

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 VEHICLE PARKING FACILITY
5 4232 ALBANY STREET
6 APPLICATION FOR 243 VEHICLE PARKING FACILITY

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8 THE STENOGRAPHIC MINUTES of the above entitled matter by
9 NANCY STRANG-VANDEBOGART, a Shorthand Reporter, commencing on
10 July 15, 2014 at 7:14 p.m. at The Public Operations Center,
11 347 Old Niskayuna Road, Latham, New York

10

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

15

16 ALSO PRESENT:

17 Kathleen Marinelli, Esq., Counsel to the Planning Board
18 Joe LaCivita, Director, Planning and Economic Development
19 Michael Tengeler, Planning and Economic Development
20 Joseph Grasso, PE, CHA
21 Nick Costa, PE, Advanced Engineering & Surveying
22 Laura Weed, Conservation Advisory Council
23 Kim DiTonno
24 Grace Wakeman
25 Mike Colligan
Ken Wakeman
Christine Sitterly
John Fahey

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1 CHAIRMAN STUTO: I'll call up the next item on the
2 agenda and give the new applicant a chance to get set
3 up.

4 This is the vehicle parking facility, 4232 Albany Street.
5 This is an application for a 243 vehicle parking facility.

6 Joe LaCivita, any introductory remarks?

7 MR. LACIVITA: The only thing that I think that
8 I'll say with that is that this already went through the
9 Department Coordination Committee meeting early in June.
10 Based on the use, they elected not to come before a
11 sketch plan review because it was really just a parking
12 lot use. So, we would go right to concept acceptance
13 which would allow the public to be notified and heard
14 and move forward.

15 We are here tonight for concept acceptance on the parking
16 facility.

17 CHAIRMAN STUTO: Okay, we'll hear from the
18 applicant and then we're going to open it up to the
19 public.

20 If anybody wants to speak, just so that we can keep an
21 orderly meeting, if you could sign in on that sheet on the
22 table it would be helpful.

23 MR. COSTA: Good evening. I'm Nick Costa and I'm
24 with Advanced Engineering and Surveying. We have
25 prepared the site plan for this proposed vehicle parking

1 facility.

2 The existing parcel is located on Albany Street and it's
3 about 11.9 acre in size, but a substantial portion of the site
4 is occupied by a New York State DEC wetland. About 9.2 acres
5 of the site -

6 CHAIRMAN STUTO: Could you show that with your
7 hand?

8 MR. COSTA: Sure. It's the light blue color that's
9 shown right here (Indicating). The entire parcel here
10 shows the 11.9 acres, but the wetlands which are 9.2
11 start about here and go all the way to the back
12 (Indicating). There is a railroad that goes behind
13 there and goes all the way back. It also goes onto the
14 adjacent properties. This property right here reflects
15 that same wetland in this also (Indicating).

16 The site is currently used and has historically been used
17 for quite awhile as a contractor's stock yard. The current
18 site does have abandoned vehicles on the site and there used
19 to be a block building located right here that has been
20 removed from the site (Indicating). It operated as the AS
21 Crisafulli Heating and Plumbing Contracting Company - the
22 headquarters for it.

23 The site is being proposed to be redeveloped as a vehicle
24 parking facility to accommodate about 243 vehicles. The site
25 would be cleaned up from the remaining stock from the

1 contractor that still remains there. Like I said, there are
2 some abandoned vehicles parts. They are scattered throughout
3 the site. Those would be all taken care of. The applicant
4 has received a permit from New York State DEC to do that work
5 and do that reclamation work within that 100 buffer. She has
6 agreed to reclaim some areas of the wetlands that were
7 impacted during the operation of the facility. DEC has issued
8 a permit. DEC has also requested that some uplands - about
9 1.32 acres of land that are uplands be placed in the deed
10 restriction. So, that's part of the mitigation that they are
11 looking for. That's been agreed to by the applicant to do
12 that.

13 CHAIRMAN STUTO: Can you point to where those lands
14 would be?

15 MR. COSTA: Yes. There is a line all along here
16 that's along the limit of development (Indicating).
17 Anything outside the limit of development which amounts
18 to 1.32 acres is currently uplands outside the buffer
19 area that would be converted to deed restriction and
20 remain forever wild.

21 CHAIRMAN STUTO: You have a conservation overlay
22 here too, right?

23 MR. COSTA: Yes, that's correct.

24 CHAIRMAN STUTO: How does that fit into that? You
25 want to explain how that will work and how that will fit

1 in the project?

2 MR. COSTA: Sure. In the conservation overlay, the
3 40 percent of the uplands -

4 CHAIRMAN STUTO: First you have to take out the
5 non-buildable area.

6 MR. COSTA: That's right. The uplands are the only
7 buildable areas. If you take the remaining portions
8 which are 2.7 acres and you multiply it by 40 percent,
9 you come up with 1.08 acres that need to be preserved.
10 Like I said, we're preserving 1.32 acres. It's greater
11 than the 1.08 that is required by the conservation
12 overlay.

13 CHAIRMAN STUTO: So, DEC's recommendation is
14 perfectly consistent with the conservation overlay.

15 MR. COSTA: That's correct; yes.

16 CHAIRMAN STUTO: They fit right in, pretty much?

17 MR. COSTA: In this case, it does.

18 CHAIRMAN STUTO: You're conserving slightly more.

19 MR. COSTA: Yes, 1.32 acres. That's correct. DEC
20 has issued a permit for the work to be done. We are
21 here before you to gain concept acceptance and
22 eventually get the site plan approval for the work to be
23 done. The proposed work would entail the removal of
24 those items that I mentioned before that were remnants
25 of the previous operation on the site. Then, the site

1 would receive some grading to receive the stone surface
2 that would be used to support the 243 vehicles.

3 Additionally, the site would be fenced so that it would
4 be a secured facility and it would be gated.

5 CHAIRMAN STUTO: Where would the fence go, around
6 the parking area?

7 MR. COSTA: It would be all along the front area.
8 All along the frontage of Albany Street.

9 CHAIRMAN STUTO: Not around the back?

10 MR. COSTA: It would go into the wetlands. That's
11 pretty difficult to cross. The existing building would
12 be turned into an office area for the operation of the
13 facility. There would be some new paving that would be
14 done in the front right in this area and make a better
15 delineation as to getting in and out of the facility.
16 That area is already paved, but it's in poor shape.

17 There would be some new landscaping that would be added
18 to the front and also along the buffer. The buffer area was
19 requested by DEC.

20 MR. LANE: Would the landscaping be in regard to
21 the Albany Pine Bush Commission's suggestion of a
22 species that would be acceptable?

23 MR. COSTA: Yes. That's correct. We would not use
24 evasive species in this area, especially in light of the
25 recommendation.

1 MR. LANE: And you have yet to meet with Neil.

2 CHAIRMAN STUTO: That's correct.

3 MR. LANE: They had also mentioned - and it doesn't
4 look like it's going to be a problem with the lighting -
5 outdoor lighting. It was suggested not using the
6 Mercury vapor lighting.

7 MR. COSTA: We're planning on having very little
8 lighting. There is really no need to light the
9 facility. It's for security purposes around the office
10 area and the entrance, but that would pretty much be the
11 extent of the lighting on the site.

12 CHAIRMAN STUTO: Where are the residential areas
13 and what are you doing that may be an impact to them?

14 MR. COSTA: There is a house that is located in
15 this area and there is a short street that is located
16 just past the curve here (Indicating). We're adding
17 area screening that with additional landscaping that we
18 would be planting along the frontage.

19 CHAIRMAN STUTO: Can you describe that in more
20 detail the screening and what types of plantings?

21 MR. COSTA: We would be looking at some pines and
22 some maples and some deciduous trees to help screen.
23 There are some existing large trees that we planted when
24 this facility was built. There are three maples right
25 in the road here (Indicating) at the entrance and those

1 will remain.

2 CHAIRMAN STUTO: This is not a retail spot or
3 intended to be, correct?

4 MR. COSTA: No, not at all. This would be a
5 facility that would be used to store vehicles and
6 dealers would come and get some of their inventory.

7 CHAIRMAN STUTO: What do you anticipate the traffic
8 impact to be?

9 MR. COSTA: Very minimal. This would not be
10 operating during times of morning a.m. peak or the
11 afternoon p.m. peak.

12 CHAIRMAN STUTO: How many cars would be in and out
13 of there a day?

14 MR. COSTA: Sometimes it would be none. It would
15 vary. It would really be dependent on what the dealers
16 are in need of. They would not be taking the cars out
17 early in the morning or late afternoon.

18 MS. MILSTEIN: Are the cars going to be coming in
19 on trailers or individually?

20 MR. COSTA: Initially, the cars would be brought in
21 on a trailer. Obviously, once the lot has 240 cars it
22 would be very difficult to do that with a trailer. A
23 flatbed would be used to bring cars and take cars away
24 from the site. I don't think that the cars would be
25 driven from here to the dealerships. I think that they

1 would be placed on a flatbed.

2 MR. MION: Do you know what dealerships we're
3 talking about?

4 MR. COSTA: No, I don't. But they would be ones
5 that are out along Central Avenue, I would imagine.

6 CHAIRMAN STUTO: Shall we turn it over to our Town
7 Designated Engineer?

8 (All Board Members agreed.)

9 CHAIRMAN STUTO: We'd like to hear from Joe Grasso
10 from CHA, our Town Designated Engineer. I know that he
11 has reviewed this project. We appreciate your comments.

12 MR. GRASSO: And there is a comment letter that we
13 issued on July 3rd in your packets. I'm going to read
14 through some of our initial comments that we have on the
15 application just so that they are in the record. They
16 pretty clearly describe our initial comments.

17 The proposed project represents redevelopment of a former
18 contractor's storage and staging area into a parking lot that
19 would temporarily store vehicles for nearby dealerships.
20 Although the zoning of the site is light industrial, the
21 proposed use is rather benign. The site is located within an
22 very environmentally sensitive area of the Town. The site has
23 extensive New York State DEC and federally jurisdictional
24 wetlands. The site is located within the Albany Pine Bush
25 Study Area. Although the site is zoned light industrial, it

1 is covered by the Town's conservation development overlay
2 district hereinafter referred to as the overlay district. The
3 purpose of the district is to require the use of conservation
4 development design principals to preserve open space and
5 viable agricultural lands. Furthermore, the Town's Land Use
6 Law states conservation development will preserve tracks of
7 environmentally scenically and recreationally significant
8 undeveloped land and preserve contiguous open spaces and
9 important scenic and environmental resources. It's also
10 important to note that there have been historical uses of the
11 site that have encroached upon an impacted environmentally
12 sensitive resources of the site including the regulated 100
13 foot wetland adjacent area and based on our review of the
14 concept and compilation, there is an opportunity to include
15 appropriate mitigation into the project to both mitigate
16 previous impacts and to reduce a potential for future impacts.

17 One of the key components of the project within the
18 overlay district is to protect 100 percent of the constrained
19 land plus 40 percent of the unconstrained land as open space,
20 preferably through fee dedication of land, but also
21 permissible through establishment of a deed restriction.

22 Based on the data provided 10.2 acres of the 11.9 acre
23 site will require permanent protection. So, we're not just
24 talking about the unconstrained uplands, we're also talking
25 about the constrained lands.

1 Although the application proposes establishment of a deed
2 restriction of portions of the site, due to the site adjacency
3 to other preserved lands owned by the Nature Conservancy, we
4 recommend the 10.2 acres be protected by dedication of land
5 rather than deed restriction.

6 CHAIRMAN STUTO: I want to stop on that point.

7 MR. GRASSO: This would also reduce the likelihood
8 that there will be future encroachment into the
9 environmentally sensitive portions of the site.

10 CHAIRMAN STUTO: When you say dedication, you mean
11 by deed?

12 MR. GRASSO: By Deed - fee ownership conveyance,
13 which is supported in the Land Use Law or parcels within
14 the conservation overlay district.

15 CHAIRMAN STUTO: To the Pine Bush?

16 MR. GRASSO: It could be any not for profit group.
17 The Nature Conservancy is a common landholder in this
18 area. It doesn't necessarily need to be that. It could
19 be another group.

20 CHAIRMAN STUTO: Has the applicant considered that?

21 MR. COSTA: It's a consideration. They can't do
22 anything on the land. The 9.2 acres - that's not ever
23 going to be developable. The 1.32 - there is some merit
24 in keeping that in the deed restriction because it does
25 allow to use it as greenspace.

1 CHAIRMAN STUTO: Are you talking about the larger
2 parcel or the upland?

3 MR. GRASSO: Both. It would be the 10.28 acres out
4 of the 11.9 acres.

5 CHAIRMAN STUTO: Does the client have a position on
6 that?

7 MR. COSTA: Like I said, the 9.2 acres - that's
8 something that I can discuss with the applicant about
9 deeding it to the Nature Conservancy. The 1.32 acres -
10 I think that's a little bit more difficult because like I
11 said, that could be used as part of the greenspace for
12 the site, if there was future redevelopment of the site.

13 MR. GRASSO: And we would need to factor that into
14 the Planning Board's decision to make sure that it
15 doesn't work against them in terms of future greenspace
16 calculations.

17 CHAIRMAN STUTO: How much of the site are you
18 developing now? How much more do you have left that you
19 could develop with the conservation overlay?

20 MR. COSTA: The .24 acres.

21 CHAIRMAN STUTO: So, a quarter of an acre more.
22 You've already said that you agreed with the DEC to put
23 a deed restriction on it.

24 MR. COSTA: That's correct.

25 CHAIRMAN STUTO: But you can use it as greenspace.

1 MR. COSTA: That's right.

2 CHAIRMAN STUTO: I just wanted to understand.

3 MR. GRASSO: That's why we said 10.2. It's not the
4 maximum -- it still retains a small area, about a
5 quarter of an acre for developability.

6 CHAIRMAN STUTO: Does the Board have any opinion at
7 this point?

8 (There was no response.)

9 CHAIRMAN STUTO: Okay, we'll keep listening.

10 MR. GRASSO: The third comment: The plan proposes
11 stormwater management areas within the proposed open
12 space and deed restrictive areas. Due do their
13 requirement of future maintenance of these areas, they
14 should not be located within the protected lands. This
15 will likely require a reduction in the number of
16 proposed parking spaces. As part of this design
17 modification we recommend that the limits of gravel be
18 squared off to provide a more discernible boundary of
19 the proposed parking area.

20 Right now they are proposing their stormwater management
21 areas around the perimeter of the parking lot - within those
22 areas that would otherwise need to be protected either through
23 deed restriction or fee conveyance.

24 MR. COSTA: Within those areas, DEC doesn't have an
25 issue with those being used as stormwater management

1 areas.

2 CHAIRMAN STUTO: Can you show us where your
3 proposed stormwater is now?

4 MR. COSTA: Right along here (Indicating).

5 CHAIRMAN STUTO: That's one of the deed restricted
6 areas that DEC -

7 MR. GRASSO: That's correct.

8 CHAIRMAN STUTO: Do you have any response to that?

9 MR. GRASSO: Typically, DEC regulates all - you're
10 not allowed to do anything within their 100 foot buffer
11 area without subject to their approval on a permit, so
12 that it's regulated. Normally, we look to protect those
13 areas. Those buffers are in there for a reason. We
14 generally don't like to see stormwater management areas
15 because of the on-going maintenance required of those to
16 be located within those highly sensitive buffer lands.

17 CHAIRMAN STUTO: So, your position is the same.

18 MR. GRASSO: Yes, it's the same.

19 The last comment that I just wanted to mention -- the
20 truck maneuvering plan depicts the truck maneuvering within
21 about 44 of the proposed parking spaces. The applicant should
22 address potential for these spaces to be occupied at the time
23 of the vehicles' delivery. We are concerned that
24 operationally this would be difficult to control and would
25 result in either vehicles or the car carrier temporarily

1 parking along or backing out into Albany Street.

2 I think that what Nick was just trying to describe is
3 that the only time that a car carrier would be brought to the
4 site would be when the lot is vacant or those 44 spaces are
5 vacant, which would then allow the car carrier to circle
6 around within the site and not stage out on Albany Street.
7 That's something that we see as being very difficult
8 operationally to control.

9 Our other comments are pretty standard comments that you
10 see during concept review and the things that can be addressed
11 as the project progresses through the review process. I would
12 say that in terms of SEQRA the Town Attorney's office
13 classified this as an unlisted action pursuant to SEQRA. Even
14 though it's unlisted, the Town Attorney's office did recommend
15 a preparation of a full Environmental Site Assessment Form,
16 Part I, which is typically filled out by the applicant. That
17 has been provided for the review as part of the application
18 materials. Because it's an unlisted action, coordinated
19 review is optional so the Planning Board has the ability to
20 accept lead agency status. We'll work on additional SEQRA
21 documentation and determinations as the project advances
22 through the review process and we'll get feedback from the
23 Planning Board.

24 CHAIRMAN STUTO: Okay, are there any questions from
25 the Board?

1 (There was no response.)

2 CHAIRMAN STUTO: Okay, we'll turn it over to the
3 public.

4 The first name on the list is Laura Week from the
5 Conservation Advisory council.

6 MS. WEED: I don't have anything to say, as long as
7 DEC and the Town development is keeping up on the
8 environmental issues.

9 CHAIRMAN STUTO: Okay, if somebody does have
10 comments, it's helpful for us and the stenographer to go
11 to the microphone or at least come up a little closer.

12 Kim DiTonno.

13 MS. DITONNO: I'm Kim DiTonno and I live at 4216
14 Albany Street which is pretty much the property adjacent
15 to this. The Pine Bush does separate those two
16 properties and I have a lot of concerns as a taxpayer
17 and a homeowner in the Town of Colonie.

18 Bear with me. I have kind of a list. I know that my
19 neighbors have lists, too. Maybe I'll cover some of theirs,
20 too.

21 My concern is security. I understand that you're going
22 to fence the property in, but it doesn't sound like it's going
23 to be secured. Who is to say that unwanted people are not
24 going to try to go in there to break into cars to use scrap
25 metal to fund whatever habits they may have? Who is to say

1 that we're not going to have people sleeping in this lot in
2 these cars? We have already found people sleeping in the
3 woods between my property and this property. I've had people
4 break into my vehicles. This area is very wooded and people
5 do walk around. It's not safe sometimes. If it's not going
6 to be fenced in the Pine Bush area, people can walk through
7 the Pine Bush. It's wet, but it's not going to stop somebody
8 who wants to get some scrap metal out of a vehicle.

9 I have gone to overflow lots to look at vehicles from
10 local dealerships and I have found used cars and new cars with
11 smashed in side windows, hoods opened and very unsightly
12 looking. So, who is to say that this property that may look
13 good this year is going to continue to look good next year and
14 for the following years? I have lived here for seven years
15 and in the seven years that I've lived here I've never seen
16 that property cleaned up or looking nice. It's always had
17 abandoned vehicles, wood, trailers and a house that is
18 decrepit looking. There have been tenants that have lived
19 there and I have heard these tenants through the woods
20 especially in the fall, spring and wintertime. I have seen
21 single lights shining right through the weeds and trees.
22 Who's to say that we're not going to see the lights of their
23 security shining through?

24 I have concern with the traffic impacts. How are these
25 vehicles going to back into Albany Street? If you drive down

1 Albany Street, there is a bit of a bend where that property
2 is. How are they going to back out? Seeing some of these
3 vehicles that fly down Albany Street, cars do not obey that 30
4 mile per hour speed limit. They go 40, 45 and 50 down that
5 road. My concern is how are these trucks or flatbeds or car
6 carriers going to get out of that property safely?

7 I believe that they are trying to put too many cars in a
8 very small spot; 243 cars is a lot for a one-point something
9 acre area. Especially if you're also going to have a
10 building, an office for whatever use you said because you said
11 there is not going to be security there other than a fence and
12 some lights. I will say that a six-foot fence is very
13 unsightly looking, no matter how many bushes you put around
14 it, especially since bushes start off being small.

15 I am concerned about the environmental. I understand
16 that they are keeping the 100 foot buffer from the Pine Bush.
17 I do understand that. Who is to say that these vehicles
18 aren't going to put oil into the ground and then it will go
19 into the Pine Bush and cause environmental issues?

20 I also believe that this is going to lower the values of
21 our homes in the area. As taxpayers we want our values to
22 stay high because we pay very high taxes. I pay one of the
23 highest taxes on my area, because I have a brand new house.

24 I'd like to know when the deliveries are going to be
25 made. I understand that he said not in them morning and not

1 in the evening when people are traveling to and from work.
2 Are they going to be made in the afternoon when kids are
3 coming off those school buses and the school busses are trying
4 to stop on that road? Better yet, are they going to come at
5 night when we are trying to sleep and we have to hear that
6 noise?

7 Tow trucks, flatbeds and car carriers do make noise and
8 it does travel through woods, especially when the woods end up
9 being dense in the colder months. We will hear chains
10 rattling. We will hear the tow trucks going up and going down
11 which is okay if there is an accident on the road because you
12 only hear that once in a while. But to hear it on a weekly
13 basis is too much.

14 I'd also like to know how often we are delivering and
15 taking away vehicles. If they have no room to pull around in
16 that area with 243 vehicles, does that mean that they are
17 going to stop on Albany Street and unload?

18 I will also say that this area is a very residential
19 area. I do understand that this is zoned industrial, but as
20 you drive down Albany Street, that portion of Albany Street is
21 the beginning of the residential part of Albany Street. If
22 this was closer to 155, I could understand the industrial
23 look. This is not. You have houses across the street and you
24 have houses next door. It's very residential looking.

25 Why is it needed? To benefit just the owner of the

1 property and the dealerships? It's not benefitting us
2 residents. Are they trying to turn Albany Street into the
3 next Central Avenue?

4 Are there any statistics from other lots that are
5 overflow lots? Like I said, I have been to one and it was
6 unsightly looking. Have there been any statistics or do they
7 not bother calling the police when there is a broken window in
8 there?

9 I think that's all I have.

10 I do have a petition that I have; 47 neighbors that have
11 signed. We were not notified of this. I understand from some
12 other people that we should have been notified of this. We
13 only found out from driving by and we saw the signs on the
14 lawn. The signs are this big (Indicating). If it wasn't for
15 us going over, the 47 people that signed that petition
16 wouldn't have known about it. So, if we knew about it longer
17 than one week, we might have had more neighbors be able to
18 sign it.

19 Thank you for listening and I'm sure that my neighbors
20 have more to say.

21 CHAIRMAN STUTO: We are taking notes and we'll have
22 them try to address each and every issue that you
23 raised. I do want to talk about the notice provision.
24 We're happy to take your petition into the record here.
25 If you want to bring that up, we'll take that into the

1 record.

2 Joe, do you want to talk about the notice?

3 MR. LACIVITA: I'm just looking at the
4 notifications now.

5 What is your address Kim?

6 MS. DITONNO: I'm 4216.

7 MR. LACIVITA: I do notice that there were
8 notifications given to the Nature Conservancy, 4207,
9 4217, 4211, 4222, 4232 and 4240. I'm not 100 percent
10 sure why - I can map it out and see -

11 MS. DITONNO: I can tell you that all of the
12 neighbors that I have spoken to did not get any notice.

13 MR. LACIVITA: Our notification process is
14 typically within 200 feet of the property of the zoning
15 district. I'm going to find out why, if you're 4216 -

16 MS. DITONNO: I'm directly on the other side of the
17 road.

18 MR. LACIVITA: I'll just draw a map and see as to
19 why and make sure that you continue to be notified in
20 the future for anything else going on with this
21 property.

22 MS. DITONNO: Thank you.

23 CHAIRMAN STUTO: Did you do the notices, Nick?

24 MR. COSTA: No, I did not.

25 CHAIRMAN STUTO: Do you have anybody here that can

1 speak on that, or no?

2 MR. LACIVITA: The notification that we have to
3 show is that it was done was done June 15, 2014,
4 notarized by a Notary Public, Anthony Bloomfield and it
5 was signed by Nina Crisafulli herself. I can draw the
6 map on all the sites and see where it sits.

7 CHAIRMAN STUTO: You can take the petition and pass
8 it down, if you want. We're making notes and we'll try
9 to go through all the issues that you have concerns
10 with.

11 Grace Walker?

12 MS. WAKEMAN: It's Wakeman but I'll pass this onto
13 Michael Colligan first.

14 CHAIRMAN STUTO: Okay, Mike Colligan.

15 MR. COLLIGAN: Thank you.

16 You're Mr. Grasso, is it?

17 MR. GRASSO: Yes, Grasso.

18 MR. COLLIGAN: And your title?

19 MR. GRASSO: We are a Town Designated Engineer.

20 MR. COLLIGAN: And you know Nick?

21 MR. GRASSO: Yes.

22 CHAIRMAN STUTO: First of all, you have to address
23 your comments to the Board. You can ask all your
24 questions and we'll try to get them answered.

25 MR. COLLIGAN: The designated property owners are

1 the Crisafullis. Is that the same property owner in the
2 past that owned the property?

3 MR. COSTA: Yes.

4 CHAIRMAN STUTO: Nick, if you don't mind, we'll
5 answer all the questions.

6 MR. COLLIGAN: Has anyone looked into the financial
7 solvency of the owners, the Crisafullis, and what their
8 past history is? I guess our concern is that all the
9 mitigation - the information that's been pushed forth -
10 will she have the ability to actually make this happen?
11 Mitigation with DEC is obviously a concern. I'm sure
12 that the Town is aware of some of the past properties
13 that this individual has owned and some of the issues
14 that we have had in the past with Sweet Temptations, the
15 Fairway Lane and one-hour cleaners and so forth. The
16 history isn't very good.

17 CHAIRMAN STUTO: Part of the application process is
18 not to my understanding the finances or financial
19 state -

20 MR. COLLIGAN: That's true but -

21 CHAIRMAN STUTO: Excuse me. That's not part of the
22 application process. I'm not familiar with any of the
23 properties that you're talking about. If you think that
24 it's relevant and you want to -

25 MR. COLLIGAN: Yes, I think that it's relevant. I

1 think that from a neighbor's concern -

2 CHAIRMAN STUTO: Can I just finish - excuse me. If
3 you want to talk about them, make it part of your
4 presentation. It's not part of the application.

5 MR. COLLIGAN: I am making it part of my
6 presentation. Let me finish.

7 CHAIRMAN STUTO: You said I assume that you know
8 about property X, Y and Z. I don't now about it.

9 I do want to ask Joe LaCivita: Is there a financial
10 statement that is required as part of the application?

11 MR. LACIVITA: Not part of the application, Peter;
12 no.

13 MR. COLLIGAN: There was a legal notice published
14 in the Times Union where this property was under
15 receivership about a year ago. I'm not sure what
16 happened with that, but that might be something that the
17 Board would like to look at.

18 We see that there is an article in the Times Union today
19 - the aim is to clean up the property. We're hoping that
20 happens, but the past history is that the property has not
21 been cleaned up. I think that from a Town perspective, there
22 were several codes that should have been cited with the past
23 property; the New York State Fire Code 2010, the property
24 maintenance code - those things have not been followed with
25 the property up to this point in time. So, the concern is

1 with the residents here and the people that surround the
2 property, what is going to be different when it's made into a
3 parking lot? We looked at some of these things and said that
4 a parking lot - a gravel parking lot -- we mentioned before
5 about the abandoned vehicles and so forth. A spill is
6 considered on not impacted land if it occurs on a paved
7 surface. This particular surface will be a gravel surface.
8 So, a spill in the dirt on a gravel parking lot is considered
9 to have impacted and is reportable. Has there been any DEC
10 reportable spill numbers for this property in previous times?
11 What are we going to do if there is a spill with the gravel
12 because it's more particular, obviously. That's something
13 that should be noted.

14 I guess I'm concerned with the fact also that the DEC -
15 the mitigation and the encroachment that's already taken
16 place. This is why I bring up the financial issue. They've
17 encroached into the buffer area. The applicant is required to
18 remove all the debris and equipment from the project site.
19 Further, historical fill was placed in the wetland and on the
20 property line and that is required to be removed. The
21 original wetland elevation is to be restored, plantings and
22 fencing -

23 CHAIRMAN STUTO: Can you tell me what you are
24 reading from? I'm not trying to be argumentative. I
25 want to make sure that we understand the point that

1 you're making. What document are you reading from?

2 MR. COLLIGAN: This is actually a letter from DEC
3 talking about the mitigation requirements.

4 CHAIRMAN STUTO: Thank you.

5 MR. COLLIGAN: This is Nancy Baker who is an
6 environmental analyst who met with the Town to talk
7 about the parking lot and so forth. So, what they're
8 saying is that in the past - the current situation, is
9 what they're saying - is abandoned trailers, vehicles,
10 dump materials of unknown origin which pose a
11 significant threat to the wetlands. The parking lot is
12 utilized for new cars which by nature shouldn't be
13 impacted that much. Our concern is what is going to
14 happen to the mitigation? Who is going to pay for all
15 the mitigation and make this place whole before we even
16 start?

17 There was some mention about what we are talking about as
18 far as acres. We have 1.39 acres and it's an 11.9 acre
19 parcel. They want nine-plus acres to be deeded over. I think
20 that Mr. Grasso mentioned that. The deed restriction will run
21 with the deed to the property. A permit is required and they
22 also need to take that nine-plus acres and deed it. I think
23 that we have another issue here as far as the Pine Bush
24 Conservancy. Our concern is that there is not a lot of
25 property to put 271 cars.

1 The issue as far as the gravel parking lot - there has
2 been abandoned vehicles now spilled -- are they going to have
3 buildings? I think that I heard something about that they're
4 going to maintain a building for an office area. Those
5 buildings should have been condemned or at least part of the
6 New York State Building Code. Anything that changes in the
7 New York State Building Code such as use, needs to be brought
8 up to Code. Our concern is that we have the realistic fear
9 that because of the financial viability of the applicant, that
10 these things will not get done. Where is the money going to
11 come from to go ahead and mitigate all of this and bring
12 everything up to building codes, fence in the property and do
13 what we need to do to make this? That is obviously our
14 concern.

15 CHAIRMAN STUTO: Thank you.

16 MS. WAKEMAN: My name is Grace Wakeman and I live
17 at 4197 Albany Street. I moved down from Clifton Park
18 seven years ago and it would appear that it's the worst
19 move that I've ever made. It was a big mistake to come
20 to the Town of Colonie thinking that in moving into a
21 residential area I would be protected. I do live in a
22 residential area, several hundred feet from this
23 property.

24 I wrote many years ago - four, five or six years ago to
25 Paula Mahan. I sent 10 by 12 pictures. I wrote to the

1 Building Inspector and absolutely nothing happened. This
2 property is not for storage of trucks. It is a dump. They
3 would dump there in the middle of the night and I have
4 absolutely no faith that when these cars are parked on this
5 parcel that anything will change - that the lawns will be
6 mowed, that the place will be kept up as proposed. I just do
7 not have any faith that anything will be looked after as has
8 been said.

9 CHAIRMAN STUTO: Thank you. Anybody else want to
10 speak?

11 MS. SITTERLY: I'm Christine Sitterly, 63 Virginia
12 Avenue. I'm on the corner of Virginia and Albany
13 Street. Right now I have an unfenced yard, two dogs and
14 in my area I'm further away from this property that we
15 are discussing. However, the traffic is getting heavier
16 and faster. Thirty is not what they are doing. The
17 police, at the end of the month come out and capture a
18 few people who are offenders. I'm assuming that they
19 are in need of funds.

20 Today, there was a fire, apparently on Central Avenue;
21 Route 5. Traffic was diverted over Virginia, making the turn
22 into Albany Street so that they could get to 155 and the
23 reverse was made - since I'm sitting on the corner in the
24 corner house, I see traffic coming and going. I know that
25 it's a one-time thing.

1 Today two CDTA busses were trying to make the turn with
2 traffic backed up in both areas. One bus was going west, the
3 second one was going east. They're trying to make this turn.
4 Of course there is a pole on the corner so everybody had to
5 swing wide. If you have all these tractor trailers bringing
6 all these cars in and taking them away, we're going to have
7 tractor trailers backing up into Virginia so that they can
8 either go west or east because many lost ones seem to do be
9 doing that now. So, why would they do something different in
10 the future?

11 Does anybody have questions?

12 (There was no response.)

13 CHAIRMAN STUTO: We'll ask our engineer to address
14 traffic.

15 MS. WAKEMAN: My other concern is that it is the
16 Pine Bush. If you have a gravel surface, we have water
17 sitting after rain falls currently. What are we going
18 to do with this gravel surface with the run-off from all
19 of these cars that have supposedly fuel in them? We
20 need to talk about that. Not only the children cross
21 the road back and forth, visiting each other - yes,
22 there is a parent saying okay, now run. Or the school
23 bus which stops and puts out the sign and cars pass
24 right by and the drivers have an exchange of comments,
25 shall we say. It's just not a safe area to do this type

1 of thing. Yes, you're not supposed to have tractor
2 trailers running up and down Albany Street which is what
3 they do. Guess what? They're doing it. That's what I
4 have to say.

5 I live on the corner. I don't need all the vibration.
6 My dishes are shaking as it is in the china cabinet. I hope
7 you can fix it.

8 CHAIRMAN STUTO: Thank you.

9 Anybody else like to speak?

10 MR. WAKEMAN: I'm Ken Wakeman. I'm 4197 Albany
11 Street. Again we're concerned about traffic of course
12 and one of the things that wasn't brought up at the DEC
13 is the permit requires specifically that new cars be
14 brought to this parking lot.

15 I understand that where the Kmart was is going to be a
16 big facility for used cars. If that's what comes there,
17 that's again a danger for a gravel parking lot - parking used
18 cars there. The permit requires them to have new cars. I
19 wanted to bring that to your attention. Thank you.

20 CHAIRMAN STUTO: Anybody else?

21 We'll open it back up. If you have more to say, we'll
22 give you another opportunity to speak.

23 I don't know if I should go through the issues or if you
24 want to address it or turn it over.

25 MR. GRASSO: I wouldn't recommend that I try to

1 address the concerns because I don't know enough about
2 the project as the applicant and the consultant. I also
3 took notes of all the comments, so I think that we
4 should have the applicant's consultant try to address
5 some of these and where things are not addressed to our
6 satisfaction or at all, we can request a written
7 response.

8 CHAIRMAN STUTO: And Board, please jump in.

9 Tell us about the building that is going to remain and if
10 it's going to remain, what is going to be done with it and
11 what condition it's in.

12 MR. COSTA: That's the existing building
13 (Indicating). The applicant actually has a building
14 permit to work on that building to transform it into an
15 office use.

16 MR. LANE: That used to be their office?

17 MR. COSTA: That's correct. It used to be the
18 office for Crisafulli.

19 CHAIRMAN STUTO: What is the size and shape of the
20 building? What condition is it in and what do they
21 intend to do with it?

22 MR. COSTA: The building is a converted home. It
23 was a residential house. It is two stories and it is in
24 need of work, as the rest of the parcel needs work.

25 MR. GRASSO: Is it going to be occupied full time

1 or during certain regularly set hours? How does that
2 dovetail in with the parking lot proposal?

3 MR. COSTA: It will be occupied during normal
4 working hours; nine to five or nine to four.

5 MR. GRASSO: As a manager for the parking lot?

6 MR. COSTA: Yes, that's correct.

7 CHAIRMAN STUTO: How many square feet is the
8 building?

9 MR. GRASSO: It's two stories, right Nick?

10 MR. COSTA: It's two stories.

11 MR. GRASSO: I think it's about 3,000.

12 CHAIRMAN STUTO: That's close enough.

13 MR. GRASSO: It's 2,500 to 3,000 square feet.

14 MS. DITONNO: Can I ask a question about that?

15 CHAIRMAN STUTO: I'd rather that you didn't right
16 now. If you still have a question at the end, I'll let
17 you ask it. We have to maintain order of the meeting.
18 It's the way to get the information on the record.

19 Why do they need a building that big and why do they need
20 an attendant there all the time?

21 MR. COSTA: The attendant would allow people in and
22 out of the facility. The facility will be secured.
23 There will be a gate. There will also be cameras
24 installed on the site that will track activities at the
25 site.

1 CHAIRMAN STUTO: You're saying that the building is
2 going to be manned all during regular business hours?

3 MR. COSTA: That's correct.

4 CHAIRMAN STUTO: What are the hours of operation?
5 I don't know if one of the Joes want to jump in. When
6 can they move the cars and not move the cars?

7 MR. GRASSO: There are no restrictions on the
8 Zoning Code, but it's something that is typically
9 identified as part of the application. The Board has
10 the ability to restrict hours of operation.

11 CHAIRMAN STUTO: What is the applicant proposing in
12 terms of their hours of operation?

13 MR. COSTA: I think that it would be nine to five
14 or eight to four. It would be normal business hours.

15 CHAIRMAN STUTO: They can't move any cars later or
16 earlier than that?

17 MR. COSTA: You can if you make arrangements for
18 someone to let you in.

19 CHAIRMAN STUTO: I think that we want to restrict
20 the hours, as a matter of the application process.

21 MR. TENGELER: I'm looking at the application now.

22 There is no time indicated on the zoning verification or
23 our site plan application, Joe.

24 MR. LACIVITA: You're going to restrict the hours
25 of operation through the approval process and say nine

1 to five?

2 MR. COSTA: If that's what the Board wishes to do.
3 Like I said, you could gain access to the site if you
4 make arrangements to be allowed to enter the site.
5 Somebody would have to be there.

6 MR. LANE: There could be a necessity to be able to
7 go earlier or later with prior arrangements, depending
8 on the dealer and the vehicle.

9 MR. COSTA: That's correct.

10 MR. LANE: Any restriction - how would you deal
11 with that?

12 CHAIRMAN STUTO: Nothing earlier than 7:00 or later
13 than 7:00.

14 Can you talk more about security? I'll go through my
15 list.

16 MR. GRASSO: Yes, and I can do the same thing.

17 MR. COSTA: Again the security - there would be a
18 fence and it would be gated and the only way to allow
19 access into the site would be an approved method of the
20 person opening up the gate.

21 MR. GRASSO: Is there a reason why you're only
22 fencing along Albany Street and not fencing the yard
23 itself?

24 MR. COSTA: I guess we could fence in that area.
25 We just didn't want to get into the buffer or the

1 wetland areas.

2 MR. GRASSO: I'm not saying to do that, I'm just
3 asking the question to try to clarify because there were
4 a lot of concerns brought up about it.

5 MR. COSTA: We show the fence coming along the
6 frontage. We thought that would be sufficient.

7 CHAIRMAN STUTO: Where will the cameras be
8 positioned?

9 MR. COSTA: They would be over at what would be the
10 office. I would think that they would have them at the
11 corners of the parking.

12 CHAIRMAN STUTO: Mainly monitoring the front part
13 of the entrance?

14 MR. COSTA: That's the idea. That's correct.

15 MR. GRASSO: The type of fence that you're looking
16 at?

17 MR. COSTA: It's a six foot chain link.

18 MR. AUSTIN: It seems like just having the fence on
19 the frontage - that defeats the purpose of the fence in
20 some ways because it doesn't really keep anybody -- it
21 will keep them out of the front, but if they walked
22 around the fence and went right around -

23 MR. COSTA: Again, we thought that because of the
24 extensive wetlands they would have to go through some -

25 MR. AUSTIN: As some of the residents were saying

1 people even walk through the wetlands now, I guess.

2 Maybe a chain link -

3 MR. COSTA: Yes, all the way around -

4 MR. AUSTIN: I was also thinking that maybe for the
5 neighbors, maybe they might be amendable to -- rather
6 than a chain link fence where you can see all the cars
7 and you can see all the activity, more of a privacy
8 fence in the front?

9 MR. COSTA: Sure.

10 MR. AUSTIN: That's just a thought. I'm not sure
11 if the neighbors would appreciate that more so that you
12 can't see all the cars from the street - more of a white
13 privacy fence or something like that.

14 MR. MION: You're trying to keep people out and are
15 concerned about sleeping - put something on top of the
16 chain link fence.

17 MR. COSTA: Again, the aesthetics of it are what
18 you have to look at.

19 MR. MION: If you look at it from the sides, you
20 can go around it.

21 MR. COSTA: I agree with you after hearing the
22 concerns. I think that fencing the perimeter makes all
23 the sense in the world.

24 MR. AUSTIN: Especially if you're looking to store
25 new cars. It's a security issue.

1 CHAIRMAN STUTO: Okay, lighting. Can you talk
2 about lighting? It's a double-edged sword. People
3 don't want to see it from their house, but it's also
4 security issue because it discourages people who are not
5 supposed to be there.

6 MR. COSTA: Our thought was that the lighting in
7 the front of the parking lot - if we need to extend that
8 lighting to the rear so that there is some feeling of
9 security, we could do that.

10 MR. LANE: I think that's what the Pine Bush
11 Commission doesn't want. That's the thing that you have
12 to talk to Neil about.

13 CHAIRMAN STUTO: It will be down-lighting?

14 MR. COSTA: Yes, it will be down-lighting.

15 CHAIRMAN STUTO: Can you describe on an engineering
16 basis what that means and what the impact is on the
17 neighbors?

18 MR. COSTA: The down-lighting obviously helps in
19 keeping the light where you want it to be. The LED type
20 lighting does a great job about not having a huge spread
21 towards the adjacent properties. So, any lighting that
22 would be done here would be down-lighting. It would be
23 spot-lighting rather than lighting that would spread
24 into the adjacent properties.

25 CHAIRMAN STUTO: Can you talk more specifically

1 about traffic and if we can get some feedback from our
2 engineer on that, that would be great.

3 MR. COSTA: Like I said, once the cars are
4 delivered, it's 243 vehicles. You wouldn't have 243
5 vehicles come into the site every week. Once the lot is
6 full, you wouldn't be taking away cars away, you would
7 be bringing cars. You're only dealing with about - my
8 guess would be 10 or 15 cars a month.

9 MR. MION: Do they anticipate that the parking lot
10 is going to be full?

11 MR. COSTA: No. We show 243 vehicles, but it would
12 be difficult to have 243 vehicles on that site at all
13 times.

14 MS. DALTON: Given that you don't expect it to be
15 full, my personal opinion is that you should move the
16 stormwater management into the site at the sides and
17 also that issues with regard to the truck turn around --
18 essentially number four on the CHA letter. Because if
19 you're not planning on using all of those spots, you
20 might as well accommodate some of the other concerns.

21 My other question starts with Joe. Can you talk a little
22 bit about the pros and cons of using gravel as opposed to some
23 of the other options?

24 MR. GRASSO: Sure. Gravel is normally a little bit
25 more pervious than asphalt. So, by its very nature, it

1 can have a little bit less impacts in terms of run-off.
2 There is less heat gain by gravel as oppose to asphalt.
3 It's a cheaper material. The downfall is that if there
4 are spills within the gravel they aren't going through
5 treatment for the gravel. It can directly impact the
6 groundwater. If you have a paved surface, all the
7 run-off is basically going to get discharged to the
8 stormwater management area for treatment.

9 MS. DALTON: What about if there was porous
10 pavement?

11 MR. GRASSO: Based on where I would expect
12 groundwater to be, there isn't enough separation between
13 the asphalt or gravel surface and the groundwater table
14 to allow enough area for treatment. So, there wouldn't
15 be any contaminates removed. I think it would either
16 have to be gravel with a run-off that would go to a
17 stormwater management area, or just paved.

18 MS. DALTON: Last but not least, is there anyway of
19 knowing the rate and probability of any of the kind of
20 equipment failure that's we're talking about leaking
21 into the groundwater?

22 MR. GRASSO: It's a great question and I'd like to
23 hear from Nick exactly the type of vehicles.

24 Are we talking about new vehicles or used vehicles or
25 damaged vehicles awaiting repair? There are different

1 treatments for each of those cases.

2 MR. COSTA: My understanding Joe is that they are
3 new vehicles. I think that one of the gentlemen had a
4 copy of the permit and the DEC permit states that they
5 will be new vehicles.

6 MS. DALTON: My last question is for you, Nick.
7 With regard to the DEC recommendations on the site
8 review for environmental protection of plants and
9 animals, what is your plan for that?

10 MR. COSTA: I'm sorry?

11 MS. DALTON: In the DEC letter I thought that they
12 had recommended there actually be additional study of
13 the site with regard to plants and animals.

14 MR. GRASSO: The DEC report - the New York Natural
15 Heritage Program identified the Karner Blue as being a
16 species in the general study area.

17 MS. DALTON: They have a list of plants and animals
18 which are known to be in the area, but they suggest that
19 because of the nature of the area that there were
20 further studies.

21 MR. COSTA: It's the New York Natural Heritage
22 Program.

23 MS. DALTON: It's the one of February 14, 2014. It
24 says it requires additional review or permit conditions.
25 They are suggesting also that you do an additional

1 study. It says for further information regarding the
2 permits that may be required under the state laws of
3 regulated areas, you can contact them. They do say that
4 this project may require additional permits. I'm
5 wondering if you're planning any additional review
6 because it seems to indicate that given the
7 sensitivity -

8 MR. COSTA: We are going to have our environmental
9 ecologist look at the site and respond to that question.

10 MS. DALTON: So, it's going to be a comprehensive
11 report?

12 MR. COSTA: I think that it's going to be basically
13 a letter report because all of the activities that they
14 are proposing are occurring on a footprint that is
15 already developed. I think that letter that comes from
16 the Natural Heritage Program is really -

17 MS. DALTON: That's not Natural Heritage. That was
18 from DEC. That was a DEC letter.

19 MR. COSTA: The Natural Heritage Program is part of
20 the DEC.

21 MS. DALTON: Okay, I see.

22 MR. GRASSO: Kathy, just to clarify, as I was going
23 through the dates, the DEC permit was issued after that
24 Natural Heritage database was searched. That database
25 search was done February 5th.

1 MS. DALTON: Right. I noticed the database search
2 and when it was done.

3 MR. GRASSO: I would assume that the response as
4 part of the permit application had addressed those
5 concerns. But that's something that we can follow-up
6 on.

7 MS. DALTON: My understanding of it was essentially
8 they were saying this is the stuff that we know about
9 given the day to day search that we just did but because
10 the nature of the area, we're suggesting that you do
11 additional studies. It may be that they're not
12 permitted to require additional studies, but that's what
13 they re recommending.

14 CHAIRMAN STUTO: Joe, do you have a copy of the
15 permit.

16 MR. GRASSO: We only have the cover letter. I
17 think that it's going to be important for us to see the
18 permit application.

19 MS. DALTON: I don't care if it's an entire report.
20 The letter from the environmental review says that
21 things look fine and that's fine. I really would prefer
22 some additional review.

23 CHAIRMAN STUTO: Do you have that DEC letter, sir?

24 MR. COLLIGAN: Yes.

25 CHAIRMAN STUTO: What is the date of that letter?

1 MR. COLLIGAN: March 6th.

2 CHAIRMAN STUTO: Do you have the DEC permit that
3 goes with that?

4 MR. COSTA: Yes, he does.

5 CHAIRMAN STUTO: We don't have it.

6 MR. LACIVITA: Can I take a look at that for one
7 second?

8 MR. COSTA: The Town received a copy of it.

9 MR. LACIVITA: How did you get the original one?

10 MR. COLLIGAN: I don't know.

11 MR. TENGELER: That's funny because our file
12 doesn't seem to have it.

13 MR. COSTA: One of the letter is actually the
14 Natural Heritage Program which is a data base of all the
15 endangered and threatened species or fauna in New York.
16 Basically, they go search by address and because it's
17 next to the Pine Bush, that's the response that we
18 received. What I'm saying is that the area is already
19 developed. The footprint of the site is fully
20 developed. We're not going to encroach it to additional
21 disturbance there. The ecologist would walk the site
22 and would say that there is no identification.

23 MS. DALTON: I do understand that, but while it is
24 already developed, with what some of the neighbors are
25 saying, some of it has become overgrown as well. So,

1 that gives the opportunity for all sorts of other
2 things.

3 MR. GRASSO: I'm just trying to go through the
4 comments. You seem to have touched on most of them.

5 The run-off concerns - can you just describe the approach
6 to stormwater management and what it's intended to do?

7 MR. COSTA: The reason why we selected the gravel
8 to do some filtering of the run-off - it is sandy. The
9 site does have some sands. We were hoping to do the
10 design portion of the process - we would do some
11 stormwater recharge. Hold it in these areas that are
12 going to be excavated. These areas have to be excavated
13 to reclaim those areas because those areas have been
14 filled.

15 MR. GRASSO: There was a lot of discussion
16 regarding the historical uses and compliance or
17 non-compliance. There was a comment brought up about
18 any existing environmental hazards or dumping that could
19 have caused contamination. Have there been any kind of
20 contaminated materials screening or Phase I
21 environmental assessments?

22 MR. COSTA: No, not that I am aware of. The DEC
23 was at the site and again, they wrote it into their
24 permit that they'd like to have any materials that are
25 encroaching into the environmental areas removed. That

1 will be the first item of business when they start
2 working out there.

3 CHAIRMAN STUTO: Have they done the database checks
4 on the spills or no?

5 MR. COSTA: I haven't done a database search.

6 MR. GRASSO: It sounds like Phase I has not been
7 done.

8 CHAIRMAN STUTO: Are we going to be doing that at
9 some point, or no?

10 MR. GRASSO: It's something that we can consider.
11 I think that I would like to discuss it with DEC based
12 on their investigation to see if it's warranted.

13 MR. AUSTIN: Joe and Nick, I'm not sure if Kathy's
14 question was answered about the amount of spilling from
15 a new vehicle or leakage. It was answered as to what
16 kind of vehicle would be on the property.

17 MR. GRASSO: It's a good question and it comes up a
18 lot. From what we understand, vehicles are out on the
19 road and if fluid leaks or something that occurs in any
20 vehicle -- normally newer vehicles it's less of a
21 concern than any other vehicle. So, there are no
22 special protections ever providing regarding -- unless
23 we're talking about destroyed or damaged vehicles
24 awaiting repair. Then you get into special provisions
25 in terms of treatment systems designed to capture the

1 run-off and take out the oil and petroleum products.
2 Once we heard that there was going to be new vehicles,
3 then that addresses a lot of concerns regarding fluid
4 leaks.

5 CHAIRMAN STUTO: Somebody said that the permit says
6 that they are new vehicles.

7 MR. GRASSO: And he put it in the record that we're
8 talking about new vehicles.

9 MR. LACIVITA: I think that a further condition can
10 be put on the approval to this in the sense that knowing
11 the operation of a car dealership and we don't know who
12 or how many at this point. The one that is coming to
13 the Colonie Kmart - that's actually in the Village of
14 Colonie. That's not to say that this applicant may not
15 enter into multiple contracts with some of these
16 dealerships. The way that car dealerships typically
17 operate is they take in trades. I think that this lot
18 can be conditioned upon a permit that only new vehicles
19 be put at the site. No storage of used vehicles taken in
20 as trades. I think that would be a condition on the
21 project moving forward if we so choose to do that. That
22 will protect the whole ground water issue and everything
23 else moving forward.

24 CHAIRMAN STUTO: We skipped over traffic and we
25 didn't finish that.

1 MR. LACIVITA: I'll make copies of yours, Peter,
2 for the packets.

3 CHAIRMAN STUTO: On the traffic, we got something
4 of a response from the applicant and I guess my question
5 is those engineering books that you gents and ladies
6 have on traffic generation - do you have any idea what
7 they say about this type of operation? I know that
8 there's going to be variability.

9 MR. GRASSO: And there is very few trips when you
10 look at all the uses that could be accommodated on the
11 site and it has access to a Town road. Based on our
12 review of the application and what the data will show is
13 that there are very few trips generated from the use.
14 Because Albany Street is a Town road maintained by the
15 municipality, there aren't going to be the traffic
16 impacts associated with this use. Are there going to be
17 additional trips? Absolutely. Is it going to cause
18 what we would consider a significant impact that
19 warrants mitigation? No. But we start to look at
20 things in terms of your access point, sight distance,
21 other indirect traffic related traffic impacts about
22 vehicles backing up on the street, the noise associated
23 with it and things like that.

24 CHAIRMAN STUTO: Okay, that makes sense.

25 Property values was raised. I don't if that is something

1 that we could answer here. If someone wants to take a shot at
2 it, I would invite that.

3 MR. COSTA: The only thing that I can say is that
4 it's an improvement of what is there today. The value,
5 in my opinion is going to be improved.

6 CHAIRMAN STUTO: Okay, time in the business, I
7 think we talked about. You said what your hours of
8 operation would be and I think that we do want to put an
9 outside limit of 7:00 to 7:00 on that.

10 MR. MION: I just want to add something there as a
11 thought. With the concern of Albany Street with the
12 school busses and that drive down there, if by some
13 chance they're not able to pull into the lot itself and
14 they do have to use Albany Street, now you're going to
15 interfere with the school busses.

16 MR. GRASSO: I definitely think that one of the
17 conditions of approval would be that no stopping or
18 staging along Albany Street is going to be permitted or
19 else there will be another enforcement -

20 CHAIRMAN STUTO: Part of that is one of your
21 comments. They need space to be able to turn around at
22 all times.

23 MR. GRASSO: Yes, they have to provide reasonable
24 accommodations within their site to accommodate their
25 typical maneuverers of a vehicle.

1 CHAIRMAN STUTO: Does everybody agree with that?

2 (The Board collectively agreed.)

3 CHAIRMAN STUTO: Solvency - I'm going to take a
4 shot at this, but it's not exactly to answer solvency of
5 the applicant.

6 Before they can operate as a business, they have to do
7 all the mitigation that is required. They have to set it up.
8 They're not going to have a certificate of occupancy before
9 they make all the improvements; is that right, Joe and Joe?

10 MR. GRASSO: That's right.

11 MR. LACIVITA: Yes.

12 CHAIRMAN STUTO: So, by definition they're not
13 going to be able to operate until they have completed
14 all of the things that they have to complete as a
15 condition of the approval.

16 MR. LANE: There is the neighbor's concern that it
17 hasn't been maintained to the level that they would have
18 liked to have seen it in? Why should they think that
19 anything is going to be different now?

20 MS. DALTON: I just want to follow up on Tim's
21 comment for a second because I do think that there is a
22 difference between looking at financial solvency which
23 is not part of the application, versus looking at prior
24 experience with the Town in development efforts. So, I
25 don't think that's every going to be part of what we do

1 - looking at a particular developer or landowner's
2 history. It's not a bad idea, though.

3 MR. LACIVITA: I think that if you're going to look
4 at that point, you would probably look at how you put
5 conditions on the way the operation of this project
6 would be, based on history.

7 MS. DALTON: Right, but since we don't have the
8 history and we don't know anything about -

9 MR. LACIVITA: I think that you can look at some of
10 the concerns that were brought up by the Building
11 Department such as the house being habitable where they
12 have had to come and say in an industrial zone, you
13 can't have residential housing.

14 MS. DALTON: Actually, I was suggesting history in
15 other development projects.

16 MR. LACIVITA: I'm looking site specific.

17 MS. DALTON: Right, I understand that. I'm sure
18 that we have developers who are starting development
19 here and development there and I'm just suggesting that
20 it might be a reasonable thing to ask in our process.

21 MR. LANE: I don't know that we would be empowered
22 to do that.

23 Going back to my point, can you delay some of that
24 concern?

25 MR. COSTA: It would just be my guess that the

1 business that was operating there just became less
2 viable and it kind of became run down. My understanding
3 is that there were other contractors that started to use
4 the site as a storage area. Some of the vehicles that
5 were left there were left by those other folks.

6 MR. LANE: So, what it comes down to is that when
7 the commercial development comes next to residential we
8 want everybody to be a good neighbor and take that into
9 consideration. From this point on -- for them to take
10 that into consideration as they're looking to do the
11 project and consider these people. We just want them to
12 think about it. To have somebody else come in when
13 they're leasing a space and have as much control as you
14 can in this situation.

15 MR. COSTA: I think that the concerns that were
16 voiced here tonight - I think that we've already agreed
17 to take some of those into consideration, if not most of
18 them into consideration.

19 MR. AUSTIN: I think that the situation with some
20 of the neighbors right now is quite horrible. If
21 anything, you're going to be cleaning the entire site
22 up. If possible, putting in that nice fence in the
23 front and rehabbing the house and making the whole
24 property look at least visibly better from the other
25 side of the street - from the residential side -- I

1 think that's a bonus right there. You are going to get
2 rid of the dilapidated house and all of the abandoned
3 vehicles over there and you'll have something essentially
4 a little bit better to look at. Maybe not as nice as
5 you might want, but it will be better than it is now.

6 CHAIRMAN STUTO: I do want to get something on the
7 record. You said that there had been a variance on this
8 property. I'd like to bring that to light and whatever
9 history that you know and whatever history that you
10 don't know - we'll try to find out and whatever the
11 legal ramifications are.

12 MR. LACIVITA: This variance was variance 87 -

13 CHAIRMAN STUTO: This isn't in our packet. Joe
14 just found this.

15 MR. LACIVITA: We just found this at about 4:30 or
16 5:00 tonight. We talked to the Town Attorney's office
17 on this one. Variance 87-023 - the conditions that were
18 placed on 310 of 1987 was: 1. The uses of the premises
19 is limited to a plumbing business. 2. There shall be no
20 apartments on the premises. 3. No outside storage of
21 materials or vehicles is permitted.

22 That being said, this is 1987 and the variance was
23 granted on 3/10/87. The Land Use Law, based on the changes in
24 2007 adopted a new permitted uses table and the Land Use Law
25 that was adopted in January 2007 - if you look at the

1 permitted uses table, of 190 attachment 1 Permitted Uses
2 Table, in the industrial zones - the variance that once
3 traveled with the land is now a permitted use to allow such an
4 automobile storage facility in an industrial zone. Number 1
5 is still applicable because an industrial zone does not allow
6 for any dwellings, multi-family apartment -

7 CHAIRMAN STUTO: I don't want to get into any legal
8 interpretations. I'd like to see them in writing.

9 MR. LACIVITA: Okay, we can get that in writing.

10 CHAIRMAN STUTO: And if our attorney Kathleen
11 Marinelli can work with the Town Attorney and figure
12 that out -

13 Do you know about that variance or no?

14 MR. COSTA: I just know that some of it is
15 mentioned in the project narrative.

16 CHAIRMAN STUTO: Do any of the neighbors want to be
17 heard again?

18 MR. COLLIGAN: I just have a quick comment. The
19 square footage of the house was 2,000 plus.

20 CHAIRMAN STUTO: He said between 2,500 and 3,000.

21 MR. COLLIGAN: And the house is going to stay?

22 CHAIRMAN STUTO: That's what they are saying; yes.

23 MR. COLLIGAN: And it was going to be basically
24 just a guard or someone to let people in and out. The
25 Port of Albany does that with a four by four booth. I

1 would be concerned if that comes up to New York State
2 Building Codes, mechanical codes, electrical code and
3 everything else. I'm not sure what the rest of the
4 house is going to do. That would just be a concern.

5 The six-foot fence, as far as keeping anyone out -- I go
6 back to my drive-in days and that never did.

7 Other than that, I just want to thank the Board very much
8 for hearing our concerns and so forth and hopefully we made
9 some good comments.

10 CHAIRMAN STUTO: Yes, you have; thank you.

11 MR. WAKEMAN: I'm Grace Wakeman. What I heard was
12 that there was a permit allowed for trucks. There is a
13 very, very large empty derelict trailer sitting on that
14 property and it has been there. I just don't understand
15 why the Town of Colonie has not moved in to work on this
16 issue.

17 The other question that I have is in the initial notice
18 of the permit requesting the permit back in the early spring,
19 it did not specify new cars. If we don't know who the car
20 dealers are, how do we know that they are new cars?

21 CHAIRMAN STUTO: Fair questions.

22 Does the DEC permit say new cars on it?

23 MR. GRASSO: It does.

24 MR. LACIVITA: It does and it says 221 vehicles -
25 and I know that we're here talking about 243. It's

1 incidental but -

2 CHAIRMAN STUTO: No, that's fine.

3 Do we need a breather on this?

4 MS. DALTON: I make a motion that we table this
5 until we get an opinion with regard to the variance.

6 MR. LANE: Second.

7 CHAIRMAN STUTO: If we can hold that thought for
8 one second -- if the applicant and our Town Designated
9 Engineer and the department - to the extent that it's
10 helpful to talk to the residents -- all of the issues
11 that we raised - if we can come to more agreement in
12 more specificity, screening in the front is important,
13 hours of operation, the new vehicle thing, number of
14 vehicles, the comments that you have about the
15 stormwater and the turnaround space. That may restrict
16 the area a little bit. I think that we need to
17 reconcile that with the DEC permit as well. If we have
18 more things agreed to next time we come, we'll probably
19 have a more fruitful meeting.

20 MR. GRASSO: So, I just want to clarify our charge.
21 At the same time that there is additional review
22 regarding legal merits of the application, we will work
23 with the applicant to clarify the concerns that were
24 brought forth tonight and try to have a new application
25 brought before us or revised application that addresses

1 the concerns for additional concept review.

2 CHAIRMAN STUTO: That's correct.

3 MR. GRASSO: There are three things. We talked
4 about the maneuvering area being within the site and not
5 within the parked area. There are a lot of other
6 things. I'm just trying to clarify three so that I
7 know. The stormwater management area will be brought
8 within the confines of the development area and not
9 within the buffer. I know that was one of those
10 comments that Kathy brought up.

11 Is there a general consensus?

12 (The Board agreed.)

13 MR. GRASSO: And the third one - in terms of the
14 protected lands - both the constrained lands and the
15 uplands - given what you have heard of the application
16 and the history here, do you feel comfortable requiring
17 a dedication of lands if there is an agency that would
18 take it or a conservation easement which would be given
19 to a conservation organization or a deed restriction?
20 There are basically three levels of control. Each have
21 different levels of protection or assurances that the
22 protection in perpetuity is going to be followed. It's
23 a big issue.

24 CHAIRMAN STUTO: I heard the applicant say that the
25 back acreage - that they were amendable -- or at least

1 he was going to go back to the applicant about deeding
2 that over to an appropriate agency.

3 MS. DALTON: I think that there are tax
4 implications to deeding it over versus letting them keep
5 the land with deed restrictions; aren't there?

6 MR. GRASSO: Yes.

7 CHAIRMAN STUTO: Property tax you mean?

8 MS. DALTON: Yes.

9 CHAIRMAN STUTO: I don't know if it impacts the
10 value much or not; I don't know.

11 MR. GRASSO: Not substantially. There are
12 implications, but I wouldn't let that factor into the
13 Planning Board's decision. I think that what is most
14 important for the Planning Board is that there are three
15 levels of protection. Each one has a higher level of
16 assurance that land use control is going to be
17 restricted and there won't be non-compliant uses in the
18 future of those environmentally sensitive portions of
19 the project site.

20 MS. MILSTEIN: What I would like to know is what
21 are the benefits and detriments to each one of them. It
22 doesn't have to be done right now.

23 MR. GRASSO: The fee dedication - if somebody else
24 owns it, they're going to regularly patrol it, post it
25 and it becomes a trespass issue if this applicant

1 encroaches on a major conservancy's lands.

2 When you grant a conservation easement to one of these
3 agencies, they have the legal ability to regulate the uses in
4 conformance with those easement rights. But it's something
5 that's done on a voluntary basis in terms of how often its
6 policed.

7 The next one being deed restriction - the enforceability
8 of a deed restriction by Nature Conservancy is basically non
9 existent based on another similarly effected -

10 CHAIRMAN STUTO: I would stay away from deed
11 restrictions period. The legality of that is that the
12 neighbors can enforce it.

13 MR. GRASSO: Exactly. That's why I said that there
14 is three layers and that's a brief summary.

15 CHAIRMAN STUTO: To my mind the only thing that is
16 in play the ban that the DEC has said should be
17 restriction and the question as to whether that should
18 be an easement or whether that should be deeded over.

19 MR. GRASSO: All I will say is that those first two
20 options require somebody willing to take the rights
21 either from an easement or fee designation. The Nature
22 Conservancy may say, we're not going to take an easement
23 but we'll take fee dedication so that we can make it
24 part of the preserve. We haven't had those discussions
25 yet.

1 CHAIRMAN STUTO: Maybe they would take the deed to
2 one and the easement --

3 MR. GRASSO: Exactly. That's why I wanted to get a
4 sense from the Planning Board so that I can engage in
5 some meaningful conversations.

6 CHAIRMAN STUTO: I think that the preference is on
7 more restrictive scale. If you ladies and gentlemen
8 that are involved could come back with a concrete plan -

9 MR. GRASSO: Okay, will do.

10 CHAIRMAN STUTO: I just want to say a few things
11 and then we'll go back to the public. I think that
12 screening in the front is very important. It's the
13 visual looking good as you're driving by to the
14 neighbors that live in the vicinity. If you could come
15 up with any schematics about that, I think that it would
16 be helpful. I think that we've touched on all the other
17 things and hopefully you've heard it and it's in the
18 transcript, as well.

19 MS. DITONNO: I know that it's been a long night
20 and you have another application after this. Before you
21 guys make any big decisions, you're all homeowners here
22 in the Town of Colonie because I'm assuming that you're
23 on the Board. Take a second and drive down Albany
24 Street; see the area. It is very residential. Before
25 you make your decision, think if you would you want this

1 next to your house, across the street from your house or
2 even down the street from your house. Would you really
3 want it there honestly? It's not a car dealership where
4 they are selling cars, but they are still storing 220
5 cars next door to our homes. So, just take a moment to
6 drive past it and please take some time to research
7 statistics for other car lots.

8 I know that there are a few. There is one on Morris Road
9 and I think that here is one someplace behind Fucillo's that I
10 have been to that have been vandalized. Take a moment to talk
11 to those neighbors, find out how they feel about having that
12 there for some time now. Look at it and look to see the way
13 that it looks. They don't maintain them. How can we be
14 guaranteed that this is going to be maintained past the first
15 year? Just take a moment to do some research on this before
16 you make any decisions. You wouldn't really want this in your
17 backyard either and thank you so much for listening to us
18 residents. I know that sometimes residents can be a bit of a
19 pain. Than you, very much.

20 Maybe the property owner could clean up a little bit
21 while she is trying to get approval from everybody to make us
22 all feel a little bit better like she is trying. We all mow
23 our lawn. Maybe she can take care of hers, too.

24 MR. MION: Just to let you know, I did take that
25 walk today. I walked in the back of there and I see

1 your concerns.

2 CHAIRMAN STUTO: Did somebody else want to speak?

3 MS. SITTERLY: Just a couple of things. I want to
4 know when if they do store these vehicles and take them
5 away as needed by whomever the car dealers are, is this
6 going to be weekdays only or is it weekends? The other
7 card is are they going to sell cars from this lot and
8 bring tons of customers over and say oh look, I have
9 this other car. Would you like this instead of that
10 with better features.

11 The other thing is: We have not been contacted about
12 coming here other than our neighbor.

13 MS. DITONNO: Which I only found about last week
14 because of the signs.

15 MS. SITTERLY: So, who is the contact person that
16 we should call and say, what is the status? Is that
17 anyone here or somewhere? Who is the owner of the
18 business? How do we get contact between you and then
19 you need to tell us when the next meeting is going to be
20 and we'll be here.

21 MS. DALTON: In response to your comment, I've had
22 presentations with regard to my neighborhood that I
23 wasn't aware of either. There are limited things that
24 we can do. They do have a right to develop their
25 property.

1 We had the same type of problem with the notice. The
2 laws require what they require and if that doesn't mean that
3 all of you got the notice, then you would not get them again
4 unless what we did was request that the applicant take it upon
5 themselves to take names and would you please at least notice
6 the people who are here in addition to those who are required
7 to.

8 MR. AUSTIN: Potentially the people that signed the
9 petition might be able to have notice as well.

10 MS. DALTON: Yes, that would be really helpful.

11 MR. AUSTIN: As Kathy was saying it's 200 feet from
12 the property boundary, right?

13 MR. LACIVITA: Yes.

14 MR. AUSTIN: That's all that they have to notify,
15 by law. If you're not 200 feet from the boundary line,
16 you're not going to get a notice.

17 MS. DALTON: Imagine my surprise as a member of the
18 Planning Board when a piece of property that was in my
19 neighborhood was being developed and even I didn't know.
20 It is what it is.

21 MR. LACIVITA: I also think that moving forward,
22 you know that this project is within our purview right
23 now and we're reviewing it. We do have a website that
24 we put all of our project items on and we have our site
25 plans and we have our narratives, we have the details of

1 the project. Continue to look on that site. We will
2 look at these addresses and we'll make sure that the
3 applicant gets a copy of it and further notifies you.

4 Peter, based on the permit I think that there are four
5 specific conditions that we should also read into the record
6 how this goes forward.

7 This is the DEC permit. It does say that the project
8 shall be constructed in phases as follows:

9 "A. All debris in the wetland and adjacent areas shall be
10 removed to an off-site disposal.

11 B. A silk fence or a hay bale barrier shall be
12 constructed along the down-slope areas of all areas of
13 disturbance between the wetland and the distributed area to
14 control erosion. The barrier shall remain in place until
15 vegetation cover is established.

16 C. Fill in the wetland along the northern property line.
17 It shall be removed from the original grade and be removed
18 from the site from an off-site disposal area. The fill may
19 not be placed in other wetland areas. Once it has been
20 removed, the permitted must contact the department at 357-2452
21 or Nancy Baker at GW.DEC.STATE.NY.US.

22 D. The construction of the parking lot may not only
23 commence until steps A through C are complete."

24 CHAIRMAN STUTO: Thank you.

25 MS. SITTERLY: Can I ask who will be signing the

1 final permit allowing them --

2 MR. LACIVITA: DEC has the permit here, but I think
3 that you're talking about the approval. That's actually
4 signed in my office once the Planning Board Members make
5 the approval process final. So, once we get final
6 plans, I sign the application as approved.

7 MS. SITTERLY: Thank you.

8 CHAIRMAN STUTO: Okay, we have a motion before us
9 to table this with all the things that we asked and we
10 had a second.

11 MR. FAHEY: I've got no stake in this. I wasn't
12 even planning on speaking, but the gravel surface has
13 been bugging me. I have to think that is going to
14 present a lot of challenges to the snow plow operator -
15 plowing gravel and shoveling gravel. Where is snow
16 storage going to be on this site and is there anything
17 that is going to be used to treat for ice on that
18 gravel? That's going to be going into the ground rather
19 than running off into a stormwater treatment area.
20 That's just something else to think about.

21 CHAIRMAN STUTO: Go ahead and take a shot at that.

22 MR. COSTA: Snow storage - we would have that going
23 to the stormwater management areas. That's usually
24 where the snow gets pushed.

25 With regard to the treatment that would be done to the

1 surface such as ice, that would also - because of the slope of
2 the gravel would be toward the stormwater management area,
3 that would also run into the stormwater management area.

4 CHAIRMAN STUTO: What type of substance would be
5 used?

6 MR. COSTA: It would be a mix of sand and some
7 salts. It would be a more environmentally friendly
8 salt.

9 MR. COLLIGAN: Salt wouldn't run toward the
10 stormwater management. That would just go into the
11 ground.

12 MR. COSTA: The ground would be frozen.

13 MR. COLLIGAN: It still dissipates. It's never
14 going to go over to the stormwater management.

15 CHAIRMAN STUTO: We will table this for tonight and
16 we'll work on the issues.

17 All those in favor say aye.

18 (Ayes were recited.)

19 MR. AUSTIN: Before we finish the vote, for the
20 neighbors, based on Kathy's comment, our Chairman has
21 said this many times before that the owners have the
22 right to develop their property. That is zoned
23 commercial or light industrial. It's not zoned
24 residential. So, there would never be a residential
25 house there. So, you have to understand even though

1 that you're living in a residential community, right
2 across the street from you is not. So, what would you
3 like to think about? What would you like to see there?

4 MS. DITONNO: Another type of -- a small business.

5 MR. AUSTIN: That's not a small business.

6 MS. DITONNO: We don't want a car dealership next
7 door. Just a small business or a warehouse or some
8 sort.

9 MS. DALTON: This is probably more of a
10 conversation about this, but the bottom line is that
11 then you're into traffic issues. Now you're talking
12 about trucks coming in and out during the week as
13 opposed to half a dozen or a dozen cars going in and out
14 every day. Every different option that is presented is
15 going to have its pros and cons.

16 MS. MILSTEIN: Joe LaCivita, you're going to check
17 on the notice and that they were satisfied for tonight,
18 correct?

19 MR. LACIVITA: Yes, we're going to check on the 200
20 feet and where that actually puts everything.

21 MS. MILSTEIN: What I would also like to know is at
22 some point before the next time we meet is what car
23 dealerships will be involved? Obviously they have some
24 in mind. If you could come back with that?

25 MR. COSTA: Sure.

1 CHAIRMAN STUTO: Okay, we've heard everything that
2 the neighbors have to say and we're going to make them
3 go back to the drawing board. You'll all be put on
4 notification before we come back. Thank you for coming.

5 All those in favor say aye.

6 (Ayes were recited.)

7 CHAIRMAN STUTO: All those opposed say nay.

8 (There were none opposed.)

9 CHAIRMAN STUTO: The ayes have it.

10 (Whereas the above entitled proceeding concluded at
11 9:00 p.m.)

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CERTIFICATION

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

NANCY STRANG-VANDEBOGART

Dated July 31, 2014

