

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE
3 *****
4 ROUTE NINE SQUARE MIXED-USE
5 1095 LOUDON ROAD
6 SKETCH PLAN REVIEW
7 *****
8 THE STENOGRAPHIC MINUTES of the above
9 entitled matter by NANCY STRANG-VANDEBOGART, a
10 Shorthand Reporter, commencing on June 18, 2013 at
11 7:03 p.m. at The Public Operations Center, 347 Old
12 Niskayuna Road, Latham, New York
13
14 BOARD MEMBERS:
15 PETER STUTO, CHAIRMAN
16 SUSAN MILSTEIN
17 KATHY DALTON
18 KAREN GOMEZ
19
20 ALSO PRESENT:
21 Michael Tengeler, Planning and Economic Development
22 Joe Grasso, PE, CHA
23 Nick Costa, PE, Advanced Engineering and Surveying
24
25

1 CHAIRMAN STUTO: Thank you and welcome to the Town
2 of Colonie Planning Board. You can see that the ratio
3 is three to one; women versus men. I predict that
4 we'll have a better product tonight than we normally
5 do.

6 That also means that for those applicants
7 looking for a positive recommendation or a
8 positive vote that you're going to need a
9 unanimous vote to go forward.

10 Mike, do you have any housekeeping things to
11 do?

12 MR. TENGELER: No.

13 CHAIRMAN STUTO: We'll call up the first
14 application on the agenda; Route Nine Square Mixed-use,
15 1095 Loudon Road. This is a sketch plan review so
16 we're just going to take a look. No vote will be
17 taken. This is 9,880 square feet and eight-unit
18 apartment mixed-use.

19 Mike Tengeler, do you have any introductory
20 words you'd like to give us on this project?

21 MR. TENGELER: You pretty much covered it. It's a
22 sketch plan review, so there is no action required
23 tonight.

24 I see that Nick Costa is here to present so
25 I'll just turn it right over to Nick.

1 MR. COSTA: Good evening. My name is Nick Costa
2 and I'm with Advanced Engineering and Surveying. We've
3 prepared documents that are in your hands that present
4 Route Nine Square.

5 The existing site is 3.1 acres in size. It's
6 located at the northeast corner of the quadrant of
7 the intersection of New Loudon Road and Boght
8 Road. It's fully developed. It is currently
9 occupied by the Boght Road Community Fire
10 Department. There are four buildings on that
11 particular parcel which is the fire house, the
12 mall, the offices and the garages. The site is
13 also developed with parking and accessory
14 circulation routes. It does have a driveway from
15 new Loudon Road that's located at this location
16 right here (Indicating) and then it has another
17 driveway for the firehouse that is located off of
18 Boght Road. Then, it has a real wide driveway
19 that runs the entire length here for the mall and
20 the parking area (Indicating). The site is also
21 composed of a separate parcel that has a two-story
22 single family house that also has a driveway
23 that's located off of Boght Road.

24 CHAIRMAN STUTO: When you say several parcels, is
25 it two lots?

1 MR. COSTA: They are two separate parcels. They
2 are two separate lots, and they will be combined.

3 CHAIRMAN STUTO: The closing has occurred already
4 and you have title?

5 MR. COSTA: No, we don't have title.

6 CHAIRMAN STUTO: It's under contract?

7 MR. COSTA: It's under contract.

8 CHAIRMAN STUTO: Is that contingent upon
9 approvals?

10 MR. COSTA: No.

11 CHAIRMAN STUTO: So, he or she is fine to go
12 forward; okay.

13 Your client is welcome to sit next to you, if
14 you want.

15 MR. COSTA: The site topography is generally from
16 the north to the south. There are no real steep areas
17 on the site. It does have all the utilities and the
18 municipal service to the site. There is sanitary sewer
19 that runs right through the site and then there is
20 water along Boght Road and water along New Loudon Road.

21 The applicant proposes to remove these
22 structures and develop the site in accordance with
23 the zoning that the site is located in;
24 commercial/office/residential zone. The limits of
25 that NCOR are located along the eastern boundary

1 of the site of the parcel. Then it becomes a
2 single family residential to the east of that.
3 The importance of that separation of zones is that
4 it does create a 200-foot setback line which is
5 shown on the plans, which limits certain type of
6 development within that 200-foot setback line.

7 CHAIRMAN STUTO: How does it limit the
8 development?

9 MR. COSTA: Well, there are certain uses that have
10 to stay outside that 200 foot -

11 CHAIRMAN STUTO: Like what, for example?

12 MR. COSTA: Like a fuel station.

13 CHAIRMAN STUTO: Are you going to comply, or are
14 you asking for any exception?

15 MR. COSTA: No, we're going to ask for some
16 exceptions.

17 MR. GRASSO: So, there are two things. There is a
18 mini-mart proposed which is within the 200 feet and a
19 dumpster.

20 CHAIRMAN STUTO: So, they're asking for wavers?

21 MR. GRASSO: No, those are variance items.

22 CHAIRMAN STUTO: Zoning Board variances?

23 MR. COSTA: Yes.

24 CHAIRMAN STUTO: So you have to go to the ZBA?

25 MR. COSTA: That's right.

1 MR. GRASSO: They haven't yet. They're just here
2 for sketch.

3 MR. COSTA: This is a proposed sketch plan which
4 shows how the applicant would like to develop the site
5 - or proposes to develop the site. There will be three
6 buildings; the mini-mart with a fueling station and a
7 combination retail restaurant that they are building
8 that we anticipate to have it split into three uses.
9 Then, the apartment building, which is located closest
10 to the single family residence zoning. Access will be
11 provided for both; New Loudon Road and also Boght Road.
12 New Loudon Road access will be limited to exiting
13 traffic to the north. That's per New York State DOT
14 requirements.

15 CHAIRMAN STUTO: Exits only and only to the north.
16 Right out, and that's it?

17 MR. COSTA: That's it for the exiting traffic.

18 CHAIRMAN STUTO: But you can have incoming.

19 MR. COSTA: Yes. As for new Loudon Road, the
20 driveway from Boght Road has been refloated.
21 Currently, the firehouse is right here and the driveway
22 is right here (Indicating) and we've received comment
23 from DOT asking to move that as far east as we can.
24 So, we've located it right here. This is a full
25 functional egress/ingress driveway. So, it will be in

1 and out traffic. Then, the circulation road goes
2 around the site and provides parking throughout the
3 site to complement the uses. We anticipate the
4 restaurant to have a need for a drive-thru, so we have
5 shown a drive-thru around the building to the rear.

6 The apartment building will have its own
7 parking area that's separated right here by this
8 green strip (Indicating). The rest of the parking
9 will be shared parking. That is one of the
10 objectives of the NCOR, to develop a site that
11 shares parking and reduces the parking spaces to
12 reduce the impervious area.

13 The site, in its existing state, is about 53
14 percent greenspace and this proposal raises that
15 to about 56 or 57 percent. So, there is a net
16 gain of greenspace once this is developed.

17 We will utilize the same type of municipal
18 services. We'll be hooking up to the existing
19 infrastructure that's there for sanitary and for
20 the water. The stormwater will be in accordance
21 with the New York State DEC stormwater
22 regulations.

23 This is the mini-mart and as Joe mentioned,
24 we would have to get a variance with this. The
25 mini-mart is within that 200-foot setback line.

1 The canopy in this case is not. The canopy is
2 outside.

3 The dumpster for this building is located
4 right here, so this is also within that 200-foot
5 setback line. The restaurant, however, is outside
6 of that. So, the restaurant is another use that
7 is outside of that 200-foot setback.

8 We would be building the sidewalks as per the
9 requirements of the NCOR zoning. We would be
10 installing sidewalks all along the frontage of
11 Boght Road and also along New Loudon Road, so that
12 it helps the neighbors to use the facilities or
13 access the facilities. So, that is what we are
14 proposing currently.

15 We have met with the DCC and also received
16 some comments from them. We worked with the TDE
17 and the departments to try to address some of the
18 comments that we have received so far, and we do
19 have an alternate plan that I would like to go
20 over with you quickly.

21 CHAIRMAN STUTO: An alternate plan in response to
22 those comments?

23 MR. COSTA: Yes.

24 MS. DALTON: I have a question while you're
25 handing those out. The plans that I have and your

1 description discusses a drive-thru, but on this I have
2 not seen a road around the back end of that building.

3 MR. COSTA: It's here. It's a one-way road.

4 CHAIRMAN STUTO: Does it make more sense for us to
5 look at your revised plans, than to look at the
6 originally submitted plans?

7 MR. COSTA: Yes.

8 CHAIRMAN STUTO: Joe and Mike, have you seen
9 these?

10 MR. GRASSO: No. When we attended the DCC
11 meeting, there were significant concerns regarding the
12 proposed layout as it was presented. In response to
13 that, we made some suggestions regarding a revised
14 layout. That's what he is presenting to us tonight.
15 This is the first time that we're looking at it, but
16 we're actually provided some very descriptive comments
17 regarding things that we thought he should work into a
18 new layout.

19 The reason why I think that it was important
20 to have them take the step and start to make those
21 changes reflected on the plan is because he
22 ultimately needs to go to the ZBA, and he couldn't
23 go to the ZBA with the existing plan because there
24 were so many issues that we saw from this
25 standpoint. I think that it's appropriate that

1 Nick can go through what this plan shows and we
2 can go in and add some of the concerns that we
3 previously had that may or may not have been
4 addressed.

5 MS. DALTON: Can you tell us what your concerns
6 were before?

7 MR. GRASSO: Yes. Nick has up there right now
8 which is the plan that was included in your packets.
9 If you look at the apartment building, the only way to
10 get the apartment building was to go through the
11 commercial drive and around the back, and there was an
12 inconsistency regarding the land uses there. We didn't
13 like the co-mingling of the access to the apartment
14 building. We thought it might be better if the parking
15 for the apartment building was on its own, so that
16 there was a private identity for the apartment
17 building.

18 Another thing was that as you tried to exit
19 the site out to 9R, there was no room for traffic
20 to queue up there. It was a really short
21 intersection. DOT raised that concern as well as
22 us.

23 Then in terms of the fueling, the fueling is
24 jammed up towards the corner of 9 and 9R, and it
25 was very constrained and we didn't feel that

1 traffic was going to be able to circulate freely
2 around the fueling canopy. Rather than have that
3 fueling canopy up towards the corner, which is
4 frowned upon in the zoning design guidelines, we
5 thought it would be better to push the fueling
6 away from the corner and provide more of a village
7 common type green area in the corner.

8 MR. COSTA: What Joe summarized is what this plan
9 does. It separated the apartment building to be closer
10 to the zoning line. It then allowed us to be able to
11 put in a separate driveway for the apartment building.
12 This does not connect to any of the commercial traffic
13 that would be within the resident facilities. Again,
14 that corner green development really enhances that
15 location, instead of having the canopy. The canopy
16 works much better in this orientation as far as access
17 both ways.

18 MS. GOMEZ: So, you'd have a mini-mart on one side
19 and Cumby's on the other side?

20 MR. COSTA: The Cumberland Farms is located on the
21 other side; that's correct.

22 MS. DALTON: Do you have a client that is already
23 interested?

24 MR. COSTA: We're talking to several petroleum
25 providers.

1 MS. GOMEZ: I have a comment because my husband
2 almost got killed in that intersection about six years
3 ago. What happens is that by Freihofer's you have that
4 light. What people do is that they speed up Boght Road
5 to bullet through the light, so that they can make it
6 and coming out of Cumby's they can't see you coming
7 out. Now, you're going to have another exit coming out
8 of the other side. I mean, you could probably talk to
9 DOT and see how many accidents that there have been on
10 that corner. It's a very, very dangerous corner.

11 MR. COSTA: That was one of the reasons why they
12 wanted us to move the driveway as far east as possible
13 and only have the driveway on the Boght Road side and
14 not the New Loudon Road side. There is no driveway
15 here. That's been eliminated.

16 CHAIRMAN STUTO: How many feet from the corner is
17 that driveway?

18 MR. COSTA: I would say that it's about 300 feet.

19 MS. GOMEZ: You're still going to have the cars
20 coming down by Freihofer's where there is a hill.
21 There is a little hill. So, they come down Boght Road
22 to a small incline and the light is here. They get to
23 the incline and they see the light, but they don't see
24 who is coming on the other end and they pull it though.
25 I'm just saying, I live right there, and there are so

1 many accidents on that corner. That really concerns
2 me. I don't know how to do it better, but it's so bad
3 right now. I just see that as very dangerous.

4 MR. COSTA: DOT is going to have a say in those
5 locations and we've incorporated this. They have seen
6 proposals for this location and they've made comment on
7 it. Every time that there was anything proposed for
8 here or along here, they say, that's not going to
9 happen. It's not satisfactory. This is about as far
10 east as we can get it.

11 MR. GRASSO: Karen, the concern as far as heading
12 east up the hill and heading west -

13 MS. GOMEZ: Freihofer's is here, and the fire
14 station is here (Indicating). So, if you're coming up
15 Boght Road and the first station is on your left and
16 you go up that incline, there is a light and the light
17 is closer to Freihofer's than it is to the other side
18 of the street. So, when people are coming out of
19 Cumby's or even coming out of that driveway, they're
20 trying to make the light and then you have the other
21 people that are coming from this way (Indicating) and
22 trying to turn right to get in front of the fire
23 station. Then, you have that pizza place. It's a
24 really bad intersection. I drive around there all the
25 time, and I see so many car accidents.

1 MR. GRASSO: That's good information to have.
2 We'll take a look at that.

3 MS. GOMEZ: And you have Guptil's right down there
4 too.

5 MR. COSTA: The Cumberland intersection - their
6 driveway is right at the corner.

7 MR. GRASSO: The reason why I asked is that those
8 vehicles are having to cross over Boght Road on that
9 one side of the road. We'll take a look at it.

10 MS. GOMEZ: Thanks.

11 MR. GRASSO: Just going back to the three
12 comments that we had -- the one was the separation of
13 the apartments from the commercial. It does add
14 another curb cut on 9R, but because it's so far east we
15 didn't have a concern with an additional curb cut. It
16 pushes the apartment building actually closer to the
17 residences than before. Before, there was that open
18 greenspace. We still think that this reflects a better
19 separation of the uses.

20 The queuing issue at 9R before was a short
21 queue, and this would allow vehicles to queue up
22 in front of the convenience store. I think that
23 the most significant change is the fueling canopy
24 that has been pulled way back into the site.
25 That's how our comments have been addressed on

1 this plan.

2 MR. COSTA: Any other questions?

3 CHAIRMAN STUTO: I have a couple of comments.

4 MS. DALTON: I have comments, too. So, one of the
5 reasons that I like this better than the other one is
6 that I was very concerned with the shared parking area
7 and people going to both the mini-mart and the
8 restaurant, and that there were too many pedestrian
9 from the same place. You have people driving, and so
10 as you work on this, I would suggest that you be very
11 aware of that mixed-use. Separating the apartments is
12 great and that mixed-use presents some challenges that
13 some places wouldn't have. This is a much better
14 design. I just wanted to suggest that on this version
15 - not on ours - you do have those trees screening the
16 apartment building and the restaurant. I would
17 encourage you to have at least that many, if not more,
18 since that typically is the concern that we get from
19 the neighbors when they come in.

20 CHAIRMAN STUTO: This is zoned for this, although
21 you are going to need variances. We're starting to see
22 a number of applications where they have the smaller
23 apartment buildings; 6, 8 or 10 in the NCOR zone. I
24 really question what the long-term viability of those
25 apartment buildings are, in terms of being maintained

1 in an appropriate good -- I don't want to say
2 necessarily upscale well maintained - because you're
3 probably not going to have on-site maintenance. I made
4 that as a general comment.

5 I agree with Kathy's comments about screening
6 between the apartment building and residential
7 neighborhood.

8 I also wonder if it's a fire management
9 emergency question. Should there be an emergency
10 connection between apartment buildings and the
11 rest (indicating), or is the apartment building
12 close enough to wherever it has to be for a fire
13 truck. I don't know if there should be something
14 there for fire emergency to provide a redundant
15 egress and ingress from the apartment building. I
16 don't know if you have any comments now, or if you
17 want to think about that.

18 MR. GRASSO: I'd have to think about that.

19 CHAIRMAN STUTO: It's close to the road.

20 MR. GRASSO: It is very close. Because it's only
21 one building in there, they're able to pull right into
22 the site right next to the building. It's something
23 that we can look at and talk to Fire Services as well
24 to see if rather than have an emergency vehicle have to
25 back out onto Route 9 or 9R, they could pull right

1 through. It's something that we can look at. I think
2 that it's important that there is a separation so that
3 we're not getting all the traffic pulled through.

4 CHAIRMAN STUTO: I agree with that, too.

5 MR. GRASSO: We'll take a look at it.

6 CHAIRMAN STUTO: I'll say that I think that this
7 is an improvement over the first design. It seems like
8 you're trying to do an awful lot on the lot, but keep
9 going forward with your application and we'll see the
10 further improvements that come in for concept.

11 MR. COSTA: This does increase the greenspace.

12 CHAIRMAN STUTO: Right.

13 MS. MILSTEIN: I have a question. So, the
14 200-foot setback - that's what you're seeking a
15 variance from. On the new plan, the only thing that
16 would be basically allowed would be the one-story
17 restaurant and the one-story retail and a couple of
18 stores; correct?

19 MR. COSTA: This building, in its entirety, would
20 be a lot. Even the retail at the end would still be
21 allowed.

22 CHAIRMAN STUTO: I think that the restaurant would
23 have to be.

24 MR. COSTA: Right, so this building, in its
25 entirety, would be okay.

1 MS. MILSTEIN: And the mini-mart would not.

2 MR. COSTA: No, the mini mart would not.

3 MR. GRASSO: No, the mini-mart and the dumpster
4 are the two variance items.

5 MS. MILSTEIN: What about the apartment building?

6 MR. COSTA: No, that's okay. Actually, Joe, you
7 haven't had a chance to look at it, but we do have the
8 dumpster area located so that it's just outside the 200
9 feet. As we do the detailed design, we'll get that to
10 you.

11 MR. GRASSO: Does everyone see where the dumpster
12 is located? I would rather see the dumpster
13 incorporated up against the building where the normal
14 service area is so that the fencing is incorporated
15 into the building structure design like we have seen
16 other Stewart's and Cumberland's done recently. I
17 would recommend that you revise the plan and go for a
18 variance with the dumpster, even though you're
19 technically in that 200-foot setback. I think that it
20 would provide greater screening of the dumpster area
21 from all the uses.

22 Does the Planning Board have any sense of
23 direction on that?

24 Here is the problem: When he goes before the
25 ZBA and he gets the variance approved, any changes

1 to the plan - like an item like that - would
2 require that he go back to the ZBA. So, he'll
3 constantly be getting bounced back and forth.
4 That's part of the reason why we like to see him
5 come in for a sketch plan review.

6 MS. GOMEZ: When the fire station moves, what fire
7 station is serving that?

8 MR. COSTA: It would be the same fire station.

9 MR. GRASSO: They're just moving down the road.

10 MR. COSTA: It's moving down to where the EMS is
11 right now near the Canterbury Crossings project.

12 CHAIRMAN STUTO: About one-half mile south.

13 MS. GOMEZ: The other comment that I would make is
14 with the traffic. That's a big school bus area. Boght
15 Hills is right behind it. So, with all the comments
16 that I said about that area, that Boght Road is full of
17 kids that are going to Boght Hills. I know that it's
18 right behind it, on the other side of the street.

19 MR. GRASSO: One of the issues brought up by DOT
20 during their review was accommodation of better
21 pedestrian crossings at the 9 and 9R intersection.
22 We'll have to look at the scope of those because those
23 can be extensive and I'm not sure how much this project
24 could absorb, but it's something that we have to
25 coordinate with DOT on.

1 CHAIRMAN STUTO: Joe, there is a crossing on the
2 south side.

3 CHAIRMAN STUTO: Where do the sidewalks go to? I
4 guess that was the other thing that I was going to ask.

5 MR. COSTA: We bring them to a point of terminus
6 that's at our frontage.

7 CHAIRMAN STUTO: Where do they continue to? Are
8 there other sidewalks?

9 MR. COSTA: No, the only continuation would be the
10 crosswalk to the south crossing.

11 CHAIRMAN STUTO: Does the pizza place have
12 sidewalks?

13 MR. GRASSO: No.

14 CHAIRMAN STUTO: On the other side of Route 9
15 going south, are there more sidewalks?

16 MS. GOMEZ: No.

17 MR. GRASSO: It was a comment that DOT brought up.
18 The plan that you're looking at now - the revised plan
19 shows a sidewalk continuing all the way to a single
20 family residential zone boundary. That would be one of
21 those non-logical terminus issues. DOT commented on
22 the previous plan and they would likely comment on that
23 again. So, I would think that the sidewalk would come
24 out of the apartments and then head west only. It
25 would not have that 60 foot extension. That would not

1 be allowed by DOT. You're going to bring it down to
2 somebody's lawn and let them go. They would frown on
3 that.

4 Everybody understand where that is?

5 CHAIRMAN STUTO: I think that the idea of the NCOR
6 is incorporated residential and some type of commercial
7 and it allows a lot of pedestrian activity, but it's
8 really not going to happen here. There are no
9 sidewalks. That was just my general comment.

10 MR. GRASSO: And DOT, in our comment letter, did
11 ask the Town if there is a long-term sidewalk plan, and
12 there isn't one there.

13 CHAIRMAN STUTO: This is internal pedestrian,
14 right?

15 MR. COSTA: Yes.

16 CHAIRMAN STUTO: Do you want to escrow the
17 sidewalk money? Would that make more sense?

18 MR. GRASSO: This plan does have, I think,
19 extensive sidewalks. There is a lot of sidewalks -
20 more than just along their frontage.

21 CHAIRMAN STUTO: No, I see the sidewalks. What
22 I'm saying is: Does it make sense to have the
23 perimeter sidewalks?

24 MR. GRASSO: I think that in terms of connecting
25 the apartments down to the mini-mart, or down to the

1 corner part of the common green area and then up to the
2 Dom's Pizza, they've done what they can.

3 CHAIRMAN STUTO: Might that be done internally and
4 escrow the money until we have a real plan? That's the
5 comment, I guess.

6 MS. GOMEZ: I don't know if it's in the scope, but
7 for those people that want to go to Cumberland Farms,
8 right now there is not a real crossing. You just run
9 for your life.

10 MR. GRASSO: Exactly. That's why I said they're
11 showing it on this plan with a cross walk across Route
12 9R and I think that's an important provision of the
13 plan.

14 MS. GOMEZ: That's Boght Road. Freihofer is
15 across 9 and Cumby's is across Boght.

16 MR. GRASSO: Understood. There is a sidewalk
17 across Route 9 off site of the intersection.

18 MR. COSTA: There is a crosswalk. Cumberland
19 Farms is to the west.

20 MR. GRASSO: It's not on all four legs. That's
21 something that we'll need to look at and if they should
22 be building.

23 What are the accommodations on the other
24 side? Is it just a landing pad with pedestrian
25 signals, or countdown timers? We'll be looking at

1 all of that and all the signalization. That could
2 easily turn into a very extensive project.

3 CHAIRMAN STUTO: Okay, thank you.

4 MR. GRASSO: Are there any comments on the
5 dumpster? Is there any preference whether it should be
6 interrupting the 200-foot buffer?

7 MS. DALTON: I don't have any comment.

8 MR. GRASSO: I would ask for it. If you decide to
9 move it out later, I don't think that you'll have to
10 come back.

11 MR. COSTA: Thank you.

12

13 (Whereas the above proceeding was concluded
14 at 7:38 p.m.)

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 June 19, 2013

