

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 ROUTE NINE SQUARE
1095 LOUDON ROAD & 591 BOGHT ROAD
5 APPLICATION FOR CONCEPT ACCEPTANCE

6 *****

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8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on March 18, 2014 at 7:02 p.m.
at The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

11 BOARD MEMBERS:
12 PETER STUTO, CHAIRMAN
13 TINA GOODWIN SEGAL
14 KATHY DALTON
15 SUSAN MILSTEIN
16 BRIAN AUSTIN
17 TIMOTHY LANE

18 ALSO PRESENT:
19 Kathleen Marinelli, Esq., Counsel to the Planning Board
20 Joe LaCivita, Director, Planning and Economic Development
21 Michael Tengeler, Planning and Economic Development
22 Nick Costa, PE, Advanced Engineering and Surveying
23 Joe Grasso, PE, CHA
24 Donald Zee, Esq.,
25 Jake Orshan
Clarence Remer
Skip Guptil
Richard Turcotte
Clarence Remer

1 CHAIRMAN STUTO: Do you have any matters of
2 business or introductory matters before we move onto the
3 agenda?

4 MR. LACIVITA: Nothing at this time, Peter.

5 CHAIRMAN STUTO: Okay, we'll call us the first
6 matter on the agenda.

7 Route 9 Square, 1095 Loudon Road and 591 Boght
8 Road. This is an application for concept
9 acceptance. This is a 3,500 square foot mini-mart
10 with drive-thru window and fuel canopy. This is a
11 two-story, eight-unit apartment building and 5,963
12 square foot retail plaza.

13 Joe, do you have any introductory remarks on
14 this?

15 MR. LACIVITA: Just for the Board's understanding,
16 this project came before this Board once before with the
17 intent that when the Boght Fire Department moved over to
18 Canterbury Crossings, the PDD that's currently under
19 development, this site was first going to be a Stewarts
20 but designed with a commercial use for the site based on
21 zoning. The applicant before us has been before us
22 before through sketch plan and has been working with
23 this engineer through making some changes to the project
24 that you're going to see tonight.

25 I think that I'd like to turn it over to Nick

1 and the developer and they can start from there.

2 MR. COSTA: Good evening. My name is Nick Costa
3 and I'm with Advanced Engineering and Surveying and we
4 have prepared the documents that are before you tonight.

5 This site is located at the northeast corner of
6 the intersection of Route 9, Loudon Road and Boght
7 Road. It was formerly occupied by the Boght Fire
8 Department which relocated its operations down to
9 Canterbury Crossings.

10 The site is approximately 3.1 acres in size.
11 It's fully developed with the fire house, the
12 meeting building, the office building and also a
13 pavilion style building over here (Indicating) and
14 additionally the applicant has purchased this
15 separator parcel that the Boght Fire Department
16 owned which is developed with a single family house
17 with a driveway and garage.

18 The proposal for the entire existing structure
19 is to removed and the pavement to be removed and
20 redeveloped and it will be redeveloped as shown on
21 this drawing. This shows the 3,500 square foot
22 proposed mini-mart building, a gas canopy with four
23 pump islands, a retail and restaurant building back
24 here and a two-story apartment building at this
25 location (Indicating). The apartment building would

1 have a separate parking area and access drive, an
2 entrance and exit and the mini-mart and fueling area
3 would have an entrance from Boght Road as far as
4 possible that we could do it in accordance to DOT
5 recommendations. Then it would also have an
6 entrance/exit only on Loudon Road. Again, this is
7 as far from the intersection as we possibly could.

8 Then, the other component of this redevelopment
9 of the site is the building on this corner
10 (Indicating). It is a corner park area to help the
11 neighborhood utilize the sidewalks and meet here at
12 this location (Indicating). Hopefully, they are
13 visiting one of the businesses that is located at
14 this corner.

15 The site, once it's redeveloped, will increase
16 the greenspace by about five percent. The paved
17 area is reduced substantially. The building area
18 has slightly increased. The building area has a
19 total proposed of 14,878 square feet. There will be
20 76 parking spaces that will be located on the site
21 to service the new business and also the apartment
22 complex. Water and sewer are easily available to
23 the site. There is sanitary sewer already in the
24 site to service the existing building. The same
25 thing with the water.

1 For stormwater, we are taking some of the
2 developed area and placing it into a stormwater
3 management system and for the other areas, they will
4 directly go into the existing storm system as the
5 existing system currently does.

6 The plan also shows that we have nice
7 landscaping with this corner park area. Also,
8 across the site there is some deciduous and
9 evergreens.

10 The other item that I had here with me tonight
11 is the elevation of the apartment building, which
12 will have some different facade features. There is
13 some stone, some siding and some clapboard being
14 utilized throughout the two-story building.

15 CHAIRMAN STUTO: Have you distributed the
16 elevations to the Board Members?

17 MR. COSTA: The elevations were submitted, but not
18 the color elevations. The elevations were submitted as
19 a package to the Planning Department.

20 CHAIRMAN STUTO: Is that the only color one that
21 you have?

22 MR. COSTA: No, I have all the sides.

23 CHAIRMAN STUTO: Maybe you can walk those by the
24 Board Members when you're done with your presentation.

25 MR. COSTA: Sure. So, this is the front elevation.

1 This is the rear elevation and the sides. This is the
2 apartment complex. This is the mini-mart. This is the
3 front elevation. This is the right elevation and this
4 is the rear and the left elevation. This is the fuel
5 island. These are the elevations for the restaurant and
6 the retail plaza in the front right elevation. This is
7 the rear and the left elevation (Indicating).

8 That's pretty much what I have. If there are
9 any questions, I'd be more than happy to answer
10 them.

11 CHAIRMAN STUTO: Can you walk those in front of the
12 Board? Maybe the public would also like to see them.

13 MR. COSTA: Sure.

14 (There was a brief recess in the proceedings.)

15 CHAIRMAN STUTO: We're going to call the meeting
16 back up and if you have questions, we'll get the on the
17 record.

18 Nick, do you want to continue with your
19 presentation? I don't know if you have much more.
20 I was going to ask you if you were going to request
21 any waivers.

22 MR. COSTA: We do have waivers. We have a total of
23 five waivers.

24 CHAIRMAN STUTO: You want to run through those
25 quick?

1 MR. COSTA: We're asking for parking in the front
2 yard setback, which is not permitted. As we explained
3 in our narrative, we need to park out in front just
4 because of the way that the site it laid out, and the
5 drive-thru in the back has to come out to the front.

6 CHAIRMAN STUTO: And you also have two frontages.

7 MR. COSTA: That's right. The building does not
8 present the main facade and entrance toward the road.
9 Again, it's only applicable to the restaurant, I
10 believe, and retail plaza. It's very difficult to
11 present the front to the Route 9 side.

12 CHAIRMAN STUTO: Okay, it doesn't apply to the
13 apartments?

14 MR. COSTA: We wouldn't be able to physically
15 fit --

16 CHAIRMAN STUTO: You don't need a waiver for the
17 apartments?

18 MR. COSTA: Yes, we do. Again, it's a corner lot
19 and a maximum setback of 25 feet from a major road is
20 exceeded. That's only on Loudon Road. On Boght Road,
21 we do comply with that. We are requesting a 12 parking
22 space waiver. Again, under the NCOR it is encouraged
23 that the parking be reduced.

24 CHAIRMAN STUTO: Okay, we'll talk about that.

25 MR. COSTA: The fifth is greater than 20 parking

1 spaces proposed. There is 20 square feet of landscaped
2 area that shall be included in the interior. We don't
3 think that applies to us because we don't have parking
4 bays that are bigger than 20 spaces. All of our parking
5 bays are 20 or less.

6 CHAIRMAN STUTO: We'll go through that. Thank you
7 for getting that on the record.

8 We'll turn this over to our Town Designated
9 Engineer, Joe Grasso, from CHA and he can go through
10 this comments and whatever else he may have on the
11 project.

12 Joe?

13 MR. GRASSO: In your packets there is a comment
14 letter dated February 27th from our office. It's about
15 one-third of the way through your packets - and I'm
16 going to go through the comments in the letter. The
17 plan has been revised since the last time we saw it. We
18 saw it during a sketch plan review and the biggest
19 change made since that time was taking the convenient
20 store and the dumpster away from the residential zoning
21 district boundary to be greater than 200 feet. So,
22 therefore the plan is now zoning compliant even though
23 it's going to require some waivers from the Planning
24 Board, as Nick had mentioned, it's not going to require
25 any variances from the Zoning Board of Appeals.

1 Going back further in the project, it was
2 revised substantially since this applicant first
3 proposed a plan at a DCC meeting which did not
4 include this layout or the corner park. So, there
5 has been significant modifications to the plan over
6 the past year or so.

7 One of our largest or most significant comments
8 on the current plan is the issue regarding the
9 fueling canopy in front of the convenient store.
10 There is currently four sets of dispensers proposed;
11 so, eight fueling stations. What that leaves is
12 very little room maneuvering area around the fueling
13 canopy, so we would recommend that assuming that the
14 maneuvering space needs to be increased or is
15 limited based upon the site constraints --

16 CHAIRMAN STUTO: Have you discussed that one with
17 the applicant?

18 MR. GRASSO: Yes, we did. We're in agreement that
19 changes need to be made to the plan and he said that he
20 would work on that as they advance through the designs.
21 So, we're thinking that at least one dispenser is going
22 to have to be removed or possibly two; but probably a
23 minimum of one just to allow enough maneuvering space.
24 That's something that we would like to see refined as we
25 advance through the review process.

1 Second comment in our letter is regarding some
2 internal circulation and sight line issues,
3 primarily as it relates to when you're leaving the
4 convenient store heading to the north and
5 approaching that drive across the front of the
6 retail store. There is not an adequate hierarchy of
7 turning movements there and so we're looking for
8 some modifications to the site plan in that
9 location.

10 Regarding the waivers, Nick did describe all of
11 those and we agree with him as to the four required
12 waivers. We agree with the support of each of those
13 waivers. They are relatively minor and although
14 four waivers are required, those site plan criteria
15 are actually met in many instances when you look at
16 the site plan. For example, when you look at the
17 parking in the front yard, it's really limited to
18 the convenient store around the fueling canopy. For
19 the most part, the parking is kept on the side of
20 the buildings for much of the development.

21 Regarding the 12 parking space waiver, because
22 this is a mixed-use project, we do support the use
23 of shared parking across the various sites except as
24 it relates to the apartment building. That was
25 something that we had previously commented on. We

1 had recommended that the parking for the apartment
2 building be separated from the commercial use to try
3 to protect some privacy of the residential use and
4 some identity separate from the commercial
5 development and they have done a good job there.

6 We also agree with Nick's interpretation of the
7 20-stall landscape island requirement not being
8 required because they have done a good job breaking
9 up all of the parking spaces on the site to be less
10 than 20 spaces.

11 CHAIRMAN STUTO: Did they have 20 before? How did
12 that issue come up?

13 MR. GRASSO: In one of these earlier plans -- I
14 can't remember if it was the DCC plan or if it was the
15 one in sketch plan, but that's where the comment was
16 first raised. We'll keep tracking that through the
17 process.

18 CHAIRMAN STUTO: So, it's a non-issue.

19 MR. GRASSO: It's a non-issue as of right now.
20 It's a decision for the Board prior to final site plan
21 regarding the waivers and if the Board is supportive of
22 those, we'll work on making sure that there is adequate
23 justification in the file to base your findings and
24 we'll draft findings based on your review as we advance
25 through the review process.

1 In terms of access to the site, that's
2 something that's been looked at closely by our
3 office and DOT and they've done a good job
4 restricting the access on a lot of the roads so that
5 vehicles are not allowed to take a left turn on that
6 curb cut on Loudon Road. They've also pushed the
7 curb cuts on Boght Road further away from the Route
8 9 intersection which was also one of our earlier
9 concerns. We've gotten comments from DOT and they
10 are generally in favor of the proposed access for
11 the site, which is good. A lot of times at concept
12 we don't see this much advancement of the plan.

13 One of the comments that we've raised
14 throughout the project, and we've seen it reiterated
15 by DOT and CDTA as well as the Planning Department
16 in their comments, is regarding the pedestrian
17 accommodations. There has been a pretty consistent
18 comment regarding the need for pedestrian
19 accommodations both within the development
20 internally, as well as external around the perimeter
21 of the site and out to the Loudon Road and Boght
22 Road intersection. There is also the need to make
23 sure that we have logical termini in place for all
24 of these pedestrian connections because this is
25 right at the corner of the intersection. We're

1 looking to make sure that we've got pedestrian
2 connections across Route 9 and across Boght Road so
3 that we have logical terminations and we can work on
4 the details of those conditions in terms of handicap
5 accessibility, push button signals, countdown timers
6 and landing pads. We can work on those details as
7 the project advances through the review process.

8 CHAIRMAN STUTO: I just want to make one comment to
9 the public.

10 If someone wants to speak on this, can you sign
11 in on that sign in sheet near the door? Thank you.

12 Go ahead, Joe.

13 MR. GRASSO: Comment six is really regarding the
14 stormwater management approach. Because the project is
15 only at concept, we don't have a lot of detail regarding
16 the stormwater management approach. They have started
17 their site investigation, so they've started to
18 memorialize where those treatment practices would occur.
19 There is a large one located behind the apartment
20 building and that's something that we'll get more detail
21 on as the project advances through the design process.

22 Comment eight is regarding the screening
23 between the apartment building on Route 9 and the
24 adjacent single family residences east on Boght
25 Road. From the plan you can see that there is a

1 large evergreen row of trees there proposed. We'll
2 have to look at the detail in terms of the spacing
3 and the size of those trees to make sure that there
4 is an adequate buffer there between those two
5 different land uses there. That's something that
6 the Board may want to weigh in on.

7 Our last comment is regarding the SEQRA review.
8 The project is located in the Boght area GIS. So,
9 it is generally in conformance with the statement of
10 findings. Mitigation fees are applicable in that
11 GIS study area which this project will need to pay.
12 So, basically it's their fair share contribution
13 towards transportation improvements and park
14 improvements that benefit the whole GIS study area.

15 They have also completed a full environmental
16 assessment form, so that's in your packet. We have
17 reviewed that. It does a good job describing the
18 setting of the project as well as the potential
19 environmental impacts associated with the project.
20 As of right now, there are no red flags out there
21 that we've seen that would require a more in-depth
22 level of environmental investigation or a
23 preparation of an environmental impact statement.
24 That's something that we can continue to look at as
25 we go through the review process. If the Board is

1 satisfied with the project, then we'll work on
2 drafting SEQRA determination documentation later on
3 as we move toward determination.

4 CHAIRMAN STUTO: Do you have any comment on the
5 architecture as it's proposed?

6 MR. GRASSO: There is nothing in our comment
7 letter. We like to hear from the Planning Board as it
8 relates to the architecture.

9 The one thing that I would say is that when you
10 look at the project, it's going to have obviously
11 strong visibility from the intersection as you
12 approach the site from the south and from the west.
13 I would also like to make sure that the Board is
14 aware that the visibility of the apartment
15 building -- what you would consider to be the back
16 of the apartment building as you approach Boght Road
17 from the east -- you're going to be looking at that
18 elevation and when Nick was describing the
19 elevation, it's not as detailed as the front
20 elevation so there is no use of stone. Something
21 that the Board may want to take a close look at is
22 that rear elevation. With regard to the retail
23 strip plaza as you approach the site from the north
24 coming down Route 9, you can look at the orientation
25 of that building and it's going to be a pretty

1 dominate view back there so you can see the
2 elevations of the mechanical equipment up on that
3 back roof. There is not that much architectural
4 treatment to the back of that building and to that
5 one side elevation that faces Route 9. Those are
6 things that I would just like to bring to the
7 Board's attention to make sure that you take a close
8 look at it and either raise any concerns or not
9 regarding those elevations.

10 CHAIRMAN STUTO: Donald Zee, are you here on this
11 project?

12 MR. ZEE: Yes, I am.

13 Can we have the site plan put back up?

14 For the record, my name is Donald Zee. I'm an
15 attorney for several adjacent property owners.
16 There are two properties immediately to the east on
17 Boght Road. One is owned by the Nagle family and
18 the second property is owned by Biscanney Bay, LLC.
19 Across the street of Boght Road is a private road
20 known as New England Avenue and that is a private
21 road. I represent the property owner who owns New
22 England Avenue as well as all the residential
23 properties that front on New England Avenue.

24 CHAIRMAN STUTO: Can you show me where New England
25 Avenue is? I can't see it.

1 MR. ZEE: It's right here (Indicating) and this is
2 my client's property (Indicating).

3 CHAIRMAN STUTO: Is that the first street or the
4 second street from Route 9?

5 MR. ZEE: There are two streets there. This is the
6 first one. The second street is Landor Lane and I want
7 to talk about that in a moment.

8 If I may approach, I just want to give out some
9 photographs for the Board to look at.

10 The first photograph that I'm passing out is
11 labeled 1 on the back. It is the home of the Nagle
12 family which is located here (Indicating). It's not
13 shown on this aerial photograph because it's been
14 recently constructed.

15 The second photograph is looking from the
16 property line of this project, looking at the Nagle
17 home. So, you see that there is no real vegetation
18 any buffer that exists currently between the
19 applicant's property and where my client's home is.

20 CHAIRMAN STUTO: Can you show us where the Nagle
21 home is?

22 MR. ZEE: Right here (Indicating).

23 The third photograph shows the single family
24 home by the Biscanney Bay, LLC which is located
25 right here (Indicating). That's photograph 3.

1 Photograph 4 shows a viewscape of Boght Road as
2 you look easterly. Photograph 5 shows a viewscape
3 from New England Avenue towards the property and you
4 will see the single family home that is to be torn
5 down. You will see on that photograph the home
6 owned by Biscanney Bay and you will also see in that
7 photograph the home owned by the Nagle family. So
8 looking from this area here you can see how close
9 everything is from the viewscape in this area.

10 Obviously, from looking at the Nagle home I
11 think that you can see that it's a quite attractive
12 recently built home. They have great concerns with
13 regard to what is being proposed immediately to the
14 left of their property line. The Biscanney Bay home
15 is also very well maintained. It is a single family
16 home and to have both properties look at the rear of
17 a eight-unit apartment building, we think is really
18 inappropriate and we don't believe that a waiver
19 should be granted for that.

20 With regard to the viewscape, I had mentioned
21 from New England Avenue, that is very important
22 because my client who owns New England Avenue is the
23 Guptil family. The Guptil family knows a lot about
24 what has occurred in this specific area and they
25 wanted me to point out that there are historically

1 severe stormwater management issues in this area.
2 In fact, approximately five or six years ago
3 stormwater flowed down New England Avenue, crossed
4 over onto Landor Lane and flooded out the foundation
5 at 6 Landor Lane. Because of the flooding and the
6 damage caused, the Town of Colonie, to my
7 understanding paid for the rebuilding of the 6
8 Landor Lane home. We are very concerned about any
9 future development that occurs on this property and
10 the stormwater systems that really are totally
11 inadequate for this area. I understand that your
12 Town Designated Engineer says that they don't have
13 enough information, but that is something of great
14 concern.

15 I understand in looking at the documents as
16 submitted by the project applicant who talks about
17 the amount of impervious surface when he submitted
18 his report, but I just heard from the Town
19 Designated Engineer that there has been an agreement
20 because the poor maneuvering around the canopies and
21 the proposed fuel pumps that better maneuvering has
22 to take place. To me, better maneuvering means more
23 impervious surface because you need more blacktop to
24 maneuver around. The second aspect showing the
25 photograph of Boght Road which is the fourth

1 photograph, you see that as being really a narrow
2 roadway. It is heavily traveled as we all know.
3 That's important to me because when the applicant
4 seeks a waiver for parking for 12 parking spaces, if
5 they are wrong and they need the 12 parking spaces,
6 where are they going to park? Not on Route 9. Are
7 they going to park on my client's private owned
8 road, Landor Lane or are they going to park on Boght
9 Road? I just want to read the exact rationale that
10 the applicant uses for why parking should be
11 reduced.

12 It's basically saying upon the development of
13 the entire site, the apartment building residents
14 will become customers of the proposed restaurant,
15 retail and mini-mart facilities. This will result
16 in the reduced requirement for parking since the
17 apartment residents are within walking distance from
18 these facilities. I've got to tell you that I've
19 appeared before a lot of Boards and I've heard a lot
20 of argument, but I think that it's quite out there
21 because the people in the eight apartments will be
22 able to walk to the Dunkin Donuts - that's why we
23 don't need to meet the parking requirements of the
24 additional 12 parking spaces.

25 The apartments are all two-bedroom apartments,

1 I believe, and they show to the square footage
2 around 5,500 square feet of coverage. They're
3 two-stories so they're 10,000 square feet plus
4 probably close to 11,000 square feet of space in the
5 units where they are over 1,100 square foot
6 apartments - if those people consist of maybe 50 or
7 60 percent of the sales of the Dunkin Donuts or the
8 sales of the convenient mart or the sales of the
9 other unidentified restaurant which requires a
10 drive-thru window, maybe that argument might be
11 legitimate in my opinion. But to say that because
12 they are so close to these entities we don't need
13 the extra 12 parking spaces - I think that's really
14 ridiculous to incite that as the ground for it.

15 The majority of the apartment dwellers are
16 going to go to work generally from 7 in the
17 morning -

18 CHAIRMAN STUTO: Okay, we get your point. I don't
19 think that you need to belabor that particular point.
20 We get what you're saying.

21 MR. ZEE: I think that it's important to talk about
22 because -

23 CHAIRMAN STUTO: I'm not sure if that's the entire
24 argument that they made about parking, but we get what
25 you are saying. They're not going to constitute a high

1 percentage of customers. We get that.

2 I have to move on to other speakers, so I just
3 want to let you know that we understand.

4 MR. ZEE: I'm just going through -

5 CHAIRMAN STUTO: That's fine. We understand that
6 particular point. We get it.

7 MR. ZEE: I think that when you talk about then
8 adding more parking space beside adding more
9 maneuverability, you are increasing more impervious
10 surface which adversely impacts stormwater management
11 which historically has been a problem there. So, that
12 is the entire point with regard to why. They talked
13 about the need for the parking and we disagree. That
14 addresses the stormwater issue and we have a concern
15 about that.

16 It's also important to point out with regard to
17 stormwater - the applicant admits in his own EAF
18 that 70 percent of the site is poorly drained. So,
19 I don't know what kind of soil information or soil
20 borings or where the ground water is, but I think
21 that is really relevant information for a project of
22 this scope. Given the fact that they talked about
23 the second restaurant besides the Dunkin Donuts that
24 they show, and it appears that they must know who
25 the tenant is because they specifically indicate

1 that the tenant needs a drive-thru window. Has
2 there been any indications of who that user is?

3 CHAIRMAN STUTO: There is a Dunkin Donuts.

4 MR. ZEE: I mean the second restaurant. They
5 specifically talked about the fact that it must have a
6 drive-thru window.

7 CHAIRMAN STUTO: We will ask the respondent.

8 MR. ZEE: It says the proposed restaurant/retail
9 building requires a drive-thru. So, if you know that it
10 requires it, I was just wondering what the nature of
11 that second restaurant is and what are its hours of
12 operation. Is it the type of a sit-down restaurant?
13 How many employees will there be? Those are the types
14 of things that I think are relevant. Realistically, my
15 clients do not object to this parcels being developed.
16 What we believe is that it is proposed to being
17 over-developed.

18 We do have a concern, as I said earlier, with
19 regard to the waiver of the residential building not
20 facing the street because if you have it face the
21 street then my clients don't have to see the rear of
22 a building. We agree that if they are forced to
23 look at the rear of the building, it should have
24 substantially more landscaping put in and we should
25 also have substantial improvement into the look of

1 the structure itself.

2 If in fact the Board is willing to consider the
3 waiver of the 12 parking spaces, I still think that
4 it would be good planning in my opinion that you
5 require the applicant to show space for where those
6 parking spaces would be placed in the event that
7 their calculations are wrong or their estimations
8 are wrong, so that there would be an area where they
9 could be land-banked. This way, as I said, if they
10 don't know who the restaurant is or who the
11 retailers are to occupy those two spaces -- various
12 retailers require more parking than others. We
13 think that it's necessary to make sure that all
14 future possibilities are covered. Thank you.

15 CHAIRMAN STUTO: You bring up a lot of good
16 points. Thank you. I'm going to allow the developer to
17 respond, if they want.

18 I've been taking notes, so I'll help you go
19 through them.

20 Joe, if you want to jump in, please jump in.

21 Why don't you talk about drainage first?

22 MR. COSTA: The drainage pattern on the site -

23 CHAIRMAN STUTO: Let me just ask, is it true that
24 the Town paid for a foundation that got wiped out? Is
25 that what I understand?

1 MR. LACIVITA: That is unbeknownst to me, Peter.
2 I can check into it.

3 MR. LANE: How long ago was that?

4 FROM THE FLOOR: That was during the former
5 administration.

6 MR. LANE: So, we're talking 10 or 15 years?

7 CHAIRMAN STUTO: I thought that was a recent storm.

8 FROM THE FLOOR: No, it was about five or six years
9 ago.

10 CHAIRMAN STUTO: That's not a major factual point.
11 Why don't you talk about drainage?

12 MR. COSTA: The current drainage pattern on the
13 site is that -

14 CHAIRMAN STUTO: We have the Ventura subdivision
15 right down-stream from us, right?

16 MR. GRASSO: To the east.

17 CHAIRMAN STUTO: So, it's the same neighborhood.

18 MR. COSTA: The drainage goes toward a series of
19 catch basins that are located at the intersection, that
20 take the water down to the kill at the Canterbury
21 project. The rest of the site drains out to a roadside
22 swale and then it goes to a closed drainage system that
23 drains out to about here at this location (Indicating).
24 We're going to maintain those drainage patterns. Where
25 we are increasing the pervious area, we are going to

1 create detention systems that will mitigate -

2 CHAIRMAN STUTO: You're increasing the pervious?

3 MR. COSTA: The impervious, I'm sorry. At those
4 locations that we are increasing the impervious area,
5 we're going to mitigate that by installing detention
6 basins to reduce the run-off.

7 CHAIRMAN STUTO: Where will that probably be? I
8 see the stormwater management area - a big one - on the
9 drawing.

10 MR. COSTA: As I said before, we are reducing
11 substantially the run-off at this location (Indicating).
12 We're removing a lot of impervious area and we are
13 creating a substantial green area at this location
14 (Indicating). At this location what we are doing is
15 we're taking the apartment building - because the
16 building is really replacing the existing single family
17 home - and we're going to take that and put the water
18 run-off from that into that detention basin.

19 CHAIRMAN STUTO: You had a comment about the
20 run-off from the apartment building?

21 MR. GRASSO: Yes, the details of it, but also what
22 that area there was treating and what the purpose of
23 that was for.

24 CHAIRMAN STUTO: Is that the natural flow into that
25 area?

1 MR. COSTA: We're going to put it in here
2 (Indicating) and discharge it out to the road, where it
3 actually goes today.

4 CHAIRMAN STUTO: Is it going to filter through the
5 ground, or is there an underground catch basin?

6 MR. COSTA: We're going to discharge it into a
7 swale that takes it out to an existing roadside swale
8 that goes into a closed drainage system. So, it's going
9 to maintain the same drainage patterns that occur with
10 that.

11 CHAIRMAN STUTO: Is that the summary?

12 MR. COSTA: Yes.

13 CHAIRMAN STUTO: Do you have any comments on that?

14 MR. GRASSO: Two things, as it relates to
15 stormwater that I think are critical. One is the amount
16 of run-off that leaves the site in the future condition
17 as it relates to the current condition needs to be
18 less. We'll review it for that. Those are the
19 standards that he's going to have to design to.

20 The other thing that I would just caution is
21 because Boght Road does not have a well defined
22 closed drainage system along its length, how you tie
23 into that is going to be critical. We want to make
24 sure that as you look at your point of discharge,
25 we're not sending run-off down to a system that

1 didn't see it before or can take the capacity.
2 Those are the things that we're really going to
3 focus in on.

4 CHAIRMAN STUTO: Are there other enhancements we
5 can do to make it even better?

6 MR. GRASSO: Through the normal design process we
7 will be over-designing the system to meet the standards.

8 MR. COSTA: That's why it's shown as such a large
9 area because we are intending to do some additional
10 detention in there.

11 MR. GRASSO: And there is no question because there
12 aren't stormwater management improvements already on the
13 site that are already developed, he has an opportunity
14 to over-design it and make the situation better. It may
15 not be appreciable or seen by the down the street
16 properties, but we will check it from an engineering
17 calculation standpoint.

18 CHAIRMAN STUTO: Can you address the parking
19 waivers and the comments made by the applicant on the 12
20 spots?

21 MR. COSTA: Yes, again, we were following the NCOR
22 recommendation and the mixed-use zoning in that there
23 would be some parking sharing. If we show some future
24 parking, we have room on the site for the 12 extra
25 spots.

1 CHAIRMAN STUTO: That might be helpful. What do
2 you think, Joe?

3 MR. GRASSO: Yes. I think that was a great comment
4 that Don raised and that is something that we often look
5 for in site plans when the Board is considering a
6 significant waiver, especially when we've got some
7 unknown tenants and some uses that can create a high
8 parking demand like a restaurant. So, I think that's
9 appropriate - trying to find a spot on the parcel to
10 accommodate those 12 spots. It's less important for the
11 apartment building because I think that the parking
12 there is sufficient for the use, but regarding the
13 commercial space I think -

14 CHAIRMAN STUTO: What's relative to you? Do you
15 think that there are enough parking spaces there?

16 MR. GRASSO: Based on the variety of mixed-uses
17 that we already see in the plan and the way that the
18 parking is laid out, we're supportive of a waiver but we
19 are also supportive of land banking parking. It's a
20 great way just in case we run into a problem and the
21 Town has to require them to build that, it would be good
22 for us to know exactly what parts of the site may need
23 to be developed. I'd rather be proactive and get it
24 identified on the plans so that we can review it. And
25 you can address it from a stormwater standpoint too, all

1 at this time.

2 CHAIRMAN STUTO: To the applicant, do you have any
3 comment on who the tenant might be that requires a
4 drive-thru?

5 MR. COSTA: No, we don't. The retail and the
6 restaurant haven't been identified. We're not working
7 with anything in particular at this time.

8 MS. DALTON: Then how do you know you need a
9 drive-thru?

10 MR. COSTA: We think that having that option
11 certainly opens up to opportunities for the applicant.

12 CHAIRMAN STUTO: Back to the apartment waiver and
13 whether there is adequate screening and the architecture
14 in the back of the building; can you address that?

15 MR. COSTA: We can take a look at that. In the
16 rear of the apartments there could be more screening.

17 One thing that I want to mention is that there
18 was a zone change to this property that is adjacent
19 to the applicant's property. It was changed from a
20 NCOR to a SFR.

21 MR. GRASSO: Do you know when that was?

22 MR. COSTA: I don't know exactly.

23 CHAIRMAN STUTO: That was on the Nagle property?

24 MR. COSTA: Yes.

25 CHAIRMAN STUTO: Did you want to comment on that,

1 Joe LaCivita?

2 MR. LACIVITA: I was just saying that there was a
3 subdivision done there. I don't know where specifically
4 when the change was, but we can certainly find that out.

5 MR. ZEE: The subdivision will be in the last three
6 years. The home was just built -

7 CHAIRMAN STUTO: When was the change in zoning,
8 more importantly?

9 MR. ZEE: That, I don't know. My client acquired
10 it well after the zoning change occurred.

11 CHAIRMAN STUTO: That hits all the points that I
12 heard.

13 We'll go back to the public.

14 Richard Turcotte.

15 MR. TURCOTTE: Good evening. I live at 596 Boght
16 Road which is on the corner of New England and Boght
17 Road, directly across from this project.

18 CHAIRMAN STUTO: Going towards Route 9 or the other
19 way?

20 MR. TURCOTTE: Towards Route 9. My concern is
21 lighting from all this project across the street, the
22 canopy and whatever other lighting might be there. My
23 living room and bedroom windows face this project and am
24 I going to be subjected to an awful amount of light
25 coming into the house?

1 The second concern is the noise issue when they
2 start construction on this. I don't know what time
3 in the morning that they are going to start this. If
4 it's 7:00, that's going to wake me up.

5 The third concern is I know that there is a lot
6 of shale over there and they're going to have to get
7 through that shale. Is there going to be any damage
8 to my house? When they put sewer lines in, I did
9 have some walls crack.

10 CHAIRMAN STUTO: Okay, we have three items and I'll
11 ask the applicant to address. Thank you.

12 Lighting, noise and during construction - too
13 early in the morning and the shale - I'll let you
14 respond to those.

15 MR. COSTA: We have a lighting plan for the canopy.
16 It's difficult to see. We are going to meet the
17 requirements for lighting under the canopy. There are
18 standards for that and we're going to do whatever we
19 need to do to cut it off so that it doesn't project out
20 and annoy the neighbors.

21 CHAIRMAN STUTO: Joe Grasso, did you see those
22 plans?

23 MR. GRASSO: I did not review those, no.

24 There are a couple of things. You're not
25 allowed to create lighting, trespass off your

1 property. That's one thing that we look closely at.
2 Another thing is we are going to regulate the
3 lighting height, I think that it's 18 feet in this
4 zone. We can also look at the sight lines from the
5 adjacent property to make sure that 18 feet is
6 appropriate. If it's not and we think that it's too
7 high, we can obviously go lower. We also look at
8 the style of the fixture to make sure that it's not
9 protruding down below the housing so that we don't
10 get glare where the neighbors can look up there and
11 see that bright light. Those are the things that we
12 will be looking at as they provide additional
13 detail.

14 CHAIRMAN STUTO: Please take a close look at that.

15 MR. GRASSO: Understood.

16 MR. COSTA: With regard to the noise from
17 construction activity, 7:00 is probably the normal start
18 time for construction. Does this mean that they will be
19 going full blast at 7:00? Most likely, no.

20 CHAIRMAN STUTO: No earlier than 7:00?

21 MR. COSTA: I don't think so.

22 CHAIRMAN STUTO: Can you make that a note?

23 MR. GRASSO: Yes.

24 MR. COSTA: The other question with regards to the
25 removal of shale - most of the development side has

1 already been well developed and there has been a lot of
2 removed materials. We're hoping that the pads that we
3 are going to be constructing will fall within some of
4 those areas and in other areas it becomes necessary to
5 do something that may require rock removal and not just
6 shale ripping, but rock removal.

7 CHAIRMAN STUTO: What would be the worst case
8 scenario that might affect him?

9 MR. COSTA: Blasting. We don't believe that we're
10 going to get into the blasting because the site has been
11 developed.

12 CHAIRMAN STUTO: Are there any other residents that
13 want to speak?

14 MR. ORSHAN: I didn't sign the sheet, but I'm Jake
15 Orshan and I've lived in the area all my life and I know
16 the Guptils and there isn't anything that they do that
17 isn't close to being perfect. They're very good in what
18 they create. We never knew that the property east of
19 the fire station - that the zoning was changed on it
20 years ago. The home that is built there is one of the
21 nicest looking homes that is in Boght Corners and the
22 Guptils have dumped a lot of money into that area to
23 take care of the drainage and all that. Quite a bit of
24 the water used to come down still does, and it comes
25 from north of that intersection north of the firehouse

1 behind [SIC] Emerton Associates and what's down through
2 there. I do remember what Mr. Guptil was talking about
3 as far as the Landor's home and that was because of a
4 water issue. We have gone. As you mentioned, we have
5 sold the corners. If we could, we would have liked to
6 have built there but we just couldn't afford to build
7 there and we had the opportunity to buy property -

8 CHAIRMAN STUTO: You're speaking about the new
9 firehouse.

10 MR. ORSHAN: Right. I can't picture the corners
11 not improving in looks as far as Mobil or whatever going
12 in there because their stations, as you know on Wade
13 Road, is beautiful. I think that would improve the
14 corners, as long as the contractor does whatever he is
15 supposed to do by the Planning Board.

16 I do have compassion for the Guptils and the
17 curb cuts because they do live across the street.
18 The Guptils own three or four homes over there and
19 I'd hate to see any of that disturbed.

20 CHAIRMAN STUTO: Thank you.

21 Any other residents?

22 MR. REMER: I'm Clarence Remer. Freihofer's
23 manager there said that Freihofers has been notified by
24 the DOT that a roundabout is going there. Has anyone
25 investigated that? That's what they said.

1 CHAIRMAN STUTO: Let's address that.

2 Anybody know anything about this?

3 MR. COSTA: We met with DOT's, Kevin Novak. He's
4 been to the DCC meeting. He just commented on our
5 proposal and there hasn't been any identification of a
6 roundabout.

7 MR. REMER: Somebody said that they were going to
8 put it in.

9 CHAIRMAN STUTO: I don't think that's the spot for
10 a roundabout.

11 MR. LACIVITA: A roundabout was not identified for
12 that improvement in the Boght GIS.

13 CHAIRMAN STUTO: Do you have any other comments,
14 sir?

15 MR. REMER: No.

16 CHAIRMAN STUTO: Mr. Guptil?

17 MR. GUPTIL: Mr. Stuto, I'd like to invite Mr.
18 LaCivita and Nick to come out. We're missing what we're
19 talking about regarding the water on the Guptil
20 property. It would be nice if we could just do a walk.
21 Everybody on the Board is welcome to come, too. I want
22 to show where the water is. We're an 80-year old
23 business there and I'm very familiar with where the
24 water goes on the one side of the road, versus the other
25 side. You could come as well as anybody else, but I'd

1 like to have an appointment with you people to come out
2 and look at the water.

3 CHAIRMAN STUTO: I have no objection to that.

4 MR. GRASSO: I'd like to go, too.

5 MR. ZEE: In just talking about one or two points
6 that were brought up earlier, as I said, my client's
7 concern deals with the rear of the building and the
8 privacy. That is a very important factor and that's why
9 they chose the property that they did and had the home
10 that they built.

11 The second thing the gentleman brought up was
12 with regard to noise. I have been to a lot of gas
13 stations where they have this background music all
14 the time. Here, they are saying that this is going
15 to be opened 24/7. I want to make sure that at
16 certain hours that music is going to be cut out or
17 that they never have it. I understand with regard
18 to the lighting plan about the lights going down,
19 but what about restrictions with regard to the
20 operations of the Dunkin Donuts? I think that they
21 said that the operations start at 5:00 in the
22 morning and it's going to go to 10:00 at night.
23 What kind of lighting are they going to have within
24 the building that is going to filter out to the
25 community as well as the other operations that they

1 are going to have there which are still unknown.
2 Now that there is a response that there is no second
3 restaurant that is known, I would really believe
4 that having the drive-thru window for an unknown
5 restaurant that they don't know about is really
6 adding too much for this parcel. You would
7 eliminate possibly a lot of need for impervious
8 surface in the rear of the building. Also, with the
9 fact that you have the drive-thru windows, I don't
10 know how they are going to be operated but they
11 often require somebody to call in and say "This is
12 what I'm ordering". That goes to the issue of the
13 noise.

14 Just a little bit more about Mr. Guptil's
15 concern about the flooding: He didn't point out and
16 he mentioned to me earlier that just a couple of
17 weeks ago with the snowfall and everything there is
18 flooding there and he had to bring a back hoe in
19 along this area to in fact clean out the drainage
20 soils so that the water could continue to flow. We
21 really do have a concern with regard to stormwater
22 and once again we welcome anyone who would want to
23 walk the site.

24 CHAIRMAN STUTO: Thank you. I appreciate it.

25 Any other comments?

1 (there was no response.)

2 CHAIRMAN STUTO: Board members?

3 MS. GOODWIN SEGAL: I just wanted to bring up the
4 issue of the back of the property that I think is a
5 restaurant - the one that we said that if you were
6 coming south on Route 9 that would be very visible. I
7 think that it was mentioned that maybe there could be
8 some improvements to the look of that building and I'd
9 like that to be on the record. I think that is
10 something that I think would be a good idea.

11 CHAIRMAN STUTO: Susan?

12 MS. MILSTEIN: This looks very busy between the
13 Dunkin Donuts and the restaurant. I am concerned about
14 the driving patterns, the congestion and the problems
15 there. I am concerned about adequate parking. I have a
16 lot of concerns about this project in general, let alone
17 the facades. I'm not that concerned about the facades.
18 We can ask you to do certain things. That's the easy
19 part. My bigger problem is just whether this is too
20 much for this parcel.

21 CHAIRMAN STUTO: Joe, do you have any response to
22 that?

23 MR. GRASSO: Not directly. There is a lot going
24 on, I'll admit, regarding the site and some of the
25 separation of the parking areas and the uses based on

1 some comments that they may have been trying to respond
2 to earlier in the process.

3 This zoning district does stipulate some
4 maximum density development and they are
5 approximately at 50 percent, both at residential and
6 commercial. So, from a maximum zoning density,
7 they are much less than they would otherwise be
8 permitted. Nonetheless, the site plan has to work.
9 If there are specific things that the Board has
10 concerns with, now is a great time to bring them up
11 and we can work with the applicant if things move
12 forward.

13 MS. MILSTEIN: The problem that I see it's 50
14 percent, but it's all condensed in one area and that's
15 really tight especially when it comes to parking. You
16 have a restaurant and two retails and at peak hours can
17 it really handle the traffic that they are saying? It's
18 hard to say because I don't know the details and I don't
19 know the rest.

20 MR. GRASSO: There were two areas of the site that
21 there were concerns raised earlier on in the project
22 reviews regarding density and that was up at the corner
23 of Loudon Road and Boght Road. They are trying to limit
24 the amount of development there so they have proposed a
25 park there. It's on the east side of the site that the

1 parcel that is right now a single family home -- there
2 was a concern about encroaching commercial development.
3 Previously the Board saw a plan with commercial
4 development all the way to the eastern border of the
5 site which had been a concern. In some respects this
6 plan now does cluster the development into that center
7 portion of the site. There is a lot going on there,
8 I'll admit.

9 CHAIRMAN STUTO: Tim?

10 MR. LANE: Were there any other configurations that
11 you tried? Is this the only one that really worked with
12 the traffic?

13 MR. COSTA: No, there were several others that we
14 tried.

15 MR. LANE: Would it work to flip the retail with
16 the apartments?

17 MR. COSTA: We left the apartments there because we
18 thought that it was a good transition from the
19 commercial to the residential.

20 CHAIRMAN STUTO: In a sense, the apartments stand
21 alone; is that correct?

22 MR. COSTA: That's correct; right.

23 MR. LANE: Would it alleviate it if you turned the
24 apartment complex facing Boght? Would that eliminate a
25 waiver to get into the parking?

1 MR. COSTA: Then the residents would potentially be
2 looking at a parking lot. We'd have to put the parking
3 lot somewhere. By using that area for the building, the
4 building would take up much of that area but you'd then
5 have parking on the back or on the side.

6 MR. LANE: Would that necessarily be bad to have
7 the parking in the back?

8 MR. COSTA: Would they want to look at a parking
9 lot or the rear of a building?

10 MR. ZEE: They'd rather look at the parking lot
11 because it's easier to landscape. They would have the
12 second story looking down on them.

13 MR. LANE: And lighting is an issue with the
14 parking lot? Why would it be an use there?

15 MR. COSTA: It would be closer to the property
16 line.

17 MR. ZEE: They would still have to comply, but they
18 wouldn't go off the site.

19 CHAIRMAN STUTO: Joe Grasso, do you have any
20 comment on that?

21 MR. GRASSO: That's something that I think that the
22 Planning Board should weigh in on. I understand the
23 reason of trying to keep the apartment building closer
24 to the residential property line. I personally think
25 that there is less impact with a building as opposed to

1 a parking lot between cars coming in and headlights
2 shining. Yes, it can be screened.

3 MR. LANE: So, the building itself becomes a
4 buffer?

5 MR. GRASSO: Yes, absolutely. That's up to the
6 Board to decide. If you feel like the parking lot
7 should be in the front, or the back, or on the side
8 that's up to you.

9 MR. COSTA: We have a plan that shows the building
10 parallel to Boght Road.

11 CHAIRMAN STUTO: And was that closer to the road
12 and parking in the back?

13 MR. LANE: So, the building would be parallel to
14 Boght. That's exactly what I was thinking.

15 CHAIRMAN STUTO: If you live there, what would you
16 rather look at?

17 MS. MILSTEIN: Ask the neighbors.

18 CHAIRMAN STUTO: We will.

19 MR. REMER: I was just concerned how many parking
20 spots are being allocated?

21 MR. COSTA: Sixteen. As we work through the
22 different various scenarios of the plan, it generally
23 became everybody's concurrence that the building -

24 CHAIRMAN STUTO: Would act as a buffer and it would
25 be better that way.

1 I'll have Mr. Zee speak on behalf - on the way
2 that we're going to align that building and the
3 parking lot.

4 MR. ZEE: We would rather see the parking lot
5 because I think that you look at cars and even with SUVs
6 that are going to be a certain level and you have
7 plantings that are going to exceed that height, it's a
8 residential use. So, it's going to be somewhat
9 compatible in residential uses. Not everybody is going
10 to work during the day time. That's as opposed to
11 having the two-story building looking out and having
12 eight apartments looking down at my client's property.

13 CHAIRMAN STUTO: You're still going to see the side
14 of the building.

15 MR. ZEE: Understood.

16 MR. GRASSO: If that's the consensus of the Board I
17 think that we can work with the applicant and get the
18 building parallel to Boght Road up front and put the
19 parking area in the back.

20 MR. LANE: Yes, I would like to see that
21 configuration, if you still have that.

22 My only other comment was with regard to the
23 retail facility. It's hard because you don't know
24 who is there yet but I thought to add something to
25 the building, maybe a canopy walkway of some sort or

1 something that covers that walk to give it a little
2 more character.

3 MR. COSTA: I think that there is. I think that
4 there is an overhang.

5 MR. LANE: How big is that overhang? Does that go
6 over the entire sidewalk?

7 MR. COSTA: Yes.

8 MR. LANE: What would that distance be on that
9 overhang?

10 MR. COSTA: I would say that it would be at least
11 seven feet. That was the intent. That indentation
12 would be to provide for the overhang. Again, we also
13 want to make the point that the adjacent parcel was
14 changed from NCOR to single family residential. At the
15 time that it was changed, they knew that it was going to
16 be next to an NCOR.

17 MR. LANE: You mean the new properties - you're
18 talking about the new development.

19 MR. COSTA: Right.

20 CHAIRMAN STUTO: I don't think that there is anyone
21 seriously challenging your use of the property or the
22 density, really. That's not what I am hearing. It got
23 rezoned a while ago, it sounds like.

24 MR. ORSHAN: I haven't heard what is going to be
25 first; A, B or C. Is it going to be the apartments, the

1 gas station or -

2 CHAIRMAN STUTO: In terms of construction?

3 MR. ORSHAN: Yes.

4 CHAIRMAN STUTO: Why don't you hold that thought?
5 I'm going to get through the Board comments and then
6 we'll get back to that.

7 MR. AUSTIN: I have some concerns. It feels
8 crowded to me. I think that if the apartment building
9 is parallel, it seems more crowded in a way.

10 A gentleman once told me it's like putting 10
11 pounds in a five pound bag. It's like you're trying
12 to put so much stuff on these parcels. The traffic
13 patterns for drive-thrus - it looks as though you're
14 going to have queuing issues with cars and the
15 second restaurant, if it does have in fact a
16 drive-thru window. What are the delivery truck
17 times? Are there going to be delivery trucks going
18 into Dunkin Donuts and the retail and also
19 potentially the restaurant? How do they come in?
20 What about the dumpster collection times? I think
21 that would potentially affect the residents across
22 the street.

23 I think that if Mr. Hershberg was involved in
24 this property, there would be pervious pavement.

25 MR. COSTA: Not on shale.

1 MR. AUSTIN: That's true. I'm questioning the
2 whole park. I like parks. Parks are nice. I like
3 seating areas and bushes and stuff. Sitting in the park
4 and watching the traffic on Route 9 - or the Cumberland
5 Farms across the street - I'm not sold on the park. I
6 think that it reminds me of the park down in
7 Loudonville, on the triangle down there. I never see
8 any people in the park. It's a nice park, but there
9 isn't a whole lot of people that go there.

10 CHAIRMAN STUTO: It's visually nice. I drive by it
11 every day. When you drive by, you have a warm fuzzy
12 feeling.

13 MR. AUSTIN: I'm not sold on the park.

14 The last thing that I have is the architecture.
15 I like the apartment look and the Dunkin Donuts look
16 and the gables. It's kind of what we are going with
17 and the direction in the Town. It's like what Mr.
18 Orshan said about the Stewarts and the almost
19 colonial kind of look, and then we have the
20 restaurant retail with a shed roof. It's just kind
21 of flat. To have the matching gables on that facade
22 to kind of tie it all together would make it more of
23 a community feel. I've seen a lot of colonial kind
24 of Williamsburg -- you have a lot of ideas from
25 there, for example. That's architectural, though.

1 CHAIRMAN STUTO: But that is a valid comment.
2 We're allowed to comment on the architecture.

3 MR. AUSTIN: And to see it coming from the north
4 and seeing the back of that shed roof -

5 MR. COSTA: We were trying to keep the building to
6 have the minimum height. That's the high point of the
7 property. It has a lot of glass.

8 MR. AUSTIN: Yes, and it's kind of pointy across
9 the front.

10 CHAIRMAN STUTO: I would throw in Newton Plaza
11 because each store has a different front. Not that you
12 have to go higher with the facades. That's my personal
13 opinion.

14 MR. AUSTIN: Other than that, like I said to begin
15 with it seems that there is a lot going on. We've had
16 other mixed-use things come in and we're still talking
17 about them, especially the one with an apartment.
18 That's one that is still on the books here and we've had
19 lots of sessions about it. I think that Kathy may have
20 mentioned some of those issues that are close to her
21 heart.

22 I will turn it over to Kathy.

23 MS. DALTON: I am not enthusiastic. I think that
24 there is too much going on here. If you don't know who
25 your restaurant is, I would get rid of that drive-thru.

1 I don't think that it's necessary to have it there,
2 particularly when you start to think about what you're
3 saying; you have a restaurant, you have a Dunkin Donuts,
4 you've got gas pumps. People are already coming in and
5 out. You don't need another part of your mixed-use to
6 have people coming in and out. I just think that it's
7 way too much.

8 I am not in favor of that at all. I don't like
9 the architecture of the building either, but if
10 you're going to make it a restaurant that doesn't
11 have to have a drive-thru, that gives you a lot of
12 other options. I would encourage you to think about
13 that.

14 I have a lot of concerns about the stormwater
15 because every time you hear about anything in this
16 part of Town, we spend a good hour having our
17 neighbors and our residents talking about their
18 concerns that they have with the water, so I really
19 wouldn't be comfortable until I saw a comprehensive
20 plan for stormwater management that included knowing
21 who was going to be there and how it's going to work
22 out, or at least a better sense of who is going to
23 be there.

24 Last, I am typically concerned when you get
25 these mixed-uses where you have an apartment mixed

1 with other things, especially when there is going to
2 be a lot of traffic. You're going to have kids that
3 are going to be in this apartment. So, again, you
4 did add some of the screening here - the screening
5 of the apartment building and the mini-mart which I
6 think was pretty much in response to some of the
7 comments that we made before. Now, again, if you're
8 going to be talking about perhaps moving the
9 building or changing the building or responding to
10 some of the neighbors' concerns, then we get back to
11 a situation where you're going to have mixed-use
12 with the flow of the traffic and the flow of the
13 kids who might possibly live there - it has to make
14 sense for them to get to bus stops and ride their
15 bikes down to the Town Park and all that other kind
16 of stuff. I still think that there are a lot of
17 moving pieces here that I'm not comfortable with.

18 MR. AUSTIN: There is just one more point there
19 that I forgot to mention. On the apartment complex,
20 whatever side faces the Nagles' property, I'm sure that
21 they would like to see that dressed up a little bit
22 more. In the front, again, it looks very nice with the
23 shutters and things like that. In the back, it's just
24 windows and siding. Shutters aren't typically done in
25 the back of the building, I understand that. It might

1 look nice with some stonework and dressed up. I think
2 that with the screening, that will help as well.

3 CHAIRMAN STUTO: Okay, I'll give my comments and
4 then we'll answer the question from Mr. Orshen on the
5 staging of the construction.

6 I have a lot of the similar feelings that
7 everybody here has. I think that the biggest
8 improvements could be made in the way of
9 architecture. The front facade on the commercial
10 building and also the rear perhaps of the apartment
11 building. I guess we're going to take a look at
12 flipping the buildings. It sounds like we have a
13 consensus on that and putting the parking in a
14 different spot.

15 Drainage - I think that we're going to take a
16 close look at that as well, and Joe Grasso said he's
17 going to definitely take a walk. I don't know if
18 Nick and Joe LaCivita are going to go.

19 MS. DALTON: I think that it would be nice if you
20 could let us all know when it's going to take place.

21 MR. LANE: Yes, we could try to come.

22 CHAIRMAN STUTO: I'm probably not going to come.
23 I'm going to rely on the engineers. I'll drive by on my
24 own or whatever.

25 I'm going to look to the engineers,

1 particularly Joe Grasso, on this one in terms of if
2 is there too much going on in too small of a space.
3 It is a three-acre parcel and I think that there was
4 some discussion. I can't remember. I think that
5 you repeated it tonight. You could build out to
6 Boght Road, but is that a good idea to have parking
7 out that way? The park seemed to be a good idea.
8 If it works, I personally would like to keep the
9 park there. That's how I feel about it. I do rely
10 on you to say if the parking and the circulation
11 work.

12 That's Joe Grasso, for the record.

13 Architecture, drainage, the configuration - I
14 think that we have pretty much covered it all.

15 I don't know if you have any closing comment.

16 MR. GRASSO: No, but I think that in terms of the
17 orientation of the apartment building and parking - if
18 there is a preference to moving that, I would like to
19 make sure that we got consensus so that when we
20 investigate it at least - directing the applicant in the
21 right direction or a direction.

22 CHAIRMAN STUTO: I think that we already said yes
23 to that.

24 MS. DALTON: I don't have a preference. I'm not
25 really sure. Like I said, I don't know what else is

1 going on there.

2 MR. GRASSO: And maybe I may suggest not knowing
3 how things are going to go with the concept review, but
4 before the applicant advances to preliminary, at least
5 let's bring it back for a review of that sketch of that
6 apartment layout so that they don't spend too much time
7 in detail engineering only to have the Board not feel
8 comfortable.

9 CHAIRMAN STUTO: You want to have an intermediary
10 meeting where they flip the building around and take a
11 look at it?

12 MR. GRASSO: Yes, I think that's a good idea. I
13 think that we should try to get it on the agenda as soon
14 as we feel comfortable that we have something to present
15 and not go through the whole concept review again. It
16 should be a focused meeting on that layout issue and
17 then they can speak to any other concerns that they
18 heard raised tonight about how they're going to address
19 it.

20 MR. AUSTIN: Joe, I wasn't at the last meeting, but
21 was the thought ever even considered about having the
22 parking in the middle? Moving the gas to the front
23 where they could almost merge off of 9 and -

24 MR. LACIVITA: That was part of the Stewarts design
25 when that was rejected by the Board as well. In a sense

1 that was just too close to Route 9, and DOT had a lot of
2 concerns with it coming out.

3 MR. GRASSO: You have to remember that one of the
4 primary concerns early was to get the access points as
5 far away from the intersection as possible.

6 CHAIRMAN STUTO: Mr. Zee, did you want to say
7 something about coming back just to look at a
8 reconfiguration of the apartment building?

9 MR. ZEE: If it would be easier, my clients would
10 be willing to meet with Nick and his client on a one on
11 one basis just to look at how it could be laid out
12 without him having to spend a lot of time and energy
13 just to do a rough draft of it.

14 CHAIRMAN STUTO: I don't mind you doing that, but
15 we want to see it too.

16 MR. ZEE: Understood. I think it might be easier.

17 CHAIRMAN STUTO: Did you want to say anything else
18 about the business or parking or the circulation?

19 MR. GRASSO: No. We'll take another look at it. I
20 think that Susan raised some good points. As we look at
21 the apartment, we'll look at that.

22 MR. COSTA: Mr. Chairman, I wanted to mention that
23 DOT - the latest letter - they have reviewed the current
24 plan and it does have a statement in there about the
25 on-site circulation being improved from the previous

1 application.

2 CHAIRMAN STUTO: Can you share that with Joe Grasso
3 and us?

4 MR. GRASSO: We have reviewed it.

5 CHAIRMAN STUTO: Do you want to point out any
6 salient points?

7 MR. COSTA: I don't think that I have it with me.

8 In regards to the phasing of the project, the
9 initial work will be to remove the existing
10 structures. Once those are removed, the mini-mart.
11 The there will be the construction of the canopies
12 and the mini-mart will happen. Then, it will be
13 based on the tenants for the retail and then the
14 apartments.

15 MR. ORSHAN: I've noticed the comments that have
16 been made about parking and all that. There is a pizza
17 place at that one location and their vehicles go all
18 over Route 9 and park along the road and all that.
19 Well, this isn't going to happen here. You're seeing to
20 that and that's good.

21 CHAIRMAN STUTO: Okay, I think that we've aired all
22 the issues out pretty well. Concept isn't a final. It's
23 not even a binding action on this Board.

24 MS. MILSTEIN: I know that ideally that it would be
25 one residential front and two retails, but is there any

1 way that it could be done financially with just a
2 restaurant and one retail and not two?

3 MR. COSTA: It may end up that way if we get the
4 right tenant that would want that space.

5 MS. MILSTEIN: I was thinking of shrinking the
6 space. It's just something to consider, too. It would
7 decrease the density.

8 CHAIRMAN STUTO: Okay, do we have a motion for
9 concept acceptance?

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

11 MR. LANE: Second.

12 CHAIRMAN STUTO: Discussion?

13 (There was no response.)

14 CHAIRMAN STUTO: All those in favor say aye.

15 MR. AUSTIN: Aye.

16 CHAIRMAN STUTO: Aye.

17 MR. LANE: Aye.

18 MS. MILSTEIN: Aye.

19 MS. GOODWIN SEGAL: Aye

20 CHAIRMAN STUTO: All those opposed?

21 MS. DALTON: Nay.

22 CHAIRMAN STUTO: Okay, we have one person in the
23 negative; Ms. Dalton.

24 The ayes have it.

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(Whereas the proceeding was concluded at

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8:29 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 April 8, 2014

