

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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ROUTE NINE SQUARE

1095 LOUDON ROAD & 591 BOGHT ROAD

BOARD UPDATE

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6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY STRANG-VANDEBOGART, a Shorthand
8 Reporter, commencing on May 6, 2014 at 7:04 p.m. at
The Public Operations Center, 347 Old Niskayuna Road,
Latham, New York

9

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

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17 ALSO PRESENT:

18 Joe LaCivita, Director, Planning and Economic Development

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

20 Michael Tengeler, Planning and Economic Development

21 Nick Costa, PE, Advanced Engineering

22 Joe Grasso, PE, CHA

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1 CHAIRMAN STUTO: We're going to get started.
2 There is only one item on the agenda and I guess that
3 we'll go right into it.

4 Mike Tengeler, do you have any housekeeping
5 items that we need to address?

6 MR. TENGELER: Just something that the Board
7 Members can pick up after the meeting. I've got some
8 pamphlets here for Stormwater Wednesdays. These are
9 some stormwater courses - some webcasts that are held
10 in this room. It can actually go towards our credit
11 hours that the Planning Board partakes in every year.
12 I'm just going to leave them by the door and the
13 members can maybe grab them on the way out and take a
14 look.

15 CHAIRMAN STUTO: We'll launch right into the
16 first project. This is a Board update. This is not a
17 public hearing. We normally don't take public comment
18 on these. We move right along and we try to do our
19 best with the neighbors and visit with them.

20 This is the Route Nine Square Mixed-use at 1095
21 Loudon Road and 591 Boght Road. This is to raze the
22 existing site and replace with a 3,500 square foot
23 mini-mart with drive-thru window and fuel canopy, two
24 story eight unit apartment building and 5,963 square
25 foot retail plaza.

1 Joe Grasso, I'm going to ask you to set the
2 table where we were and what we have done and where we
3 are today.

4 MR. GRASSO: The project had been reviewed for
5 a sketch plan review a few months back. The project
6 was slightly modified and a concept application was
7 made a couple of months ago. It underwent concept
8 site plan review by the Planning Board about five or
9 six weeks ago. It was granted concept acceptance by
10 the Planning Board. There were a number of comments
11 that we raised in our CHA review letter at the time,
12 most of which were supported by the Planning Board.
13 There was quite a bit of dialogue expressed during the
14 public comment period over the concept review meeting,
15 primarily related to drainage in the area, traffic and
16 probably most importantly or significantly the
17 orientation of the apartment building and the
18 proximity of the apartment building on the east side
19 of the site and as it abuts two adjacent residences.
20 It abuts the Biscany Bay property immediately to the
21 east and then the Nagle property that is one property
22 over, which is a relatively newly constructed
23 residence.

24 Primarily, the comments from the Planning
25 Board, even though it gave concept acceptance, was

1 that they had a concern regarding some of the
2 circulation patterns of the site. The previous
3 proposal had a number of one-way drive aisles with
4 parking on those and just an overall confusion
5 regarding some of the on-site circulation. The
6 Planning Board also expressed a request to get a
7 chance to consider an alternative orientation of the
8 apartment building whereas currently the side of the
9 apartment building is facing Boght Road. All of the
10 parking for the apartments is on the west side of the
11 site. The Board wanted the applicant to consider
12 reorientating the apartment building where the long
13 dimension would be parallel to Boght Road so the front
14 of the apartment building would face Boght and then
15 that would, in effect, push the parking area for the
16 apartments behind the building.

17 So, following the concept site plan review
18 meeting, we had internally prepared a sketch that
19 looked at different options regarding the apartment
20 building layout based on the discussion from the
21 Planning Board. We shared that with the applicant for
22 consideration. We had a meeting with the applicant
23 and their consultant and staff from our office where
24 we reviewed the plan that was previously proposed as
25 well as the sketch plan that we had created, and we

1 basically discussed the pros and cons of each
2 alternative. Since that meeting, the applicant has
3 resubmitted what we will consider a revised site plan.
4 The orientation of the apartment building is still as
5 previously proposed. They have made some minor tweaks
6 to the site plan as it relates to the apartment
7 building. At the same time, they have also made what
8 we consider to be relatively substantial changes to
9 the on-site circulation to try to clean up some of the
10 circulation patterns and make it less confusing.
11 They've also decreased the size of the fueling canopy
12 out in front of the mini-mart which would also improve
13 site circulation patterns. So, we wanted to bring the
14 applicant back before the Board. Even though they got
15 concept acceptance and they have the ability to move
16 forward with preliminary and final site plan design,
17 we wanted to get the applicant back in front of the
18 Board to talk about the two options as it relates to
19 the apartment building layout, as well as give them a
20 chance to present some of the other changes that they
21 have made to the site plan since the concept site plan
22 was reviewed. That is just to make sure that they
23 continue to advance the design in the right direction
24 so that it will be something that ultimately the
25 Planning Board will be able to act favorably upon in

1 the future.

2 The other thing that I wanted to mention is
3 during the last Planning Board meeting Mr. Guptil, who
4 obviously has a significant business in close
5 proximity to the site also owns various properties
6 immediately adjacent and in the immediate proximity of
7 the project site. He expressed a willingness to give
8 myself and the applicant's engineer a tour of the area
9 so that we could get a better understanding of the
10 existing site conditions and primarily as it relates
11 to drainage. We had that meeting last Friday. We
12 spent probably over an hour out there walking not only
13 the project site, but various properties in the
14 general area. I think that it was extremely
15 beneficial meeting not only for myself, but also the
16 applicant's engineer, Nick Costa, as well. We can
17 take that information and make sure that the things
18 that we saw out there that need to have attention
19 given to them during final site plan design actually
20 turn into real changes to the plan to make sure that
21 this project mitigates impacts on the adjacent
22 properties and all downstream properties as it relates
23 to drainage and buffering.

24 With that, I think that we should hear from the
25 applicant and make them talk about the changes to the

1 plan and why they feel that this orientation of the
2 apartment building is better than the other
3 orientation that was considered.

4 CHAIRMAN STUTO: And they're going to address
5 all the other points as well.

6 I'll turn it over to the applicant.

7 MR. COSTA: Good evening. I'm Nick Costa with
8 Advanced Engineering. We have prepared a plan for the
9 Route Nine Square development.

10 Joe pretty much hit on all the items that we
11 have modified that are shown in the revised plan.
12 Really, the main focus is the orientation of the
13 apartment building. I think that we have considered
14 internal circulation and we have modified that
15 substantially to clear a lot of conflict points within
16 the site.

17 CHAIRMAN STUTO: I don't know whether this is
18 helpful, but I'm thinking that if you could get
19 stormwater out of the way, that might be one of the
20 easier ones.

21 MR. COSTA: Sure. Joe just spoke about that
22 with regards to that and what we had learned from our
23 site visit. What we have heard from Mr. Guptil, who
24 has been a long time resident of the area, is that
25 there are occasional large intense storms that result

1 in stormwater flowing across Boght Road and result in
2 flooding and erosion of downstream properties. What
3 we had planned, and obviously we haven't done the
4 detailed design of this yet, is we are going to be
5 intercepting some of that flow and constructing a
6 detention basin that will help that situation.

7 CHAIRMAN STUTO: Can you point to the detention
8 basin?

9 MR. COSTA: There is a large area of water that
10 comes off of Route 9 and the Emerick parcel that flows
11 overland towards Route 9 without any kind of
12 mitigation for it. When those high intense storms
13 occur, the water crosses over Boght Road because there
14 isn't a well defined channel in Boght Road to pick it
15 up and take it to the discharge point to the east.
16 So, that water comes down and crosses over New England
17 Avenue and down -- I believe that it's the second
18 property on New England Avenue that there is a channel
19 that has eroded and goes onto the next road which is
20 Landor Lane and goes downstream from there. So, we
21 were planning on using a large area back here
22 (Indicating) of greenspace for detention to mitigate
23 the site stormwater. At the same time we'll be able
24 to slow down some of that water that rushes over and
25 outlet it at a control rate so that it doesn't cross

1 over Boght Road.

2 CHAIRMAN STUTO: So, that's going to be an
3 improvement; no doubt about it, right?

4 MR. COSTA: From what has been described as
5 historical occurrences, this will be an improvement.

6 MR. GRASSO: We definitely concur with that.
7 The other thing that I think is important as it
8 relates to stormwater on the site is the drainage that
9 comes off of the Fire Department's developed buildings
10 and parking lots more toward the western side of the
11 site and also comes directly to Boght Road. There is
12 no defined drainage systems there. Again, we have
13 heard a description that during high flows that water
14 is breaching over Boght Road and coming down through
15 New England Avenue and causing damage. There is no
16 question that with careful design of this site as
17 proposed, Nick will be able to keep that drainage on
18 the project site and on the north side of Boght Road
19 and convey it to the east so that it does not cross
20 over Boght Road and go down New England Avenue. There
21 should be a reduction of flows during peak storm
22 events. There are some drainage improvements
23 relatively recently installed down Boght Road on the
24 north side which this water will then be able to go
25 to. We think that's going to be an improvement

1 constructed by the Town in concert with the property
2 owners. I agree that the drainage - it may not appear
3 to make a measurable benefit to the downstream
4 properties, but it will definitely have a quantifiable
5 benefit and it will definitely be an improvement and
6 not adversely impact downstream properties.

7 CHAIRMAN STUTO: Any comments or questions on
8 that?

9 (There was no response.)

10 CHAIRMAN STUTO: I think that internal
11 circulation is the next best stop now.

12 MR. COSTA: Sure. Internally, what we have
13 done is we have better defined this area. The parking
14 was angled parking in this particular area right there
15 (Indicating).

16 CHAIRMAN STUTO: Which plan do you suggest that
17 we look at with you? You have two drawings; the
18 concept plan and the vicinity plan.

19 MR. COSTA: The concept plan.

20 Previously this area behind the mini-mart was
21 laid out to have one-way traffic, and the parking was
22 angled parking. It appeared to be a little
23 restrictive as far as maneuvering in and out of those
24 spaces and in the drive lanes. What we have done is
25 revised that to be a 90 degree parking space and that

1 has allowed us to open up the drive aisle to a more
2 comfortable space to allow some of that in order to
3 occur without causing the drive aisle to be blocked.
4 As Joe mentioned with the elimination of the one pump,
5 this has reduced the area in front of the pump so it's
6 opened it up for circulation of vehicles that are
7 going in and out.

8 We also showed an area that is reserved here
9 for the banked parking right off of the drive that
10 goes through the bank. It's dashed in there about 10
11 spaces, I believe.

12 If there are no questions, I'd like to go into
13 the apartment discussion.

14 CHAIRMAN STUTO: Okay, any questions on the
15 circulation?

16 MR. AUSTIN: I have a comment. It still seems
17 very congested and somewhat confusing to me especially
18 on how to get in and out after you go to the mini-mart
19 drive-thru. I assume that you have to go back around
20 the front of the mini-mart's exit if you want to go
21 south on Route 9 because the other curb cut on Route 9
22 is rights-in and rights-out.

23 MR. COSTA: That's correct. DOT would not
24 allow us to have a free open entrance/exit on Route 9.
25 They gave us a limit. It's not our choice.

1 MR. AUSTIN: It just seems somewhat confusing.
2 If I was a first time person, I would get somewhat
3 lost.

4 Eleven 90 degree spots -- you're going to have
5 to keep pulling off of Boght Road and you take a right
6 into the drive-thru lane and queue up in the
7 drive-thru lane and try to back out of those eight
8 spaces around on the Boght Road side. You're backing
9 right into traffic there. Not all those spaces would
10 be filled at any given point in time, of course.
11 Whatever might be going in there -- because some of
12 those places get very busy.

13 MR. COSTA: At certain times of the day, yes.

14 MR. AUSTIN: They could potentially queue out
15 onto Boght Road.

16 MR. GRASSO: We might be able to address some
17 of that concern, Brian, by extending that curb line
18 parallel to the mini-mart another five feet or so
19 closer to the mini-mart and into that landscaped area
20 so that is a little bit wider there. If cars were
21 trying to get into the drive-thru lane, cars could
22 still back out and maneuver. That's just to keep it a
23 little bit less restricted in that area.

24 MR. COSTA: I believe that we did have at one
25 time the two-way traffic there. I think that it's so

1 close to that intersection that we thought that it
2 would be best to have just a one-way traffic movement.

3 CHAIRMAN STUTO: Okay, anything else in
4 circulation?

5 (There was no response.)

6 CHAIRMAN STUTO: Okay, the apartment
7 orientation?

8 MR. COSTA: Sure. What we have done to the
9 apartment orientation is that we have actually moved
10 the apartment approximately 10 feet further to the
11 west so that right now we're showing a setback of
12 about 39 feet from the property line where it was
13 formerly about 29 feet. We did move it.

14 The other thing that we have done is we have
15 actually located some of the trees along this property
16 line (Indicating) and there is a drawing - that
17 vicinity plan drawing shows the vegetation of those
18 trees during the season that those pictures were
19 taken. Those are Google pictures. You can see that
20 some of those trees do a really great job of screening
21 the property.

22 CHAIRMAN STUTO: The one with the green house,
23 that would be coming up Boght Road toward Route 9?

24 MR. COSTA: Yes. The exiting home that the
25 sits on the lot right here (Indicating) is hardly

1 visible through that grove of trees that is existing
2 there. We are obviously interested in saving as many
3 of those trees as possible. If we turn the building
4 the other way, the building is real close to the
5 property line. I think that the side line setback is
6 five feet, which would be pretty close to the five
7 foot setback with that orientation. Also, with that
8 orientation the tenants would have more of a noise
9 issue than with Boght Road. The traffic is parallel
10 to this building and more of the area gets exposed to
11 the noise.

12 There is also a concern about kids running out
13 to the road, if this building is parallel to the road.
14 That's another concern that we have.

15 This also does a better job of screening the
16 activities within the commercial part. The rear part
17 of the apartment building is about the same depth as
18 the house on this lot (Indicating). It does a very
19 nice job of screening those activities.

20 We have added a privacy screen right in this
21 area here (Indicating) which kind of had an open gap
22 that would have a possible view of the activities.
23 That serves a dual purpose. It serves as a privacy
24 screen for anybody that wants to use the barbeque area
25 and picnic tables. It also provides screening for the

1 neighbors as far as a few of the activities in the
2 rear of the mini-mart.

3 CHAIRMAN STUTO: Joe Grasso, do you have any
4 comment on that?

5 MR. GRASSO: Yes. I agree with the points that
6 Nick made. I think that they're accurate. I think
7 that there are some clear advantages over the
8 orientation as proposed regarding the building
9 screening, the uses between the residences to the east
10 and the retail to the west. There is definitely some
11 advantages to keeping the parking lot on the west side
12 of the apartment building.

13 We also agree that with this building
14 orientation you're able to save some trees along the
15 eastern property line.

16 That said, when you look at the sheet that has
17 the colored photos and if you're looking at the center
18 view, a lot of those trees in that view I still think
19 would be removed as part of the project. The little
20 white or yellow house would be demolished and some of
21 the trees there that would be removed -- it's the
22 trees closer to the eastern property line that you
23 would be able to save. Obviously, the trees leafed
24 out provide appreciable screening during the summer
25 months and during the winter you're not going to get

1 the same level of screening obviously. We had
2 expressed a concern regarding the visibilities of the
3 back of the apartment building.

4 CHAIRMAN STUTO: Would you recommend tree
5 plantings?

6 MR. GRASSO: Yes, and he has those shown on the
7 plans. It sounds petty, but there is one tree out
8 there.

9 I think that Nick, you picked it up on the
10 survey.

11 It's a 36-inch oak tree. It's an extremely
12 significant tree. That would be impacted based on
13 either orientation of the apartment building, the
14 sketch that we had done or the current proposal before
15 us. If the Planning Board thought strongly enough
16 about it, the advantage would be that the apartment
17 building was shifted back. I don't know how far you
18 would have to go. Probably about 25 feet or so, in
19 order to save that tree, it could do a couple of
20 things. It could save the tree so that could provide
21 that screening. It could provide an enhanced
22 separation between the residences and the retail uses
23 on the site - basically more screening by the building
24 mass itself. It would also keep the front yard
25 setbacks of the buildings more consistent. If you

1 look at the residences to the east, it's setback -
2 I'll call it maybe 100 feet or 80 feet. The
3 convenience store is set back maybe 60 feet, or so.
4 The apartment building is actually out of line. It's
5 actually set back about 20 or 25 feet from the right
6 of way. If you push that building back an extra 25
7 feet, it provides a little bit more continuity there.
8 It's not exactly in keeping with the Land Use Code
9 that's trying to pull the buildings up front, but like
10 we have said before that's where you have to get into
11 each specific site plan and decide what is best for
12 that site and if it's best to push it back, then you
13 push it back.

14 MR. AUSTIN: Does that encroach on the
15 stormwater?

16 MR. GRASSO: It probably would reduce the
17 volume of the stormwater management area. That's one
18 of the trade-offs that you would see. It would have
19 some advantages, but it would reduce the available
20 area for stormwater management. If you're going to
21 push it back, I think that the advantage would be to
22 try to save that 36-inch oak tree.

23 MR. COSTA: There is a 26-inch maple there also
24 that has the potential for being saved. That's closer
25 to the property line and we're far enough away from

1 it.

2 CHAIRMAN STUTO: How does the applicant feel
3 about pushing it back a little bit?

4 MR. COSTA: Once we get into the detailed
5 design, I would be able to give you a better feel for
6 it. We also have to take a look at the stormwater.
7 I'm sure that with Joe's assistance we can make it
8 work.

9 CHAIRMAN STUTO: We'll take a look at it again.

10 MR. GRASSO: I think that for the Board, it's
11 important that we at least settle on the orientation
12 of the building. That's going to prescribe a lot of
13 things. If that orientation is something that you are
14 in favor of and you think that there are some
15 advantages that should be considered, if we try to push
16 the building back, that's what we could work on.

17 MR. LANE: Parallel would also impact on the
18 water.

19 MR. COSTA: Yes, because the parking lot would
20 be back there.

21 MR. GRASSO: No doubt that the sketch that we
22 had done that had the parking lot in back
23 significantly impacted the volume of stormwater.

24 MR. LANE: But that's not a good alternative.

25 MR. COSTA: The other point that I want to make

1 on the orientation of parallel to the road is that the
2 dumpster enclosure would be towards the rear of the
3 parking and it would be closer to the neighbors. It
4 would have an impact there as far as noise and pick-up
5 hours.

6 CHAIRMAN STUTO: Any feedback on the
7 orientation?

8 MS. DALTON: I'd like to see it saving the
9 tree.

10 CHAIRMAN STUTO: You're okay with the way that
11 the building is faced?

12 MS. DALTON: I am.

13 MR. LANE: It was not my first preference, but
14 I see the logic of it.

15 MR. AUSTIN: If you push it back it will also
16 be beneficial to the neighbors as far as screening
17 goes.

18 MR. COSTA: Where we put that fence -- that
19 fence wouldn't be necessary.

20 MR. AUSTIN: This is kind of off topic but we
21 had talked about architectural design and making sure
22 that it's appropriate because those two houses -- the
23 fairly new one has the colonial style and the other
24 one is more of a farm house style - to have something
25 similar to that in the apartment building.

1 MR. COSTA: I'll go over that with you. We do
2 have some revisions to those plans. We didn't have
3 them to submit, but we do have them and we could go
4 over those with you tonight.

5 CHAIRMAN STUTO: Is that enough feedback?

6 MR. COSTA: Yes.

7 CHAIRMAN STUTO: Any further presentations?

8 MR. COSTA: Just the architectural changes.

9 CHAIRMAN STUTO: Okay, that would be great.

10 MR. LANE: I don't think that we have that one.

11 MR. COSTA: No. Like I said, these weren't
12 ready and weren't included in the package that we
13 submitted last week. What we have done to the
14 apartment building is we added some shutters to break
15 up the monotony of the siding to give it a little more
16 appeal. That was added to the front, to the rear, and
17 also to the sides.

18 This is the retail restaurant building
19 (Indicating). This carries a theme of the mini-mart.
20 We also have done a well for the HVAC units on top of
21 the roof. That's the front elevation. You still have
22 the cultured stone theme that is on the apartments and
23 also on the mini-mart.

24 CHAIRMAN STUTO: Where is the cultured stone;
25 only along the bottom?

1 MR. COSTA: Yes, along the bottom.

2 This is the rear and like I was saying the
3 mechanicals will sit in those wells. I think that is
4 a pretty drastic change from what you saw before.

5 MR. AUSTIN: It's 100 percent better, in my
6 eyes.

7 MR. COSTA: Any questions?

8 CHAIRMAN STUTO: Do you have any comments?

9 MR. GRASSO: No. I think that it's a
10 substantial improvement. The only comment that I
11 would make is the rear elevation of the apartment
12 building that faces the residences. I think that some
13 incorporation of some stone along that elevation and
14 the elevation that faces Boght Road would be
15 appropriate because the only elevation with the sticky
16 brick is the one facing the mini-mart. It's going to
17 look good from Route 9, but we have to consider what
18 it's going to look like coming up Boght Road and from
19 the adjacent residences.

20 CHAIRMAN STUTO: Agreed.

21 MR. GRASSO: That would be the only comment.

22 CHAIRMAN STUTO: Who is going to be looking at
23 the rear of that restaurant building?

24 MR. GRASSO: That is as you come up Route 9
25 from the north. Based on the orientation of the lot

1 and that building, when you're southbound on Route 9
2 you're going to see that. It's a good improvement
3 over what they had before. They had a weird flat hip
4 roof line. I like how the roof lines now are broken
5 up. They've introduced gables back there and the
6 wells and clipping the gable corners. I think that
7 those are all good features. They've wrapped the
8 cultured stone around that side now that you can see
9 on the bottom there. I think that those are all
10 significant improvements.

11 MR. AUSTIN: Is that a residence to the north a
12 residence?

13 MR. GRASSO: That's called psychic readings.

14 CHAIRMAN STUTO: Could that be a house?

15 MR. COSTA: I think that it's a converted
16 house.

17 CHAIRMAN STUTO: Anything else from the Board?

18 (There was no response.)

19 CHAIRMAN STUTO: Keep at it.

20 Joe, keep after them.

21 MR. GRASSO: Okay.

22 CHAIRMAN STUTO: Thank you.

23 MR. COSTA: Thank you.

24 (Whereas the above entitled proceeding was
25 concluded at 7:40 p.m.)

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 May 13, 2013

