

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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PREMIER MOTORS AUTO SALES
2 COLE AVENUE
REFERRAL TO PLANNING BOARD
BUILDING/LIGHTING

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THE STENOGRAPHIC MINUTES of the above entitled
matter by NANCY STRANG-VANDEBOGART, a Shorthand
Reporter, commencing on January 7, 2014 at 7:25 p.m.
at The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

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10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 BRIAN AUSTIN
13 TIMOTHY LANE
14 LOU MION
15 KATHY DALTON
16 SUSAN MILSTEIN

14

15

16

17 ALSO PRESENT:

18 Joe LaCivita, Director, Planning and Economic Development

19 Kathleen Marinelli, Esq., Special Counsel to the Planning

20 Board

21 Michael Tengeler, Planning and Economic Development

22 Oleg Levchenko, Premiere Motors Auto Sales

23 Stephanie Kiernan

24 Bill Kiernan

25

1 CHAIRMAN STUTO: Next on the agenda is Premiere
2 Motors Auto Sales, 2 Cole Avenue. This is a referral
3 to the Planning Board for building lighting.

4 These are departmental decisions in approving
5 the site plan because it's not a major site plan
6 approval. However, there is some issue on the
7 lighting on the signage. That's my understanding. It
8 is the prerogative of the Planning Department to refer
9 issues to the Planning Board for consideration.

10 MR. TENGELER: Correct, Peter. This is part of
11 the Land Use Law.

12 CHAIRMAN STUTO: Mike Tengeler, are you making
13 the initial presentation?

14 MR. TENGELER: Yes, I'll be very brief. The
15 parcel at 2 Cole Avenue is the former Happy Jacks on
16 what we call the west end of Town on Central Avenue.
17 They came into our office sometime mid-2012 to late
18 2012 to rehab the former establishment into Premier
19 Motors Auto Sales -- a sales of vehicles.

20 Leading up to the final CO, which we did an
21 inspection for a couple of weeks ago, we noticed that
22 there was some lighting on the building that we hadn't
23 noticed in the first place. We had a couple of calls
24 into the office with people inquiring as to what the
25 lighting was and if it was legal. Because we didn't

1 have any prior knowledge of the lighting being there,
2 we were kind of caught off-guard.

3 As I looked into the Land Use Law a little bit,
4 it could be interpreted as what the Land Use Law
5 specifies as excessively bright. Today we're here to
6 hear from the applicant.

7 CHAIRMAN STUTO: So, you're saying that the
8 light that is there is not specified on the drawings?

9 MR. TENGELER: Correct.

10 CHAIRMAN STUTO: And it's your opinion that
11 they exceed the standards of the Town Code for being
12 excessive.

13 MR. TENGELER: Right.

14 CHAIRMAN STUTO: Is the applicant here?

15 MR. LEVCHENKO: Yes.

16 CHAIRMAN STUTO: Could you go to the
17 microphone?

18 MR. LEVCHENKO: I'm sure that all of you have
19 in front of you the letter that I sent in. If you
20 like, I can go over it and sum it up.

21 CHAIRMAN STUTO: What do you think is most
22 effective for you and your case? And can you give us
23 your name for the record?

24 MR. LEVCHENKO: My name is Oleg Levchenko. For
25 the record, the company is no longer Premier Motor

1 Car. It's called the Car Store. That's what the sign
2 says. I guess the best way to do it is I'm just going
3 to read what I have already prepared.

4 I've requested that the Town go over and
5 approve the decorative blue LED lighting installed on
6 the building located at 2 Cole Avenue. Also, I'd like
7 to say that I was not aware that any decorative
8 lighting had to be approved by the Town. I do want to
9 apologize for that.

10 The LED lighting is located along the roof line
11 and also two vertical strips on the left and right
12 side of the building. I also have pictures that I
13 have taken -- numerous pictures that I have taken with
14 a decent quality lens to show you what it looks like
15 at night time with all the lights on. The Town Code
16 states that it does not allow any excessive lighting.
17 I believe that this building has not exceeded any Town
18 Codes in this manner, according to my research. This
19 is not the first building to have such lighting
20 installed in this Town. I've also taken pictures of
21 just a few businesses within one mile of the location
22 on Central Avenue. They are very similar if not
23 brighter accent lights, and they all reside in the
24 Town of Colonie.

25 The Planning Department also brought to my

1 attention that they received a complaint or a few
2 phone calls against the blue lights. Some of these
3 complaints also came during the testing and
4 installation phase of the product. The pictures that
5 were taken that were shown to me by the Planning
6 Department by the concerned neighbors or neighbor
7 shows that the parking lot was pitch black and the
8 only thing that was illuminated was the blue lights.
9 So, as a result they appeared brighter than they
10 actually are. I've attached also pictures to show the
11 finished product and how it looks. The Town is able
12 to see from these pictures that there is nothing
13 excessively bright about the quantities or degree of
14 the decorative blue lighting strips. The definition of
15 excessive is all adjectives which mean exceeding the
16 normal usual reasonable or proper limit. Excessive
17 describes a quantity of an amount or degree that is
18 more than what is justifiable, tolerable or desirable.

19 As you can see, I have a small sample of the
20 light that is currently installed on the building and
21 I'm going to go into the specifications of it. The
22 first paragraph just goes over the fact of the
23 dimensions.

24 They are roughly 25 feet high, two strips and
25 it is also along the roof line of the building which

1 is equivalent of about 80 feet. The color blue that
2 is used on the building emits only 9.2 lumens per
3 foot. As shown, I also have a diagram which is Chart
4 1 in the very first chart. It's a chart of lumens
5 This chart was taken from the seller from which I
6 purchased the LED lights. The color blue actually
7 gives off the least amount of lumens. According to
8 the chart, the color white, which the brightest, gives
9 off the 63 lumens per foot. If you take the 9.2
10 lumens per foot and multiply it times the 25 feet that
11 I have running down the vertical strip, that's only a
12 total of 230 lumens for that one. That's if you want
13 to categorize it as one light fixture.

14 When we compare these results to a standard
15 12-watt LED bulb, the bulb itself gives off 800
16 lumens. You can find these bulbs at Lowes or Home
17 Depo. They are available to everybody. Obviously,
18 this information allows us to somewhat grasp what the
19 difference is with the lumens, in a sense. These LED
20 strips will not give off a direct beam of light. This
21 is also very important. We can even see by the
22 lighting inside this room that when you look at it for
23 a long period of time, you start to see black images
24 in your eyes. When you look at the lighting that is
25 there, the sample, there is not a direct beam of light

1 to really kind of blind you. It is enclosed in one
2 inch of silicone tube-like substance, so the result of
3 it is that it diffuses the light so it's just like a
4 glowing appearance. So, there is no direct beam of
5 light that is emitted from this form of light. The
6 blue lights have also a great energy factor which is
7 also shown in a diagram.

8 All the information that I continue to refer to
9 was taken from the sellers website. Any decorative
10 lighting or anything can really make your building pop
11 on Central Avenue, as it is a commercial zoned area.

12 As a business owner, I would like to have a
13 pleasant view of the company and have a good image of
14 the company.

15 I just want to add that when I was handing out
16 the flyers, I was talking to my neighbors and everyone
17 that I talked to and that the flyers were handed out
18 to from my knowledge - they did not have any issues
19 with some of the Town of Colonie inspectors. It was
20 pleasant lighting on the building. It's nothing that
21 was irritating, at least my opinion. That was the
22 opinion that I received from neighbors and other
23 people.

24 That is pretty much it. If you like, I can
25 pass around the sample and you guys can actually see

1 it. There is no danger with it at all. It is
2 completely shock proof. So, someone can throw a rock
3 at it and it's not going to break up or anything.

4 CHAIRMAN STUTO: I think that it might be
5 helpful to hear from the neighbors that signed up.

6 Bill Kiernan?

7 MR. KIERNAN: My name is Bill Kiernan and I
8 live on 12 Waterman Avenue, which runs parallel to
9 Cole. I have a cape and my bedroom window faces the
10 south side. You look right out my bedroom window and
11 I can see his blue LED light which, as he said, is not
12 a beam but a glow. Also we noticed this light before
13 the sign was installed.

14 Now that their sign is installed, if I'm
15 working a double shift or if I just have a bad night's
16 sleep because of whatever, I have an illuminated
17 bedroom because of his lights that are on 24/7.

18 CHAIRMAN STUTO: The sign is on 24/7?

19 MR. KIERNAN: Yes.

20 CHAIRMAN STUTO: I just want to speak to that
21 point because there was an approval from the Sign
22 Review Committee. Is there a condition on when that
23 light should be on, or when the sign should be on?

24 MS. MARINELLI: Yes, it says that the sign will
25 be on only during normal business hours.

1 MS. KIERNAN: The sign is on all night long.

2 MR. KIERNAN: The sign is on 24/7 and so is the
3 LED lighting.

4 MR. LEVCHENKO: The LED lighting is on a timer.
5 As I explained also, it is in my papers that it is on
6 a timer and it's only on for eight hours during the
7 winter and six hours during the summer.

8 CHAIRMAN STUTO: What about the sign? Is the
9 sign on all the time?

10 MR. LEVCHENKO: The sign is on currently all
11 the time. I have not been able to adjust the software
12 that is on it. That is my mistake and I will make the
13 correction. I do apologize.

14 CHAIRMAN STUTO: Did you want to say anything
15 else?

16 MR. KIERNAN: I'm all for the business being
17 there. I just came to speak about the lighting and
18 the hours. I don't disbelieve you, but I can assure
19 you that the blue lights have been on 24/7. You may
20 have timers, or there may be something that has gone
21 wrong. I'm an electrician by trade. I know that
22 things get programed and there are sometimes glitches.
23 The reason that we are here this evening is because
24 unfortunately our bedroom window faces that property
25 and when those lights are on --

1 CHAIRMAN STUTO: Cole goes along side your
2 property?

3 MR. KIERNAN: Cole and Waterman run parallel.

4 CHAIRMAN STUTO: So, you're one block down, am
5 I correct?

6 MR. KIERNAN: I'm a block over.

7 CHAIRMAN STUTO: Going towards Albany?

8 MR. KIERNAN: Going towards Schenectady.

9 CHAIRMAN STUTO: Okay but the back of your
10 house faces that corner?

11 MR. KIERNAN: The back of my house faces the
12 corner of that property.

13 CHAIRMAN STUTO: I'm going to ask our counsel
14 to read what the departmental recommendation is,
15 specifically so that we know what we're talking about
16 here.

17 MS. MARINELLI: "It is the opinion of PEDD that
18 the building mounted blue LED lighting be only allowed
19 to the front of the building facing Central Avenue and
20 any building lighting facing residential uses be
21 eliminated. It is also recommended that the Building
22 Department will view the site at night and work with
23 the applicant to change the lighting option/settings
24 in order to reduce brightness and glare."

25 CHAIRMAN STUTO: And the rest?

1 MS. MARINELLI: "It is further recommended and
2 advised that the Town of Colonie Land Use Review
3 Committee investigate LED lights/signs further to
4 distinguish tangible guidelines, criteria and
5 limitations moving forward."

6 MR. LANE: Being that we obviously have no
7 tangible guidelines -

8 CHAIRMAN STUTO: That's only on the sign.

9 MR. LANE: But we're talking the LED lights.
10 You said that there are no tangible guidelines?

11 CHAIRMAN STUTO: That's not true because there
12 is a section in the Land Use Law which Mike quoted
13 part of it here. He's also making specific
14 recommendations that the light only faces Central and
15 not the sides of the residential.

16 MR. LANE: Why can't it go along with the same
17 rules that they apply to the main side?

18 CHAIRMAN STUTO: One is lighting and one is a
19 sign. I'm not sure what you mean.

20 MR. LANE: That the lights only be on during
21 business hours.

22 CHAIRMAN STUTO: I have no problem in the
23 department if they want to do that.

24 MR. LEVCHENKO: I have no problem with that
25 either. It was my understanding that it was set to

1 only be on for eight hours in the wintertime because
2 of daylight savings, because it gets dark at 4:00.
3 So, by the time that it expires it's probably the
4 hours after that. So, if it stays on -

5 MS. KIERNAN: I can assure you that it's on.
6 We have a new puppy and we're out at 2:00 or 4:00 in
7 the morning and it's on.

8 We're right on the backside of you.

9 MR. LEVCHENKO: And you have the strip going
10 into your -

11 MS. KIERNAN: If we're sitting in our living
12 room and we have our blinds open, we can see the blue
13 strip right from our living room. The main problem
14 for us is when we are in our bedroom, your bright
15 sign, your big sign - when that gets to full capacity
16 when it's on its brightest setting, we have white
17 Roman shades in our bedroom and it literally lights up
18 our Roman shades. That's how bright it is. So, it
19 projects light into our bedroom.

20 MR. TENGELER: What Stephanie is saying is that
21 it kind of co-signs to what our recommendation. Blue
22 LED lighting is obviously obtrusive to the
23 neighborhood.

24 If this went before the Planning Department as
25 part of our initial site plan review, our conditions

1 for approval would have been no LED lighting toward
2 the residential neighborhoods. Because it was never
3 disclosed, we're here right now to talk about it.

4 MR. LEVCHENKO: I can make a comment. I can
5 definitely take off a section that is beaming - like
6 from the blue LED lighting. I can take off a section
7 that is on top because the section, like I said, runs
8 80 feet so that was just what I had left over. So, I
9 just let it run around the back end of the buildings.
10 I can cut that off.

11 MR. LANE: So, there is a portion that faces
12 them that we can't see in the picture.

13 MR. LEVCHENKO: Yes.

14 MS. KIERNAN: If you turned it off at a decent
15 hour, we would be cool with that.

16 MR. LANE: To me it sounds like if you do that,
17 as well, I don't see any reason for it to be in the
18 back end of the building.

19 MS. KIERNAN: We're all for it. We don't want
20 empty buildings around our neighborhood. We're
21 excited that you're there.

22 MR. TENGELER: That's exactly our
23 recommendation, too.

24 MS. MILSTEIN: What kind of hours are you
25 thinking?

1 MS. KIERNAN: People usually go to bed at 9:00
2 or 10:00 at night. If you're not open, I'm not sure
3 what the point is to have the light on.

4 MR. LEVCHENKO: I'm just opening up. My
5 typical business hours for the used car store is we're
6 open to 8:00 or 9:00; it depends.

7 MR. LANE: So, generally, no later than 9:00.

8 MR. LEVCHENKO: Yes, and even still we would
9 not normally have those lights -

10 MS. MILSTEIN: What time were you thinking?

11 MR. LEVCHENKO: It's fine with me to be 9:00,
12 or in that vicinity. It's on a timer and it turns on
13 and turns off whenever it gets dark.

14 MS. MILSTEIN: And you don't have any problem
15 that if you find that it's staying on, they can
16 contact you and you'll take care of it; correct?

17 MR. LEVCHENKO: By all means. I can give you
18 my phone number.

19 MR. AUSTIN: Do you have any inventory on-site?

20 MR. LEVCHENKO: Not currently.

21 MR. AUSTIN: When you do, is that going to be a
22 safety factor that you're going to want to have safety
23 lights during the evening?

24 MR. LEVCHENKO: I have parking lot lighting
25 which is on, but that's controlled by the same - I

1 could possibly also control it through a different
2 photo sensor. It's not that hard.

3 MR. KIERNAN: The parking lot lighting hasn't
4 been an issue.

5 CHAIRMAN STUTO: It's downward lighting?

6 MR. TENGELER: It's downward facing in the lot
7 and it's all up to Code. The sign is brighter than we
8 anticipated and we didn't know about the building LED
9 light. The calls came in and it's in front of the
10 Planning Board.

11 MR. LEVCHENKO: In terms of the sign, you're
12 saying that you're on Waterman, the fourth house in -

13 MS. MARINELLI: So, when you're standing in my
14 back yard, I can see your signs directly from my back
15 yard. So, when your sign is on, it backs right up
16 onto the side of my house and into my bedroom.

17 MR. LEVCHENKO: Currently, I have a sign
18 shining at 60 percent of its total brightness. If I
19 put it on 100 percent brightness, it would be like the
20 sun. I don't want to do that because it also burns
21 out the LEDs and I want to make it last as long as
22 possible. I can have that turned off, as well. My
23 only concern with doing that is that in the wintertime
24 it is recommended by the manufacturer not to turn them
25 off and to have them maybe dimmed down to like 10

1 percent because when you start it up in the winter,
2 it's very cold. They have fans and computers inside
3 and they take time to warm up and that could possibly
4 be some sort of an issue. I can talk to them again.

5 MR. MION: I think that if you could turn it
6 down, it's fine. I have pictures here in front of me
7 that I need suntan lotion at 11:00 at night.

8 MR. LEVCHENKO: It depends on what camera you
9 take the pictures with also.

10 MR. MION: I got a pretty good camera. In
11 order to take that picture that you showed us, you
12 have to darken the back, so it doesn't show up like
13 that. The background is not a true depiction of what
14 it is. That's true. I'll tell you that right now. I
15 was there and somebody from your place saw me there
16 taking pictures. If you can reduce it to where it's
17 not going bad, I would be 100 percent for that. Also,
18 keeping in mind that it won't hurt your sign too. If
19 you knock it down 10 percent, it's not down to 10
20 percent - believe me, it's not going to be like that.

21 MR. LEVCHENKO: I would be willing to work with
22 the Board and my neighbors, of course. I like to
23 sleep too. I'd be willing to dim the sign at
24 nighttime. That's not a problem.

25 MR. LANE: And change the timer.

1 MR. LEVCHENKO: Yes, I'll change the timer. As
2 the gentleman also pointed out, the time controls
3 everything. The lighting in the parking lot which is
4 also a safety issue -- maybe what I can do is remove a
5 section of the back lighting that is retreating into
6 your -- or if you have a chance and you want to meet
7 me there on-site there tomorrow, I can show you what I
8 can do and it might satisfy your needs and we can both
9 be happy.

10 MR. AUSTIN: You're going to install a separate
11 timer? The gentleman who is here happens to be an
12 electrician.

13 CHAIRMAN STUTO: Mike Tengeler, what do you
14 have to say with respect to your additional
15 departmental recommendation? Does it say the same?

16 MR. TENGELER: Yes, essentially, I think that
17 we're all on the same page. We determined that the
18 Planning Board actually does have jurisdiction over
19 the sign, so we can comment and discuss it. We talked
20 about the building mounted lighting - that really the
21 only excessively bright and nuisance portion is the
22 portion that shines on the Kiernans. I think that
23 pretty much co-signs exactly to my recommendation. I
24 still think that the Land Use Review Committee still
25 needs to discuss this though, moving forward.

1 CHAIRMAN STUTO: Do we have a motion on the
2 department's recommendation and all the comments that
3 are on the record tonight?

4 MR. MION: I would make a motion exactly what
5 you said but it's an opinion -

6 MR. LACIVITA: That's what I'm struggling with
7 here. We really don't have a clear definition what
8 the spill over limits are. The Land Use Law
9 specifically says under COR design - and I know that
10 you kind of defined certain things within the Section
11 B/C but this Planning Board reviews things with the
12 words "shall" and "must. "Shall" and "must" have been
13 used in this Law here where it says: "It shall not be
14 visible from any angle or adjacent.." which you are
15 being impacted by and it should not spill over onto
16 adjoining properties. That's where I'm having trouble
17 because we really haven't defined what the spill over
18 is.

19 CHAIRMAN STUTO: The way that Mike made his
20 recommendation - I think he said eliminate the side
21 lighting, the rear lighting and anything that faces
22 residential, and he also said work with the neighbors
23 and so forth. If it just faces Central Avenue in
24 terms of the building lighting, I think that should do
25 it.

1 MS. MILSTEIN: Is that what your understanding
2 is as well?

3 MR. LEVCHENKO: The face of my building is at a
4 45 degree angle, so I have Cole here and I have
5 Central here (Indicating). So, I'm facing - there is
6 a diner or a bar across the way. In a sense for me to
7 hold the light up on the Central Avenue side, it would
8 be taking away half my whole appearance of the
9 building.

10 MR. TENGELER: I think that really what we are
11 talking about is the portion that loops around to the
12 back.

13 MR. LEVCHENKO: I can eliminate that.

14 MR. MION: And then you're going to lower the
15 brightness of your sign to 10 percent?

16 MR. LEVCHENKO: I think that it would be
17 reasonable if someone from the Board would like to
18 come out in the evening one time.

19 MR. LANE: Well, we're going to decide this
20 now.

21 MR. LEVCHENKO: The sign works on a 200 percent
22 brightness level. Half of it is 100 percent. Half of
23 that goes down to 25 percent. Currently the sign is
24 operating at like 60 percent, in a sense, or below
25 that -- like 40 percent of the total brightness at

1 night. I actually turned it down so it's not even as
2 bright during the day either. I have it at a constant
3 brightness. The software is very new to me. It was
4 just recently installed and I'm still trying to figure
5 it out.

6 MS. MILSTEIN: Is there a way of doing it
7 without saying 10 percent or 25 percent that you can
8 describe it to a certain level?

9 MR. LEVCHENKO: That's why I'm asking for
10 someone possibly from the Board or neighbor to be
11 there at the moment so we can figure it out -

12 MR. LANE: What if someone from the Building
13 Department goes out and he dims it to the level -- go
14 to the manufacture and say how do I dim it down after
15 business hours where I'm not affecting or having a
16 spill over and then having someone from the Building
17 Department follow up with that?

18 MR. TENGELER: I'd be willing to work with
19 them, as well.

20 MR. LEVCHENKO: I can show samples of a 50
21 percent, 30 percent, 20 percent and you can see what
22 the percentages actually look like.

23 MR. LANE: We entirely understand the issue
24 with not being able to turn off the light.

25 MS. MILSTEIN: My suggestion would be if they

1 can't agree, that they can come back to the Planning
2 Board.

3 CHAIRMAN STUTO: Turning the sign off
4 completely?

5 MR. LACIVITA: No.

6 MR. LANE: No, not turning it off.

7 CHAIRMAN STUTO: Well, it has to be off at
8 night.

9 MR. LACIVITA: I thought that in the condition
10 it said -

11 CHAIRMAN STUTO: The Sign Review Committee has
12 already made that one of their conditions.

13 MR. LANE: He said that it can't go off; it
14 will ruin it.

15 CHAIRMAN STUTO: We can't overrule the Sign
16 Committee. If they say that it has to be off, it has
17 to be off. It's not our problem. That's how I see
18 it. That's the applicant's problem.

19 MR. AUSTIN: Was he approved for an LED sign
20 when he went to the Sign Review Board?

21 CHAIRMAN STUTO: Here is their decision. They
22 say granted with the condition on the message on the
23 sign, and that it's no less than 8 seconds. And the
24 sign will be on only during normal business hours.

25 MR. LANE: Is that standard language pulled

1 from the Code? Is that something that was dropped in?

2 MR. LACIVITA: That's from the Sign Review
3 Board.

4 MR. LANE: Yes, but is it the language out of
5 their Code?

6 MR. LACIVITA: Yes, out of the Code that they
7 work within.

8 MR. LANE: So, it's never addressing that a LED
9 light, such as this, could be dimmed and raised. They
10 could be damaged if it is shut off.

11 MR. LACIVITA: That's out of our purview right
12 now. I can't answer those questions.

13 MR. TENGELER: They did apply for the LED light
14 and the sign permit application with that -

15 CHAIRMAN STUTO: He should have gotten the
16 correct light with the decision. He had this decision
17 before he put the light up.

18 MS. MILSTEIN: What he really needs to do is
19 go back and get the change from the Sign Board.

20 CHAIRMAN STUTO: If he wants to keep the sign
21 on; I suppose.

22 MS. MILSTEIN: That would be the alternative.
23 We certainly can address the other issue.

24 CHAIRMAN STUTO: Can you reread what the
25 recommendation is?

1 MS. MARINELLI: "It is the opinion of PEDD that
2 the building mounted blue LED lighting be only allowed
3 to the front of the building facing Central Avenue -"

4 CHAIRMAN STUTO: Okay, stop on the Central
5 Avenue one.

6 What is your opinion on that, Mike? He says
7 that it's at an angle.

8 MR. TENGELER: It's at a 45 degree angle. If
9 you look at this picture where the sidewalk is over
10 here, the front door is basically parallel to that.

11 CHAIRMAN STUTO: So, what is your suggestion?

12 MR. TENGELER: Honestly, all I had in mind was
13 anything in the rear behind on the other side of this
14 in the back (Indicating).

15 MS. MILSTEIN: For the record, can I make a
16 suggestion that we mark the picture what's going to be
17 allowed and not allowed? Either we need a fair
18 description or we need a picture that describes what
19 is allowable with that.

20 MR. LACIVITA: The picture that we have here
21 shows your two garage access points. If this
22 component here was taken down and going behind it, how
23 does that impact the site?

24 MR. LEVCHENKO: That loses the whole image of
25 the company.

1 CHAIRMAN STUTO: Okay, Joe or Mike, where do
2 you think that we are?

3 MR. TENGELER: I think that we're at the same
4 place as the recommendation.

5 CHAIRMAN STUTO: To me, the building is not at
6 an angle. It runs square to Central Avenue and square
7 to Cole, but the corner is truncated off. So, the
8 doorway is at an angle. It's not like the whole
9 building is set at an angle.

10 Can you read the recommendation again?

11 MS. MARINELLI: "It is the opinion of PEDD that
12 the building mounted blue LED lighting be only allowed
13 to the front of the building facing Central Avenue and
14 any building lighting facing residential uses be
15 eliminated. It is also recommended that the Building
16 Department will view the site at night and work with
17 the applicant to change the lighting option/settings
18 in order to reduce brightness and glare. It is
19 further recommended and advised that the Town of
20 Colonie Land Use Review Committee investigate LED
21 signs further, distinguish tangible guidelines and
22 criteria and limitations moving forward."

23 CHAIRMAN STUTO: So, is it fair to say that the
24 Board all agrees with the last part?

25 MR. MION: What I think that we are missing

1 here - and tell me if I'm right, Mike - you want a
2 door side light off. You don't have a problem with
3 the east side or the south side. The north side would
4 be the back -

5 MR. LANE: The side on Cole Avenue -

6 MR. MION: The side on Cole faces the Costumer.

7 MR. LEVCHENKO: Right, that does not face the
8 residential.

9 CHAIRMAN STUTO: Is that your recommendation?

10 MR. MION: I think that's what Mike had said.

11 MR. TENGELER: Anything that faces towards
12 residents should be eliminated.

13 MR. MION: So, the only side is the north side
14 of the building then? The side that you can't see in
15 the picture.

16 MR. TENGELER: Right.

17 MR. LANE: So, the words have to be changed to
18 get specific to that rather than saying excessively
19 bright.

20 CHAIRMAN STUTO: The side that lights onto Cole
21 - you have no problem with that.

22 MR. LACIVITA: It would be the north side.

23 MR. MION: That's what I'm saying.

24 MS. MILSTEIN: He doesn't have a problem with
25 it being lit on Cole or Central, correct?

1 MS. KIERNAN: No, that doesn't affect us.

2 CHAIRMAN STUTO: You've heard from other
3 residents as well and you're the one that wrote the
4 recommendation.

5 MR. TENGELER: It's the people that live behind
6 the building, and I have to believe that it's the same
7 lighting that these people are having issue with.

8 MS. MILSTEIN: It seems easier to say that
9 permitted along Cole Avenue and Central rather than
10 saying where it's not allowed, in my opinion.

11 CHAIRMAN STUTO: If that's what we're talking
12 about.

13 MR. TENGELER: To make it easier in my
14 description, this horizontal piece here wraps around
15 the top of the building (Indicating). That's the only
16 piece that I thought should be eliminated. This
17 vertical piece that goes toward Cole and Central, I
18 don't have any problem with that. The top part, I
19 don't really have a problem with. It's the part that
20 directly effects the residents.

21 CHAIRMAN STUTO: You're saying the part over
22 the garage doors? The part that you can't see in the
23 pictures?

24 MR. TENGELER: The part that you can't see in
25 the pictures; correct.

1 MR. LACIVITA: The neighbor right behind there
2 is H-U-N-H-U-Y-N-H, that property right there, facing
3 that neighborhood. It is the north side.

4 CHAIRMAN STUTO: So, all lighting facing the
5 north side you recommend be eliminated.

6 MR. TENGELER: Yes.

7 CHAIRMAN STUTO: And all the parts of the
8 Resolution would stay the same?

9 MR. TENGELER: Yes.

10 MS. MILSTEIN: And the rest of it?

11 MR. TENGELER: We'll work with Oleg with the
12 sign. I'll work hand in hand with the Building
13 Inspectors and we'll do another inspection. We'll
14 speak to the residents and we'll move ahead.

15 MS. MILSTEIN: But the last part was making
16 recommendation about LED lights?

17 MR. TENGELER: Not just with this site, but
18 we've had other calls about other LED lights that are
19 popping up around Town. It's getting to be more of a
20 popular sign. We thought that it might be a good idea
21 to maybe address this further in the Land Use Law
22 rather than to just say excessively bright lighting
23 shall be prohibited. Maybe we need to get a little
24 bit more technical like with lumen amounts and spill
25 over rates.

1 MS. MILSTEIN: Is that our jurisdiction?

2 CHAIRMAN STUTO: We can make recommendations.

3 MR. LANE: That would go to the Town Board.

4 CHAIRMAN STUTO: Do you want the last part read
5 on the recommendations?

6 MS. MARINELLI: "It is further recommended and
7 advised that the Town of Colonie Land Use Review
8 Committee investigate LED signs further to distinguish
9 tangible guidelines, criteria and limitations moving
10 forward."

11 MS. MILSTEIN: That's fine.

12 CHAIRMAN STUTO: Do you want to talk about the
13 Land Use?

14 MR. TENGELEER: Paul Rosano is here from our
15 Town Board and Paul Rosano sits on our Land Use Review
16 Committee. I've filled in for Joe plenty of times in
17 the meeting. I've worked with Paul on the review
18 Committee. I'm sure that we could put together a
19 meeting within the next month and get all the players
20 together at the table and start addressing this and
21 see what other municipalities do and really research
22 this.

23 MS. MILSTEIN: I think that it's a good idea.

24 CHAIRMAN STUTO: Do we think that we're clear
25 on what we're voting on?

1 Do you want to make that sentence up, Kathy?
2 We're eliminating the lighting on the north side of
3 the building.

4 MS. MARINELLI: Do you want this from the
5 beginning?

6 CHAIRMAN STUTO: Yes, just for clarity sake.

7 MS. MARINELLI: "It is the opinion of PEDD that
8 the building mounted blue LED lighting be only allowed
9 to the front of the building facing Central Avenue and
10 eliminated on the north side of the building."

11 CHAIRMAN STUTO: Leave the Central Avenue part.
12 Just say eliminated on the north side. We don't have
13 to say what is permitted on Central. Take that out
14 and just say eliminated on the north side.

15 MS. MARINELLI: "It is the opinion of PEDD that
16 the building mounted blue LED lighting be eliminated
17 on the north side of the building. It is also
18 recommended that the Building Department will view the
19 site at night and work with the applicant to change
20 the lighting option/settings in order to reduce
21 brightness and glare. It is further recommended and
22 advised that the Town of Colonie Land Use Review
23 Committee investigate LED signs further to distinguish
24 tangible guidelines, criteria and limitations to the
25 glowing"

1 CHAIRMAN STUTO: How does that sound?

2 MR. MION: I'll make that motion.

3 MR. LANE: Second.

4 CHAIRMAN STUTO: Any discussion?

5 (There was no response.)

6 CHAIRMAN STUTO: All those in favor say aye.

7 (Ayes were recited.)

8 CHAIRMAN STUTO: All those opposed say nay.

9 (There were none opposed.)

10 CHAIRMAN STUTO: The ayes have it. Thank you.

11

12 (Whereas the above entitled proceeding was

13 concluded at 7:50 p.m.)

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CERTIFICATION

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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 January 15, 2014

