by NANCY STRANG-VANDEBOGART, a  
 10 Shorthand Reporter, commencing on February 26,  
 11 2013 at 8:20 p.m. at The Public Operations Center,  
 12 347 Old Niskayuna Road, Latham, New York

13 BOARD MEMBERS:  
 14 PETER STUTO, CHAIRMAN  
 15 LOU MION  
 16 BRIAN AUSTIN  
 17 KAREN GOMEZ  
 18 TIMOTHY LANE  
 19 SUSAN MILSTEIN  
 20 KATHY DALTON

21 ALSO PRESENT:

22 Elena Vaida, Esq., Counsel to the Planning Board

23 Joe LaCivita, Director, Planning and Economic Development

24 Joe Grasso, Clough Harbour and Associates

25 Frank Palumbo, CT Male Associates

Tom Blass, Mabey's Self Storage

1                   CHAIRMAN STUTO: Mabey's Self Storage, special use  
2 permit, 910 Loudon Road, Sketch plan review and to  
3 schedule a public hearing.

4                   Joe, do you want to give an introduction  
5 while they're getting set up?

6                   MR. LACIVITA: One of the things that our Land Use  
7 Law talks about in Section 190.57 Section B about  
8 special use procedures - it says that a special use  
9 permit, which this application happens to be, can  
10 happen in an HCOR district under special use and it can  
11 concur with concept plan review.

12                   So, what we're looking for tonight is to  
13 bring the Board up to date because this came in  
14 front of DCC October 12, 2011 and shortly  
15 thereafter it was before us for sketch plan. So,  
16 we want to bring the Board up to date and call a  
17 public hearing tonight for two weeks, March 12th  
18 so that we can actually act on the special use  
19 permit and grant concept acceptance at that time,  
20 if this Board so chooses. As you see on the Route  
21 9 Corridor at 910 Loudon Road where the former  
22 Cotman and Midas Muffler is, there is some  
23 demolition being done to make way for Mabey's Self  
24 Storage units. We're going to see 54,000 square  
25 feet, a two-story building for the continuation

1 for the existing Mabey's storage and I can turn it  
2 over to Mr. Palumbo for conversation on the  
3 project.

4 MR. PALUMBO: Thank you, Joe and Members of the  
5 Board. My name is Frank Palumbo and I'm from CT Male  
6 Associates. Joe gave a nice introduction there as to  
7 what our goals are to get this scheduled for a public  
8 hearing at the March 12th meeting.

9 What I want to do is go over some of the  
10 aspects of the project. I think that a lot of  
11 questions that we will be talking about is the  
12 architecture so we'll get to that as well.

13 The first thing that I want to point out is  
14 that I'm going to be in concurrence with the staff  
15 notes. The very first staff note is that this is  
16 going to be a major improvement to the interstate  
17 gateway that as Joe has already referred to, the  
18 building Mabey's has already started their  
19 investment in the property by taking down those  
20 buildings. What is currently at that site is a  
21 28,000 square feet ground floor area.

22 CHAIRMAN STUTO: Are they down now?

23 MR. PALUMBO: They're in the process.

24 The existing site only has 28 percent  
25 greenspace. There are three existing curb cuts;

1 one where we will be maintaining and the other two  
2 others here (Indicating). I know that you're all  
3 familiar with that intersection.

4 Here is what is good about this: The three  
5 new buildings - the ground floor area will be just  
6 over 27,000 square feet. So, the reduction is in  
7 the building square footage on the ground. They  
8 are two-story so that helps us get to 54,000  
9 square feet that Joe was just mentioning. The  
10 overall greenspace of this site will be nearly 45  
11 percent. That's an 18 percent increase from what  
12 is there now. That includes this wooded area, but  
13 it also includes just in the area where we are  
14 working which is essentially from the access lane  
15 down. We're increasing the greenspace by 25  
16 percent. This is meeting the full redevelopment  
17 stormwater classifications and there is great  
18 benefit in doing that. It's actually surprising  
19 that we can't get more projects to do that, but  
20 this is increasing that area right there over 25  
21 percent greenspace; permeable area. Two of the  
22 curb cuts will be removed and the shared access  
23 with the existing Mabey's is obviously a  
24 compatible use with its immediate neighbor. The  
25 two properties will be maintained separately at

1           this point. We're not looking to do a merger of  
2           the properties. As it is, we are seeking a  
3           special use permit. When I say the use permit I  
4           think that the intent of that is to say, is this  
5           the right use for the site. In this case, I think  
6           that it's an ideal use for the site. Not only  
7           because it's part of Mabey's and it will be  
8           attached there, but this is a very low traffic  
9           generator of a project. People do not rush there  
10          at any specific times of the day and spread out  
11          during the day, or spread out on weekend. There  
12          is no key that will really influence negatively  
13          what is a busy intersection. We're all aware of  
14          that. Many of the HCOR uses wouldn't have to get  
15          a special use permit really because they couldn't  
16          fit on the site with the traffic generation that a  
17          lot of them would call for. We've already  
18          mentioned the public hearing that we are  
19          requesting. We think that the scale of the  
20          project is in keeping with the neighborhood  
21          properties. We all know what the corridor looks  
22          like. I understand that HCOR is intended to do  
23          improvements as you go, and I think that we are  
24          improving the site. Some of the waivers we'll be  
25          talking about really will relate to the overall

1 area. Most of that Route 9 corridor/New Loudon  
2 Road has travel lanes in the front of the  
3 building, so we'll be talking about that. But we  
4 do think that we are compatible with that and I'll  
5 address any of the questions with this overall  
6 area, if necessary.

7 Our greenspace is predominantly around  
8 Sparrowbush Road and in the front of the property  
9 area. There are a couple of reasons for that.  
10 One is that it's a good place for it. Second is  
11 while we have done most of our landscaping in that  
12 area, that is because there is an existing  
13 easement that runs right through here (Indicating)  
14 - water and sewer in that easement and currently  
15 it's all under pavement. We will be reducing that  
16 significantly even though we will be asking for  
17 the waiver around this access lane (Indicating).

18 One of the things that we did based on  
19 comments of both staff and Clough Harbour is we  
20 have fine tuned and double checked our truck  
21 maneuverability through that area. The trucks  
22 that we expect are all slow moving vehicles.  
23 Somebody might be coming to move into their  
24 storage unit. The storage units are from the  
25 center core area and that will be one of the items

1           when we talk more about the waivers in a second  
2           and why we have not faced these out toward the  
3           road. It actually helps us do the site plan and  
4           get the greenspace that we're getting because the  
5           access really has to be in the front of the  
6           entrance. It's just the nature of the use. You  
7           can image someone who is carrying a lot of things  
8           in and out, and you don't want them to walk around  
9           the building. So, the combination of not having  
10          pavement in front and facing the buildings toward  
11          the street does create a practical difficulty with  
12          this type of use.

13                 The pavement on Loudon Road -- these were  
14                 comments that both Joe and Mike Lyons and staff  
15                 had made for us so we're trying to address these  
16                 at this point, and at least identify what we are  
17                 hoping to achieve with these waivers. So, this  
18                 access and the ability for vehicles to move  
19                 through -- most of the people that will be coming  
20                 here will be in cars. Obviously, I think that  
21                 it's safe to say a small U-Haul or somebody like  
22                 that is coming through. So, what we didn't really  
23                 want to do is create a large area in that center  
24                 for vehicles to try to make a full turnaround in  
25                 there. It would have pushed these buildings

1 further apart and created more pavement in here  
2 than we actually have here.

3 CHAIRMAN STUTO: What's the current separation?

4 MR. PALUMBO: The current separation between these  
5 two buildings is about 50 feet there. I'm not positive  
6 of that.

7 CHAIRMAN STUTO: Okay, it looks like 52.

8 MR. PALUMBO: By allowing that -- as I said, this  
9 is all paved condition. So, we're taking a lot of that  
10 and creating green in front. Actually, thank you Joe  
11 for the comment on that initially. What we did is fine  
12 tune that and looked at the truck turning movements  
13 through there, and we were able to increase a strip.  
14 We can't get the full 15 feet and that's the next  
15 waiver that I'll be talking about. I'm asking you to  
16 see the logic that the pavement here makes more sense  
17 than the additional pavement here in order to make this  
18 a full turnaround. It can't happen in that 52 feet, so  
19 it will take many more feet to achieve that. That is  
20 why the benefit of the site counteracts the  
21 negativeness of having the roadway in front of the  
22 building. Doing all that is what helps us get that  
23 much more greenspace on the site. We're restricted  
24 from moving anything further this way (Indicating)  
25 because there is a waterline easement that runs through



1 here. The only way that we can get that extra footage  
2 here would be to chop off a good portion of the  
3 buildings and pushing them back. There is a practical  
4 economic side of this project. They are knocking down  
5 all those buildings and that is a cost that is not  
6 usually one that you have with new development. So,  
7 there is a lot that they are doing to invest in the  
8 property. Quite frankly, they need that square  
9 footage. If you go back to the DCC meeting, as Joe had  
10 mentioned, we have already cut down the square footage  
11 to a point where it really makes the project practical.  
12 Right now what we can do is get about seven feet from  
13 the property line by realigning the driveway there, but  
14 we could not get the full 15 so we would be asking for  
15 the waiver on that. I hope that you would see the  
16 practical side of that for us.

17 I mentioned that the main facades do not face  
18 the road. I think that if you can imagine turning  
19 these buildings, this entrance would probably  
20 still go this way because you still wouldn't have  
21 a main entrance on this side of the road  
22 (Indicating). Just as I said, if you turn the  
23 buildings toward the road, we would almost  
24 automatically have pavement in front of the road.  
25 We just think that the center court area is a

1 better thing for this site. That's why we would  
2 be asking for that.

3 We knew that the architectural design would  
4 be something and we want to sort of go over  
5 changes that we've made since our first  
6 submission. I'll give you these.

7 CHAIRMAN STUTO: Is this in our packets?

8 MR. PALUMBO: This is a change from that. We  
9 modified and we had the comments. We changed the color  
10 and things that weren't really meeting the HCOR  
11 standards. We made some changes and we're hoping that  
12 in dialogue that we can see if we're going in the right  
13 direction. Again, there are certain things that we  
14 would absolutely need a waiver on, and I'll talk about  
15 those right off the bat.

16 With this being a one-story warehouse, all  
17 along the inside of that wall are units. We  
18 really can't have windows there. So the  
19 percentage of window space for the bottom floor  
20 and the top floor -- we cannot achieve. The only  
21 thing that could possibly be done would be fake  
22 windows and we don't think that is the intent of  
23 the standard. We also think that a lot of the  
24 standards were written to that idea to make it  
25 more of a pedestrian scale. This is just not a

1 pedestrian location. There are no sidewalks in  
2 that area now and we don't see that we could do  
3 anything to help facilitate that any further. But  
4 the use is not a pedestrian use. Most people are  
5 coming here in their vehicles with materials that  
6 they're bringing. So, the first thing I'll note  
7 is the color. Obviously, Mabey's had a brand.  
8 You know them as the blue buildings that I think  
9 that our first submission was more inclined to  
10 show that. One of the things is we went back to  
11 the code after hearing some of the comments in the  
12 letter. We went to a historic color pallet and  
13 that's what you're seeing here with the darker  
14 architecture masonry units and not just concrete  
15 block. The bottom is a little bit darker and the  
16 color that we had chose still has a trace of blue.  
17 It's a blue-grey of sorts, but it helps keep some  
18 continuity with the business use.

19 These are the two faces on Loudon Road. We  
20 had previously not included these windows, so we  
21 added those. We also have more horizontal windows  
22 with the last plan and we tried to get some more  
23 verticality in those and get as much window space  
24 where we can get it. These locations on the  
25 corners are where we have that opportunity where

1 we don't have storage units backing right up to  
2 the wall. So, we try to increase that. You can  
3 see that's the center area where the two weather  
4 protected canopies are at the doorways. That's  
5 where people would be going in and out of the  
6 buildings. This is really what you would see.  
7 The corners on the top would be more  
8 architecturally detailed than what we had before  
9 and we know that we have some work to do. There  
10 is detail that goes a little bit further. We  
11 wanted to see if we were going in the right  
12 direction. I just wanted to show the color  
13 difference that was there.

14 One of the things that we were giving some  
15 further consideration to along Sparrowbush was to  
16 get -- this is now showing with some horizontal  
17 siding instead of the vertical. We do need to do  
18 some more work. For concept we'll be back in with  
19 some real solid defined aspects on this. We have  
20 to look at the building materials and make sure  
21 that everything can work, but we were looking at  
22 breaking this up a little bit with some vertical  
23 elements in here and then going with the  
24 horizontal siding rather than the metal siding  
25 that was all vertical. It does add to the cost of

1 the project. Again, that's something that we know  
2 but that's an important corner. Mabey's wants to  
3 try to do its best and wants to keep it within  
4 reason.

5 MR. GRASSO: I just want to clarify so that we can  
6 understand the different elevations. You mentioned  
7 that this was an elevation from Sparrowbush, but on  
8 your plan A2 it mentions the south elevation from  
9 Sparrowbush. Can you point to that elevation?

10 MR. PALUMBO: Because this was on the same sheet,  
11 we had done this one and we wanted to show that this is  
12 what we were looking for. As we submitted with just  
13 the color change and the additional vertical buildings.  
14 Then, we added the A4 as we were looking for other ways  
15 that we could try to break the building down a little  
16 bit along that access. On the plans that we will come  
17 in with, we will get that.

18 MR. GRASSO: If you could just point to an  
19 elevation and point on your site plan as to what  
20 building line we're looking at?

21 MR. PALUMBO: This building line is the south  
22 elevation on the Sparrowbush Road side is right along  
23 here (Indicating). The two views here are looking into  
24 the site from Route 9, so you have these two buildings  
25 here (Indicating) and you can see this is where the

1 canopies are. Here on the elevation, they look like  
2 they are right there, but they are set back in the  
3 middle.

4 Both Joe and staff comments discussed the  
5 fencing along Loudon Road. We had stoped it here  
6 with the decorative wrought iron fence and  
7 continued it with a chain link. There was a  
8 request and we'll give it full consideration for  
9 making that the more decorative fencing. Again,  
10 we're going to look at all the things that are  
11 happening in there.

12 Joe, you guys also had the comment about how  
13 close we could be to the waterlines. Staying 10  
14 feet off is going to be almost impossible because  
15 of the two lines that are in there. It was  
16 obvious that we put one on the waterline and I'm  
17 glad that you pointed that out. What we will do  
18 is work with Pure Waters and the Latham Water  
19 District to get very specific about where the  
20 posts would be. I think that in order to get from  
21 even the building - whether we come off of here or  
22 here (Indicating), we have to get across that  
23 easement and those lines that are there. I think  
24 that it's detail and it's something that we can  
25 work out. I think that the Board is mostly going

1 to be concerned with how that fence is going to  
2 look and not the specifics of where that post is.  
3 So, we'll work that out so we know that it can be  
4 done to the satisfaction of both departments when  
5 we're near their lines.

6 We will do further work on the signs. We do  
7 not expect that we would have to do any variances  
8 for signs. Because we do not have a pedestrian  
9 scale lighting, everything will be in the interior  
10 building that will be attractively done. Mike  
11 pointed out that it shouldn't be any higher than  
12 18 feet. We don't expect that we would have to do  
13 that. They'll be on the building. We were  
14 actually looking at more of the 12 to 15 foot  
15 height range just to light up this center area and  
16 the areas where people would be going. But there  
17 will not be a lot of light spread out from the  
18 site. The big thing here is this area that will  
19 have all that green (Indicating). When somebody  
20 comes off the highway, they're going to be looking  
21 up this corridor and you'll have the pool with a  
22 lot of front yard, and you have this here all  
23 wooded, and we'll be adding all the greenspace  
24 along here between the buildings (Indicating).  
25 So, the building that we're talking about -- that

1 side of it -- we're trying to add some elements  
2 there. That's going to be the heaviest landscaped  
3 side and really the buffer will be very  
4 significant there.

5 The area here where we actually put the  
6 smaller sides of the building also works with the  
7 fact that we can get some landscaping in these  
8 areas, we'll add these landscaping back here  
9 (Indicating). That was one of Clough Harbour's  
10 comments. Because of the water and the sewer  
11 lines there, we can't do much with trees over the  
12 top of that. So, we mounted some here so we could  
13 get some medium sized shrubs in there. To plant  
14 over the top of the waterline - we don't think  
15 that Latham Water is going to be looking for that.

16 To sum it up, we want to hear your comments  
17 with regard to the architecture. We want to know  
18 what you're thinking to what we have shown  
19 tonight. We know that we'll be adding some  
20 additional landscaping. We always did intend that  
21 we would have beds below all these trees. When we  
22 were talking about the lighting, we were talking  
23 how to do some up-lighting in those landscaped  
24 areas and lighting in the trees along there and  
25 give some added attraction to that. We talked



1 about the fencing.

2 With regard to the stormwater, we don't have  
3 to do a lot with the stormwater because we have  
4 met that criteria. As I said, it was the first  
5 time that John Dzialo told us that anyone in the  
6 Town has met that condition of 25 percent. The  
7 one item that did come up that Joe's team pointed  
8 out was the minor increase in the CFS here  
9 (Indicating).

10 As it looks right now, Joe, we have 12-inch  
11 pipe that was connecting from here (Indicating)  
12 and the suggestion was maybe adding this to  
13 provide for the capacity and slow down the CFS.  
14 It's counterintuitive going from the 12 inch to a  
15 15-inch pipe. The 12 would get blocked up and  
16 really push through and sort of inflate that rate.  
17 By going to the 15 inch we think that we will  
18 address that problem. We will get the technical  
19 data for you.

20 We'll also put the soil types on the map.  
21 All these things that Joe said are very easily  
22 accommodated. The Town Attorney's office has  
23 identified the project as likely not having any  
24 significant impacts based on what we had and  
25 identified it as an unlisted action. They're

1 recommending that the Board could move ahead with  
2 their SEQRA determination at the appropriate time.  
3 That's my presentation. If you have any  
4 questions, we'd love to hear them.

5 CHAIRMAN STUTO: Thank you. We'll hear from the  
6 Town Designated Engineer next.

7 MR. GRASSO: There is a letter in your packet from  
8 us dated February 5th, as well. I'm not going to go  
9 through it in detail because Frank did a great job  
10 going through all of the items in our letter. I will  
11 just state a couple of things about a special use  
12 permit.

13 When they are required, sometimes there are  
14 special standards regarding the specific use.  
15 There is actually a special requirement if there  
16 is a mini-warehouse proposed in the zoning  
17 district. The requirement states that: "All the  
18 design standards shall be mandatory including the  
19 discretionary standards as signified by the word  
20 "should" in the design standards."

21 One example of that is this frontage  
22 build-out of 80 percent. That's not a waiver  
23 item, it's a recommendation in many of the zones.  
24 For this case it's going to be required. If the  
25 application doesn't meet that, it would be subject

1 to a waiver. I just wanted to bring that to the  
2 Board's attention.

3 MR. PALUMBO: That would be with regard to the  
4 continuation of the fence?

5 MR. GRASSO: That's something that we would need  
6 to address as a wavier.

7 There are special findings required when we  
8 look at a special use permit. Those are  
9 enumerated in the zoning, but I'd be happy to go  
10 through those one by one, or we can cover it  
11 later. Joe mentioned that we're going to schedule  
12 a public hearing later on in the process which is  
13 required for consideration of a special use  
14 permit. Before we grant a special use permit,  
15 we're going to have to make a SEQRA determination  
16 which again, we will defer to later on in the site  
17 plan review process.

18 CHAIRMAN STUTO: I don't think that you have to go  
19 through those.

20 MR. GRASSO: Just for the time being we're dealing  
21 with the concept site plan review.

22 Frank has done a good job talking about the  
23 architectural improvements that he's made since  
24 our initial review. I think that should be a  
25 topic of discussion for the Planning Board

1           tonight. Based on our initial reaction, we think  
2           that what they are proposing are substantial  
3           improvements to what we were looking at before. I  
4           do think that some additional work can be focused  
5           on the corner. Basically, this is a gateway  
6           entrance. If you look at the southeast corner of  
7           the building, if we're going to ask for more  
8           effort and investment, that corner should be where  
9           we do it. I do think that the building colors are  
10          substantially improved. I really like how they  
11          have broken up the long side of the building by  
12          having some work with elements that break it down  
13          into smaller areas. We still think that the  
14          layout of the windows and the design of the  
15          windows and trim around the windows is not in  
16          keeping with the design standards. So, there  
17          could be some additional work done there. I'm not  
18          going to focus too much on it because I think that  
19          is something that the Board should weigh in on  
20          tonight.

21                   CHAIRMAN STUTO: Right, and we're not voting  
22                   tonight.

23                   MR. GRASSO: In terms of the lighting, just to  
24                   play off that comment regarding the architecture of the  
25                   building and focusing on the southeast corner, maybe we

1           could look at some facade lighting or architectural  
2           lighting that can highlight in the corner of the  
3           building. So, we can look at the lighting of the site  
4           and how the site is going to look at night, and see if  
5           we can make improvements to the site aesthetically.

6                        Regarding the SEQRA, the Town Attorney's  
7           office classified this as an unlisted action and a  
8           full enviromental assessment form was provided  
9           along with the application materials. Involved  
10          agencies would consist of the Planning Board and  
11          DOT. Section 239 referral from the county will be  
12          required. So, the full EAF, we believe, is in  
13          good shape and it adequately describes the project  
14          and the conditions of the site. Based on the  
15          limited impacts, we don't expect significant  
16          impacts to occur and a neg dec may be appropriate,  
17          but that's something that we would consider as we  
18          work through the special use permit and the final  
19          site plan review.

20                       With that, I'll turn it over to the Board.

21                       MS. VAIDA: If I can just add to that? On the  
22          concept acceptance or concept review that we're doing  
23          tonight -

24                       CHAIRMAN STUTO: We're not doing concept tonight.

25                       MR. PALUMBO: I think that when we schedule it for

1 the public hearing, I think that at that time it can be  
2 considered. For concept, until we get to the  
3 scheduling of the public hearing, it was only being  
4 considered. The terminology was just the sketch plan.  
5 I believe that's the case.

6 MS. VAIDA: Okay, because we need to do it  
7 concurrently with the site plan review.

8 MR. PALUMBO: Our submission was a concept level  
9 submission, met all of the concept requirements, and I  
10 think that it's just that technicality that it can't be  
11 considered a concept until you scheduled the public  
12 hearing. So, if you schedule the public hearing  
13 tonight, then on the 12th when we hold that public  
14 hearing at that time, we would be considered for  
15 concept approval.

16 Joe, am I right?

17 CHAIRMAN STUTO: Yes, that's what Elena is saying.

18 MR. PALUMBO: So, we'll be well back in concurrent  
19 with the site plan.

20 MR. GRASSO: Just to elaborate on Elena's  
21 comments, the code doesn't say that you go through the  
22 special use permit process, complete that, and start  
23 our normal concept review process. It's really  
24 something that the code says that you should just look  
25 at all those things concurrently in case there is a

1 conflict and that's what we are doing.

2 CHAIRMAN STUTO: Susan any comments or questions?

3 MS. MILSTEIN: No, I don't.

4 CHAIRMAN STUTO: Karen?

5 MS. GOMEZ: I think that it looks great. I drive  
6 by that corner three times a day. I'm anxious to see  
7 it looking better.

8 CHAIRMAN STUTO: Tim?

9 MR. LANE: What was there again?

10 MR. PALUMBO: Midas, Cotler Transmission and  
11 Kiskis. Everybody knows this site.

12 MR. LANE: It's going to be a big improvement. I  
13 very much appreciate what you've done with the facade.

14 CHAIRMAN STUTO: I think that it's a great  
15 improvement, too. I think that the newer drawings are  
16 a little bit better. I wish that we had these in our  
17 packets a little bit before so that we could digest  
18 them. Maybe there could be more improvement to the  
19 architecture, too. That would be something to look at  
20 close.

21 I'm still worried about what is facing Route  
22 9. First of all you have 52 feet between the  
23 buildings, which I think is pretty wide, but I'll  
24 leave it to the engineers whether someone can turn  
25 around in there. I would rather have someone turn

1 around in there and separate the buildings. Even  
2 if you have to lose overall greenspace, you can  
3 have the greenspace on Route 9.

4 MR. PALUMBO: There are a lot of factors there.  
5 Losing that greenspace -- if we go below the 25  
6 percent, we could probably do a lot of underground  
7 detention. There is a large economic impact and a  
8 large stormwater impact. It might not look all that  
9 different.

10 CHAIRMAN STUTO: Didn't you say you were at  
11 40-something?

12 MR. PALUMBO: Yes, but with the stormwater  
13 regulation -- there are two tiers here. One, the 45  
14 percent, I think is much more than most sites ever  
15 approach. I know that people were always happy when  
16 you got what was required. The 45 percent is the  
17 overall. The stormwater requirement, in order to meet  
18 the best level of the redevelopment credits, you take  
19 the disturbed area, which I pointed out was right there  
20 (Indicating). The area that you're actually working  
21 and in that area you have to increase the greenspace by  
22 25 percent. We are in that area at 25.8 percent. So,  
23 moving that to below 25 percent will probably only  
24 nudge the overall from like 45 to 43 maybe. It won't  
25 do much, but it adds significant costs and in my mind



1 if you don't have to put something underground in terms  
2 of the stormwater, you are better off; both the Town  
3 and the clients. That's just my opinion on that.  
4 There is a possibility that a larger truck may come in  
5 there so we have looked at that in that way. We don't  
6 want someone to get in there and you were talking about  
7 having a car back out in the last meeting. We don't  
8 want a truck backing out of here. We have some of the  
9 sketch plans, as the attorney had pointed out before,  
10 that you have to show that you should get these waivers  
11 and that there are practical difficulties. We have  
12 some of the sketch plans because we developed them over  
13 time to see how much more impact it was. It really was  
14 significant. I know that we would have to show you  
15 that.

16 CHAIRMAN STUTO: Joe Grasso, do you hear Frank's  
17 arguments?

18 MR. GRASSO: I'm sorry, I didn't.

19 CHAIRMAN STUTO: I'm saying that the pavement that  
20 goes toward Route 9 -- I would like to see that  
21 eliminated and more greenspace. He's saying that of  
22 the disturbance you have to create 25 percent  
23 greenspace, under the stormwater regulations.

24 MR. PALUMBO: What I was saying was to answer the  
25 Chairman's question. He feels that the 52 feet was

1           really cutting close to where a vehicle could turn  
2           around. Say I took this building and I moved this and  
3           I lost some greenspace here? He was thinking about 45  
4           for the whole site.

5           MR. GRASSO: I'm going to jump to the punchline  
6           here. What kind of design vehicle are you designing  
7           for, and how far apart do those buildings need to be to  
8           accommodate that?

9           MR. PALUMBO: I can show you specifically with the  
10          truck turning movements. Right now we're using the  
11          WB40 as the standard going through there, but it is a  
12          possibility that the large one -- and the WB40 could  
13          not make that turn. It just couldn't.

14          MR. GRASSO: Could there be a connection between  
15          your main access drive coming in off of Sparrowbush in  
16          between those two buildings such that a truck could  
17          loop around in there?

18          MR. PALUMBO: There is a significant grade  
19          differential there, Joe. Getting that out through  
20          there would be difficult. As I said, we had so many  
21          sketches that we developed at that time -- and all of  
22          those you may remember for the DCC we had one larger  
23          block building and we had just that. At the time that  
24          held this grade here (Indicating), and it just kept  
25          coming up and up to get there. It was really causing

1           havoc in terms of the grading of the site which was  
2           taking away valuable greenspace as well. So, we do  
3           have that and we can bring them to the next meeting or  
4           provide them to staff to just be in the next packet.  
5           We do have many sketches that showed how we derived  
6           this. This was simple when we were evaluating. In  
7           order to get those trucks through there, you can see  
8           the path that the truck is taking there (Indicating).  
9           To do a whole 180 would not fit in that area.

10           CHAIRMAN STUTO: I'll ask Joe to take a closer  
11           look at that.

12           MR. PALUMBO: Tom Blass is from Mabey's and he had  
13           a comment.

14           MR. BLASS: Mr. Chairman, the biggest problem with  
15           having a dead stop -- if you're opening up the  
16           buildings wider, then you're asking a customer that  
17           rents a U-Haul truck that has never driven a U-Haul  
18           truck to do a three-point turn inside of a building  
19           that's 75 feet wider driving a 24 foot truck. You're  
20           now causing damage to our buildings and major impact in  
21           the flow of the property.

22           MR. LANE: This is experience from prior  
23           experiences?

24           MR. BLASS: Yes, I've fixed all of that and it's  
25           not fun.

1                   CHAIRMAN STUTO: Okay, well, we'll ask Joe to take  
2 a look at that.

3                   It's a great project. It would be nice if  
4 there could be another screening from Loudon Road.  
5 I would ask Joe to take a closer look at that.

6                   Brian?

7                   MR. AUSTIN: The existing greenspace on the west  
8 side -- that's going to stay?

9                   MR. PALUMBO: Yes, this is all there (Indicating)  
10 and it's staying there.

11                  MR. AUSTIN: The driveway as it is right now --

12                  MR. PALUMBO: Right, in terms of the DOT permit,  
13 the usual thing is using the existing entrance.  
14 Getting rid of two entrances is easy. Using one that  
15 you already have is easy, but creating a new one at  
16 that location would have been extremely difficult.

17                  MR. AUSTIN: On the east side, the Loudon Road  
18 side, I see on the plans that you have a wrought iron  
19 fence.

20                  MR. PALUMBO: That was Joe's comment. We would  
21 actually have to reconsider going to the wrought iron  
22 to meet that 80 percent frontage because where it says  
23 "should" now is "shall". We understand that, so we  
24 will have that on the next plan and we will go over it  
25 with our client and add that.

1 MR. AUSTIN: I guess my question is why go from  
2 wrought iron to chain?

3 MR. PALUMBO: At the time, we didn't see it as  
4 necessary that we were going the distance that we had  
5 to go. The wrought iron is very attractive. All these  
6 things are expensive. Each thing that we're adding is  
7 rising the cost, so we want to try to control that.

8 MR. GRASSO: Frank, just to clarify, the Planning  
9 Board has allowed decorative aluminum fencing as long  
10 as it has the wrought iron look to it. It's what you  
11 see throughout the Town. That's just to save on cost.

12 MR. PALUMBO: Thank you.

13 MR. AUSTIN: The color scheme in the new plan.  
14 The blue, I guess?

15 MR. PALUMBO: It's actually called Amsterdam.

16 MR. AUSTIN: How is that going to work with the  
17 old buildings?

18 MR. PALUMBO: It will be different.

19 MR. AUSTIN: Like you said, the branding - you can  
20 have the old Mabey's buildings there and you'll have  
21 the new one.

22 MR. PALUMBO: One thing that we know is that we  
23 can't match the old ones. I think that the good side  
24 of the old is that it is set down from the road. When  
25 you say interstate gateway, I'm looking at that as

1 coming off of the interstate and you come into this  
2 intersection this way (Indicating). You're not really  
3 seeing those buildings over there. So, in terms of  
4 matching them exactly, if we can't match them, we don't  
5 really want to be forced to match these to this  
6 (Indicating). That's just not the cards.

7 MR. GRASSO: I think Brian that it's important for  
8 us to think of how many buildings are out there. I  
9 think that there is credence to actually having a  
10 differentiation that exists with the older buildings  
11 and the newer buildings, because there aren't a lot of  
12 buildings out there. There are three right here that  
13 we're going to be looking at on this site alone.

14 MR. PALUMBO: That's a good point because one of  
15 the things in the code is to have some variation and  
16 different looks.

17 MR. AUSTIN: That new color will complement the  
18 existing buildings?

19 MR. PALUMBO: We wanted to get something with the  
20 bluish tint, somewhere where there wouldn't be a stark  
21 difference. It is difficult when you have buildings  
22 that were done at a certain times and different styles.  
23 So, we're going to, if we can, focus on how we can do  
24 this color as best as possible.

25 MR. AUSTIN: Are the windows in the stairwells?

1           MR. PALUMBO: The layout on the interior is very  
2           specific. They're set unit sizes and that's why I'm  
3           saying when you move the building, you would have to  
4           move it an incremental amount. You actually lose more.  
5           You can't just move it a foot. There aren't stairs  
6           here, but what they did was come and angle the hall  
7           around so that the units on that corner -- this is a  
8           unique location where they can get away with that.  
9           Otherwise, you're on a long corridor on the side and  
10          the back of the unit is against the wall.

11          MR. AUSTIN: I like the idea that you have of the  
12          vertical iterations, like you said, to break up that  
13          Sparrowbush side. I know for example with Stewart's in  
14          passing through that they have been putting in these  
15          faux windows on certain sides. You have the very plain  
16          side of the building. Is that a possibility to put a  
17          couple of faux windows in?

18          MR. PALUMBO: The scale of Stewart's is much  
19          smaller and it's one-story. It lends itself to that a  
20          little bit more. So, if they have a cooler on that  
21          side and put windows there, it's still in context  
22          because the building itself is not -- this is large and  
23          we understand that. So, we're trying to break it down  
24          but if they were to put fake windows in there, they're  
25          going to stand out a lot more than the ones that would

1 be on Stewart's. That's my opinion of the view that  
2 you're going to see of it.

3 MR. AUSTIN: I like the cornice work that you did  
4 on the top. It looks like a little bit of decoration  
5 on the top. What about a faux gable or something like  
6 that? I don't know if you can put signage on a gable  
7 like that on that south side of Sparrowbush. Maybe  
8 even on the two buildings facing Loudon Road and having  
9 the gables on those as well.

10 MR. PALUMBO: We gave some consideration to that.  
11 We actually saw one up the road. It was pointed out to  
12 us where they had a faux gable. Again, I'm just giving  
13 you my opinion. In that case, it's like when you're  
14 looking at a distance -- if you look at it straight, it  
15 looks like a gable. If you look at it from the side,  
16 it looks like a one-foot rise and then you see the rest  
17 of the top of the building. Again, we don't want to  
18 force something that would look that way. We'll  
19 consider what Joe is talking about, potentially, if  
20 there is something that can be done in that corner.  
21 Maybe something that's isolated in that corner can be  
22 done. It doesn't look fake. We don't want it to look  
23 like it stands out. No offense to anyone, but I went  
24 by it and someone pointed it out and I said "That looks  
25 kind of funny when you get to the side of it." We



1 don't want that. We want it to be true to the  
2 character of the building. We don't want to just force  
3 some fake peaks up there. I think that we'll start  
4 moving towards Joe's idea on that corner and see what  
5 we can do architecturally.

6 MR. AUSTIN: Well, it is a warehouse and it is a  
7 storage facility. You understand that, but how do we  
8 address this under the design code?

9 MR. PALUMBO: I know that it will save time. The  
10 landscaping that will be in the front and that will  
11 really do a lot to break that down as well. We're  
12 going to create a small berm up there so that we can  
13 get as much root base as we can. I think that  
14 eventually when it grows, that full view of the  
15 building will be broken down very well.

16 MR. AUSTIN: All in all, I don't mean to be so  
17 critical. I think that it's a great project. I drive  
18 by it every day and I'm excited to see the demo.

19 MR. PALUMBO: And we will take the comments. I  
20 just want to be as honest with you. How it looks to  
21 the boss is a very big concern.

22 CHAIRMAN STUTO: I want to follow up on Brian's  
23 point. Tim mentioned something to me as a side bar.  
24 What is facing Route 9 - my concern is that you have  
25 the side road taken care of quite well. Tim said,

1 well, there is not much frontage of the buildings  
2 facing Route 9. In that regard and in regard to what  
3 Brian is saying, can those two elevations be dressed up  
4 better? You do have some greenspace on the north  
5 corner, too. You might be able to have a planting  
6 there too on the block part of the building.

7 MR. PALUMBO: This is why we wanted to talk about  
8 it. We will take the ideas back and we will see what  
9 we can make work. We want to keep it reasonable.

10 CHAIRMAN STUTO: I don't know the industry, but  
11 some of these self-storage - they have this very  
12 inviting house-like thing. That seems to be the new  
13 trend. I just make that comment in that regard.

14 MR. PALUMBO: We'll do our best.

15 CHAIRMAN STUTO: Lou?

16 MR. MION: I think that it's a great project.  
17 You're doing a good job on that corner. I like what  
18 you did with the changes, but I have to echo what Brian  
19 said. I understand that it's a storage facility, but  
20 if there is something that we can do to get rid of the  
21 box look - whatever we can do. That is a corner. It's  
22 right there.

23 CHAIRMAN STUTO: Kathy?

24 MS. DALTON: Me too, on all fronts. I love the  
25 project, but I do think that it needs some more work

1 before it's ready for primetime, I guess. We do have  
2 some specific suggestions that may or may not apply.  
3 The first is, again, going back to what was being said  
4 about the side of the building facing Route 9 and maybe  
5 the rest. Is there something that you can put over the  
6 windows?

7 MR. PALUMBO: Like a palladium style --

8 MS. DALTON: Yes, that might work.

9 Also, at the end of your hallway it's being  
10 suggested for you to put in doors or even faux  
11 doors like they did at Rumors. Rumors faces Route  
12 9 as well. Those doors are not going to be used.  
13 I would suggest to you that if you could look at  
14 what the Rumors building did - or put some doors  
15 there. Even if they're not the doors that you're  
16 going to use, considering that is at the end of a  
17 long hallway - even from a fire safety standpoint,  
18 it might not be a bad idea.

19 MR. PALUMBO: Just so you know, one of the things  
20 that we did and what I was describing is the whole hall  
21 around the corner - so yes, it's a long hall, but it's  
22 not a straight shot. We've actually done that so that  
23 we can get the windows there. Then, do you do  
24 something to replace the window look with a door and  
25 window look? We will take all your comments and if you

1 have more --

2 MS. DALTON: I have just one more. I would agree  
3 that the flat roof all the way across is problematic.  
4 So, even if you could put posts at the end - just  
5 something to break up the line of sight there.

6 MR. PALUMBO: Okay.

7 MR. AUSTIN: Did you say that the hallway was the  
8 entire length of the building?

9 MR. PALUMBO: Along this wall, there are units  
10 that are 10-feet deep. And they're all accessed from  
11 along the hallway.

12 MR. AUSTIN: In the middle of the building, or  
13 the outside?

14 MR. PALUMBO: On the outside. You go in 10 feet  
15 and then you have a hallway. So, that hallway comes  
16 down and that's where they snake it around so that you  
17 can actually have units along that side. I know that  
18 it was Tom's thinking of how we could get to the point  
19 where we could have some glass there and get some  
20 windows there. We respect all the comments. We knew  
21 that the architecture would be the biggest issue here.  
22 We would only ask that as we try to fine tune it that  
23 there is some respect for the economic side of this.  
24 There is a lot that they are doing to clear out that  
25 ugly site. There is a cost to that. We hope that we

1 can meet somewhere where there is not just a request to  
2 do more grandeur. We understand that you want to break  
3 it down and we're going to do our best to try to do  
4 that.

5 MS. DALTON: You mentioned about a redevelopment  
6 credit - that you need to increase your greenspace by  
7 25 percent. Is that a financial credit?

8 MR. PALUMBO: The reason that you don't know this  
9 is because nobody has ever done this before. Within  
10 the the DEC handbook that John Dzialo and the  
11 stormwater managers here are responsible to follow -  
12 there is a clause within that - a section of it on  
13 redevelopment credit. In some cases there are areas  
14 where people have been able to get partial credit and  
15 you can keep that the way that it is, but you have to  
16 overdo a little bit over here (Indicating). In this  
17 case, reaching that level of 25 percent - you're taking  
18 a paved area and converting 25 percent of it to  
19 permeable and greenspace. In doing that under the DEC  
20 handbook - it's not a free pass. You're still doing  
21 certain things.

22 MS. DALTON: What I think that you're saying is  
23 that it's not a financial credit, it's kind of like a  
24 mitigating factor that give you the ability to do some  
25 other things.

1                   MR. PALUMBO: Right, there is no financial credit.  
2                   The real thing is the incentive. The incentive is that  
3                   you don't have to do a very expensive underground  
4                   system or an area of up-ground that takes up space  
5                   where you could put building. So, it takes away from  
6                   some square footage. It's one of those things where we  
7                   really stumbled upon it because we were so close. We  
8                   were at like: Could we get this to 25? As I said,  
9                   Mabey's had made some concessions all along. That's  
10                  when we actually chopped some off of this building.  
11                  This building was actually longer here (Indicating).  
12                  So, it's an incentive but you can see that they  
13                  actually lost something -- square footage. They've  
14                  been making those kinds of decisions throughout this  
15                  process to try to do a really good project, but keep it  
16                  manageable from an economic standpoint. Also,  
17                  environmentally, because Mr. Hershberg was saying that  
18                  there is nothing better than the rain going into the  
19                  ground. We're not even going through porous pavement.  
20                  This is actual permeable ground area. So, there is  
21                  something better than porous pavement; greenspace.

22                  MR. AUSTIN: Could we also ask that at the next  
23                  presentation for some of the material samples in the  
24                  front?

25                  MR. PALUMBO: We're working towards it. What we

1 can get done in the next two weeks for the public  
2 hearing - we'll try to have all those samples. If we  
3 can't have it all straightened out - we're going to  
4 work on the details first of what you were talking  
5 about and we'll keep it moving that way. If it isn't  
6 at the next meeting as we go through the final process,  
7 you'll get those. We did read that comment.

8 CHAIRMAN STUTO: Okay, thank you. We'll see you  
9 in a couple of weeks.

10 MR. PALUMBO: So, you don't have to actually make  
11 a motion to get a public hearing?

12 MR. LACIVITA: Elena has been talking a little bit  
13 about the interpretation of the Land Use Law and the  
14 possibility of when you read this area, it's running in  
15 conjunction with site plan review. I think that Elena  
16 is of the opinion that the special use permit grants  
17 that final. We've had the place placarded to take  
18 action on concept acceptance tonight to give the  
19 comfortability -

20 CHAIRMAN STUTO: Well, we can still have the  
21 hearing and not take a vote, can't we?

22 MS. VAIDA: The special use permit procedure -  
23 you're supposed to follow the site plan review section  
24 and it's supposed to be done concurrently, or you can  
25 do the site plan before you do the special use permit.

1 But they recommend doing it the way that the law says  
2 that it should be done. It's better if it's done  
3 concurrently. It says: "For major site plan review  
4 action, a special use permit review shall be conducted  
5 concurrently with the concept of that site plan  
6 review."

7 MR. LANE: That's a major site plan.

8 MR. PALUMBO: We submitted a concept application.  
9 Joe's comment letter even says that. We submitted, so  
10 we're going concurrently.

11 CHAIRMAN STUTO: The bottom line is that what she  
12 is saying is that her reading is special use permit  
13 can't concur until you get the final.

14 MR. PALUMBO: Right, but what we want to do is we  
15 want that comfort level that the special use - if you  
16 have to have a public hearing for the special use  
17 permit, we'd rather have that sooner than later. I  
18 don't think that you would be defeating any part of the  
19 code to hold the public hearing and then not to the  
20 actual action until you ran final. But if you hold the  
21 public hearing, you've given us some comments and the  
22 public could give us some comments and we could have a  
23 real good sense -

24 CHAIRMAN STUTO: We could still have the hearing.

25 MR. PALUMBO: If you want to vote on concept



1                   tonight, we would be all for that.

2                   CHAIRMAN STUTO: Well, it hasn't been noticed for  
3                   concept.

4                   MS. VAIDA: The problem with that is that the  
5                   public hearing is to be held only after you have a  
6                   completed application.

7                   MR. PALUMBO: Which we did.

8                   MR. GRASSO: Which I believe that we have.

9                   MR. PALUMBO: In fact, we were given the pink  
10                  sheets to do that and it was after that when we  
11                  realized that we had to hold the public hearing because  
12                  of the special use permit. That's when he suggested  
13                  March 12th and then it's two weeks. We're not really  
14                  losing anything. But our application was completed as  
15                  a concept. It was reviewed as a concept. We would  
16                  have been here as a concept except for that one  
17                  exception that the staff saw which was we should hold a  
18                  public hearing before that. So, I would envision that  
19                  we come on March 12th, we hold the public hearing and  
20                  we hopefully get concept approval at that time. Then  
21                  we would proceed with doing our final plans.

22                  CHAIRMAN STUTO: I see no problem with that.

23                  MR. PALUMBO: If you see no problem with that, I  
24                  have no problem with that and if the attorney is okay  
25                  with that -

1                   CHAIRMAN STUTO: Do we need to notice the public  
2 hearing, or do we have to do anything?

3                   MR. LACIVITA: Just put it in the paper.

4                   MR. GRASSO: Just saying that it will be scheduled  
5 for the next Board meeting.

6                   CHAIRMAN STUTO: We should say that for the  
7 record?

8                   MR. LACIVITA: Yes, March 12th.

9                   CHAIRMAN STUTO: So, the hearing for the special  
10 use permit will be held on March 12th.

11                   Thank you.

12                   MR. PALUMBO: Thank you, very much.

13

14

15                   (Whereas the proceedings were concluded at  
16 9:22 p.m.)

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CERTIFICATION

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

\_\_\_\_\_  
NANCY STRANG-VANDEBOGART

Dated March 5, 2013

