

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 LATHAM PLAZA
5 1201 TROY SCHENECTADY ROAD
6 APPLICATION FOR CONCEPT ACCEPTANCE

7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on July 29, 2014 at 7:00 p.m.
11 at The Public Operations Center, 347 Old Niskayuna
12 Road, Latham, New York

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

16 ALSO PRESENT:
17 Kathleen Marinelli, Esq., Counsel to the Planning Board
18 Joe LaCivita, Director, Planning and Economic Development
19 Richard Rosetti, Rosetti Development Companies
20 Nick Costa, Advance Engineering & Surveying
21 Joe Grasso, PE, CHA
22 Carol Riggi
23 Natalie Cropsey
24 Jeffrey Ludwin

25

1 CHAIRMAN STUTO: Welcome to the Town of Colonie
2 Planning Board.

3 Before we start calling up the items on the
4 agenda, Joe LaCivita, do you have any business you'd
5 like to address?

6 MR. LACIVITA: Nothing right now to take care of
7 Peter. We can take care of that one Resolution later on
8 in the evening.

9 CHAIRMAN STUTO: We'll go right into the first item
10 on the agenda.

11 Latham Plaza, 1210 Troy Schenectady Road. This
12 is an application for concept acceptance.

13 Joe, would you like to give this an
14 introduction?

15 MR. LACIVITA: Sure. This was the change from the
16 former Bowler's Club where we had a bowling alley that
17 was there and it's going to be redeveloped into about
18 28,000 square feet of retail space. There will be two
19 external footprint buildings that are going to be
20 designed during the concept of this and we're here for
21 concept acceptance tonight.

22 I'll turn it over to Mr. Rosetti and his design
23 team.

24 MR. ROSETTI: Hi, I'm Rich Rosetti from Rosetti
25 Development Companies. I'm going to give a brief

1 overview. I know that you've seen this presentation
2 before, but I'll go through it again for anybody who
3 hasn't seen it.

4 This is 1210 Troy Schenectady Road. It's the
5 former Bowler's Club. This is the existing
6 conditions when we bought it (Indicating), which was
7 obviously back in the winter with the snow.

8 We're doing our renovation. We've actually
9 taken down part of the building and we're ready to
10 put on the facade, which we have a building permit
11 for.

12 This is the presentation of what we're going to
13 be building. This is the new facade that's going to
14 go on (Indicating). We're going to have a
15 combination of different materials. There is brick,
16 stucco, metal, fracture block around the bottoms of
17 the piers. There are metal roofs on the pyramids
18 here (Indicating), but on top we have a feature
19 which is glass and it's going to be back-lit.

20 This shows the actual 10,000 square feet that
21 we're actually going to be taking off the building.
22 The dotted line right here (Indicating) shows the
23 part that's actually removed now.

24 This is the site plan. All the square footage
25 is going to stay about the same. It's about 35,000

1 square feet. The parcel is just under six acres and
2 we're going to be adding two pad sites down on the
3 bottom. This one is about 3,000 square feet and
4 this one is about 10,000 square feet.

5 As far as parking and greenspace, we've
6 actually exceeded the parking spaces by about 26
7 parking spots and we're exceeding the regulations
8 for what the greenspace would be.

9 Right now there are two curb cuts. This one is
10 82 feet wide and this one is 60 feet wide. What we
11 are proposing is eliminating both of those curb cuts
12 and placing a new curb cut in the middle section,
13 which is right here (Indicating), which is 36 feet.
14 There will be an in and two outs. We're going to be
15 asking for a couple of waivers. This yellow
16 highlighted area represents easements that go across
17 the property and we're going to be asking for a
18 waiver for setback and parking in the front as well
19 as some waivers for parking.

20 I do own the property next to the bowling alley
21 and I also own the access road out past Stewarts.
22 This map just shows how we will be connecting all of
23 the properties so that people will not have to go
24 out onto Route 7 and keep the traffic off of Route 7
25 and then also keep traffic off of Vly Road, making a

1 turn and turning back into one of these areas
2 (Indicating). In the morning during the commute,
3 there are actually a lot of people that work on
4 British American and they can now cut through and
5 get to British American without having to actually
6 go out onto Route 7.

7 This property over here is 409 Vly Road
8 (Indicating) and it was a residential house. I
9 purchased this house. It was Mr. Coleman's house.
10 We relocated him to another house in the same school
11 district for his kids. It was the house that was
12 most impacted by our development and we purchased
13 it.

14 The parking lot lights we are proposing - these
15 are LED lights. They are down lights so they won't
16 be disbursing any light anywhere other than on the
17 parking lot.

18 The bowling alley does back up to residential.
19 I met with some of the neighbors this week. Before
20 we had proposed just a fence and now we are
21 proposing fencing which is the red dashed line and
22 also landscape plantings. This is not exactly where
23 everything is going to go. It's just showing that
24 we are going to put fencing and put landscaping in
25 the back. I have met with neighbors and I've left

1 it up to them where they would like the fence and
2 where they would like the plantings to go.

3 This is the proposed fence that we are offering
4 (Indicating). It's a vinyl six-foot tall fence and
5 it's beige in color so that it won't stick out when
6 you see through the woods.

7 This is the before and after photo
8 (Indicating). I have Nick Costa who is my design
9 engineer. He's going to present on some of the
10 technical aspects of the project. Thank you.

11 CHAIRMAN STUTO: I just want to make one
12 announcement to the residents. If they want to comment
13 on this project or the next project, please sign in on
14 the sign-in sheet. It will help us keep an orderly
15 meeting. Thank you.

16 MR. COSTA: Good evening. My name is Nick Costa.
17 I'm with Advanced Engineering. We prepared a site plan
18 for the site. Since it is an existing site, there are
19 existing utilities to service the site. There is
20 existing water along Route 7 and there is existing sewer
21 that is actually on the site through utility easements.
22 Those services are already provided to the existing
23 building. We are proposing to connect the new buildings
24 to that existing infrastructure.

25 We also are going to be installing new water

1 and sanitary sewer laterals to the former Bowler's
2 Club building.

3 We're also proposing some restaurant use so we
4 will be installing grease traps per the requirements
5 of the Town of Colonie Division of Pure Waters.
6 There will be two one-thousand gallon grease tanks
7 that will be installed for this building right here
8 (Indicating) and then also for this building. So,
9 that really takes care of the water and the sanitary
10 sewer technical aspects of the project.

11 For stormwater - what is occurring currently is
12 that the site is impacted by stormwater that comes
13 off of Vly Road. It comes into here (Indicating)
14 and then it gets picked up and it's connected to the
15 storm system out on Route 7. That is all pretty
16 much occurs in the pipes. So, the water currently
17 comes off and quickly gets to the system that's off
18 of Troy Schenectady Road without being attenuated.
19 It has a major impact as to the time of
20 concentration of occurring at the same time that the
21 peak run-off gets into that system on Troy
22 Schenectady Road. What we are proposing to do is
23 create a stormwater management practice back here
24 (Indicating) to release the stormwater that comes
25 off of Vly Road, contain it and then install an

1 outlet control structure that will have multiple
2 openings that would release the stormwater run-off
3 at a controlled rate. It diminishes the impacts
4 that this system sees. Obviously, the entire volume
5 of the water will get into that system eventually
6 but it will be at a slower rate. We feel that's a
7 major mitigation for that system.

8 That's pretty much it for the stormwater
9 system. There will be stormwater catch basins that
10 will be constructed within the parking area to take
11 away the stormwater that is generated to the site.
12 It hasn't been historically paved and we are
13 creating quite a bit more greenspace with this one.

14 If there are any questions, I'd be happy to
15 answer them.

16 CHAIRMAN STUTO: We will hear now from our Town
17 Designated Engineer, which is CHA represented by Joe
18 Grasso.

19 MR. GRASSO: We did a concept review on this
20 project. There is a review letter in your packets.
21 It's the letter dated July 11, 2014. I'm not going to
22 go through all those comments, but the more planning
23 related comments. Many of the comments were made during
24 the DCC review of the project have been addressed with
25 the formal concept submission.

1 There are a couple of items that were brought
2 up by Town staff as well as DOT. One was one of the
3 curb cuts proposed across the frontage. It's
4 proposed as a full-access and there was a staff
5 comment and a DOT comment regarding whether or not
6 that should be a rights-in/rights-out access and
7 really in order for us to make a final
8 determination, we're going to need more in-depth
9 review of that proposed curb cut location and a
10 better understanding as to whether or not it's full
11 or rights-in/rights-out and how it could affect the
12 operation of traffic on Route 7. It's something
13 that I don't think that we have enough information.
14 It's something that we'll need to get that
15 additional information as the project goes through
16 the review process. We would typically expect that
17 during final engineering. We're going to withhold
18 on that determination.

19 Another comment that was raised by DOT, and we
20 had raised earlier, was the access to the signal on
21 Route 7 which is on the parcel to the east of this
22 property, they are proposing a modification to that
23 access arrangement. We're going to need more
24 information regarding the amount of traffic that's
25 going to use that access to see whether or not the

1 queuing distance as you're coming off of Route 7
2 could actually create a queue that could impact the
3 ability for cars to get into the site from Route 7.
4 So, there isn't a change right now on the site plan
5 but it's something that we'll need to take a closer
6 look at as we get into final engineering.

7 As Rich had mentioned in his initial
8 presentation, there are waivers that are going to be
9 required. I think that there are four waivers.
10 These are consistent with other projects that we've
11 seen along the Route 7 corridor. The other thing to
12 keep in mind is that it is a redevelopment project
13 and when we look at redevelopment projects very
14 often the Planning Board needs to consider
15 additional relief granted because it is a
16 redevelopment project and there are certain
17 limitations that you have trying to work with the
18 existing nature of the site.

19 Going through those four waivers, the first one
20 is the maximum property building setback from Route
21 7 being greater than 25 feet.

22 The second is the front yard parking lot
23 setback also from Route 7.

24 The third one is the side yard parking setback
25 against the property to the east and the last one is

1 the amount of internal island area based on the
2 amount of parking that's provided. There is some
3 justification as part of the concept application
4 process provided by the applicant to justify the
5 waivers. It's something that if the Planning Board
6 has any strong feeling for or against the waivers,
7 we can address that through the review process and
8 this would mean that all the waivers are supported
9 or remain as waiverable items. We would prepare a
10 Resolution for your consideration at the time of
11 final site plan review.

12 One of the waivers regarding the amount of
13 interior landscaped island dovetailed into another
14 comment that we had raised. As Rich had presented,
15 the site is over-parked over what the minimum amount
16 of parking is to support the size of the buildings
17 and the uses by about 20 or 30 spaces. It's not an
18 excessive amount in terms of ratio, but if they
19 reduce the amount of parking by even 10 spots they
20 could probably increase the amount of interior
21 landscaped area in order to meet the Town's
22 requirement and therefore that waiver theoretically
23 could go away. That's something that we should hear
24 from the Planning Board and we'll see if the
25 applicant wants to try to address it through the

1 final design process or address it with us at the
2 time.

3 One of our comments was also regarding the
4 construction of a new access drive behind both the
5 bowling alley building up against those residents on
6 Vly Road. Rich gave us a lot of good information
7 tonight regarding the need for a fence and
8 landscaping. That's good because that's a new road
9 that's going to be created. Typically when we look
10 at that behind the retail plaza it becomes a service
11 drive where there are storage materials, basically
12 truck traffic and that's where you can get these
13 noise and visual impacts to the residential
14 properties up along Vly Road. So, we'll need to
15 take a close look at whether or not the fencing and
16 the landscaping can mitigate those concerns to the
17 satisfaction of the Board. I think that we're
18 heading in a good direction. We're not saying that
19 the road has to be eliminated in order to make the
20 site plan work, but I think that it's something that
21 we'll really have to take a closer look at, as part
22 of the project.

23 Just to comment further, the project was in
24 front of the Zoning Board of Appeals. The ZBA
25 approval was conditioned on six things. The first

1 one being a substantial buffer approved by the
2 Planning Board must be installed behind the main
3 structure near the zoning boundary. This is
4 relating to that same access road behind the
5 building.

6 The second one is there is no outside dining or
7 main building without ZBA approval.

8 The third one is no dumpsters are to be behind
9 the main building which would be along that access
10 road - that back service road.

11 The fourth one is dumpster pick-up being
12 between 7:00 a.m. and 7:00 p.m.

13 The fifth one being deliveries must occur
14 between 8:00 a.m. and 7:00 p.m.

15 The last one is that no diesel trucks are to be
16 left idling on the site. All of those things kind
17 of dove tail into the site plan operation.

18 Going through a few more of our comments - in
19 terms of the internal pedestrian connection up to
20 Route 7, we are looking for an additional one along
21 the eastern most Route 7 curb cut into the site. We
22 had a comment on the dumpster enclosure which is a
23 minor comment that can be addressed through final
24 design. Then there are a couple of stormwater
25 comments.

1 Nick, have you had a chance to look at those
2 comments? Do you see any concern with being able to
3 address the redevelopment requirement for 25 percent
4 water quality?

5 MR. COSTA: No, I think we can take care of that.

6 MR. GRASSO: So, I'm not going to get into the
7 details of that.

8 The last one is related to SEQRA. The Town
9 Attorney's office has classified this as an unlisted
10 action pursuant to SEQRA and a short EAF has been
11 provided in your application materials with the Part
12 I being completed. Based on our conceptual review,
13 we don't think that this project is going to result
14 in any significant environmental impacts. A
15 negative declaration seems appropriate when all of
16 the impacts associated with the project in terms of
17 traffic, access, noise and visual impacts on Vly
18 Road have been addressed to the Board's
19 satisfaction.

20 CHAIRMAN STUTO: Does anyone have any questions
21 before we hear from the residents?

22 (There was no response.)

23 CHAIRMAN STUTO: We'll go down the list as you have
24 all signed in.

25 Linda [SIC] Gungo.

1 FROM THE FLOOR: I'm Linda [SIC] Gungo. My house
2 actually is behind the property I think that it's right
3 here (Indicating).

4 First, I just wanted to apologize to Mr.
5 Rosetti for any kind of hard time that I gave him at
6 the last meeting. Since we talked, I understand
7 that he's trying to do what's best to accommodate
8 all of us as far as the concerns.

9 He mentioned something about a fence being put
10 up and I think that all of us are kind of concerned
11 about the height. You talked first about six foot,
12 eight foot and ten-foot. We're not too sure because
13 of what is going to be going on there -- whether the
14 six-foot is going to do the job and that might be
15 something that you might want to be higher so that
16 we have privacy on our part.

17 The other thing is that all the way back here,
18 my property is quite a bit closer to the Bowler's
19 Club back here (Indicating), it's already been dug
20 out. Is that correct? You've dug some out already?

21 MR. ROSETTI: Not on your property.

22 FROM THE FLOOR: So, are you going to be digging
23 anymore?

24 MR. ROSETTI: Not anymore; no.

25 FROM THE FLOOR: I think that for what he wants to

1 do, I think that we're all in agreement as far as the
2 talking between us. We'll talk again to make sure that
3 we're both in agreement for what is going to happen. I
4 think that the only thing is the concern with the fence
5 size.

6 MR. MION: What height would you feel is the
7 appropriate height?

8 FROM THE FLOOR: He mentioned eight feet. That
9 sounds like it would be more like it. I think that a
10 ten foot might be too big. I'm not sure about that
11 either. We do sit higher up over the Bowler's Club.

12 MS. DALTON: There's a big drop off there.

13 FROM THE FLOOR: Yes, but we don't want a gigantic
14 fence there.

15 MS. DALTON: I understand what you're saying. You
16 want to obstruct the view, but you don't want it so high
17 that it will look ridiculous.

18 FROM THE FLOOR: So, I guess I have to leave that
19 up to you.

20 There was one other thing, but I can't remember
21 what it is now. Can I step back up if I need to?

22 CHAIRMAN STUTO: Yes.

23 I think that the whole Board appreciates your
24 thoughts on the screening and I know that Joe
25 LaCivita did a visit with you yesterday. He said

1 that because of the elevation changes, it needs
2 special consideration and there is a berm, and so on
3 and so forth. We will definitely ask Joe LaCivita
4 and Joe Grasso to take a close look at that. I
5 think that it's commendable that the neighbors and
6 the developer have been talking. The projects
7 usually go better that way when we have that
8 cooperation.

9 If somebody else doesn't bring up your point,
10 you're welcome to come back up.

11 Daniel and Natalie Cropsey.

12 MS. CROPSEY: I'm Natalie Cropsey and we live next
13 door to Linda, so we're over slightly.

14 CHAIRMAN STUTO: Closer to Route 7 or further up?

15 MS. CROPSEY: No, further up Vly Road. We are
16 behind where the proposed storage building is. There
17 are a lot of trees that were taken down that created a
18 lot of privacy for us. We have young children. They're
19 not old and they play in our yard and I have concerns
20 for their safety.

21 I would like the fence to be higher than the
22 six feet because six feet is the size of a man and
23 with the incline, it's not going to afford enough
24 privacy for me.

25 In addition, I would like to have the trees

1 because I think that they would create more of a
2 natural buffer and it would be more pleasant to look
3 at. Again, six foot trees I don't think are tall
4 enough either. I think that we need taller trees.
5 It takes time for trees to establish themselves and
6 grow so that by the time that they're tall enough to
7 adequately camouflage our property and our children,
8 they'll be grown and out of the house. I think that
9 we need something taller and planted at a taller
10 height than six feet.

11 I also have a question about what was raised in
12 the zoning meeting about the water treatment that
13 you're going to put near the storage. Exactly how
14 does that impact - I mean, is it going to have more
15 moisture and more bugs? How will that impact us?
16 I'm not sure that I understand how that is going to
17 impact us.

18 CHAIRMAN STUTO: We'll answer all the questions at
19 once.

20 MS. CROPSEY: Okay. I do have that concern. If
21 it's wet, muddy and disgusting and it's going to be a
22 breeding ground for mosquitos, that will have a negative
23 impact on us as well because we are pretty much directly
24 behind there. Those are my concerns and wishes.

25 CHAIRMAN STUTO: Okay, we'll let the applicant

1 address that. Thank you, ma'am.

2 Can you address the water table and the
3 stormwater treatment?

4 MR. COSTA: We are proposing to do the stormwater
5 practice at that location.

6 CHAIRMAN STUTO: Is it underground or above ground?

7 MR. COSTA: It's going to be an open detention
8 area. It currently is a swale that's there. It does
9 hold some water at certain times. It's a low sloped
10 swale. So, until the water gets pushed into the
11 existing pipe, there is some water that lays in that
12 area. With an outlet control structure there will be
13 some water held in there for different periods. Like I
14 was saying, the rate of the discharge would be slower.
15 It's going to take more time for the water to leave the
16 site.

17 CHAIRMAN STUTO: Let say that we have a good storm,
18 but it's dry for two days. I think that she worries
19 about a standing pond or standing water for a length of
20 time.

21 MR. COSTA: Unfortunately, the New York State
22 Stormwater Design Manuel -- the practices are intended
23 to have some amount of water in it at all times.
24 However, we are going to be conducting test pits in that
25 area to see if there is sand. If there is sand, then it

1 won't be a wet pond. It's going to be a dry detention
2 basin.

3 CHAIRMAN STUTO: There is a lot of sand in Colonie,
4 right?

5 MR. COSTA: Yes, there is. We have already looked
6 at the soils map in that particular area, there is some
7 Colonie sand.

8 CHAIRMAN STUTO: Can you be sensitive to her
9 comments as you are designing that?

10 MR. COSTA: Yes.

11 CHAIRMAN STUTO: How big is the area? Can you give
12 some sense of that? Can you point to where it would be?

13 MR. COSTA: Right now we have it outlined like
14 that, but it hasn't been sized. Until we do the actual
15 stormwater analysis, we won't know the size.

16 CHAIRMAN STUTO: Thank you.

17 We'll talk about landscaping, generally, once
18 we have heard all the comments.

19 MR. ROSETTI: I met with Mr. Cropsey two days ago
20 and one of the things that I talked to Nick about was
21 putting the pond as far away from their property as we
22 possibly can. It's an area that's wet right now. As
23 far as a wet area, it's wet right now. We will be
24 sensitive to their yard and putting it as far away from
25 them as we can.

1 CHAIRMAN STUTO: Thank you.

2 Carol Riggi?

3 MS. RIGGI: My name is Carol Riggi and I had the
4 pleasure of meeting Mr. Rosetti last evening. We
5 discussed everything that was discussed at the last
6 Board meeting and he reassured us of the positive aspect
7 of him trying to improve then neighborhood and going
8 from a bowling alley to what it's now going to. I do
9 not have a problem with anything Mr. Rosetti is doing.
10 I think that it's a win/win situation for all. It's an
11 improvement to our neighborhood.

12 CHAIRMAN STUTO: Thank you.

13 Jeffrey Ludwin.

14 MR. LUDWIN: Currently I reside near where used to
15 be Mr. Coleman's home.

16 CHAIRMAN STUTO: You're the next one down from Mr.
17 Coleman?

18 MR. LUDWIN: Correct. I have three main concerns.
19 One was addressed earlier about the lighting. If you
20 have the high lamps, you don't know if it's going to be
21 shining behind your house. It looked like that set of
22 lights that he's using is going to go straight down. I
23 don't have a problem with that.

24 The back road - I don't know if that's going to
25 be for traffic or if that's going to be for service

1 vehicles to go behind here because there is a heavy
2 stream of -

3 CHAIRMAN STUTO: I'm going to ask our TDE to answer
4 that. I think that you did answer that in one of your
5 comments, Joe.

6 MR. GRASSO: Our expectation based on the site plan
7 is that it's going to be just service vehicles only and
8 that it won't serve normal patron traffic for the site.

9 MR. LUDWIN: I was concerned because if the
10 restaurants were late night restaurants, will there
11 people behind there at 3:30 in the morning?

12 MR. GRASSO: We would not expect it.

13 Rich, I don't know if you have any more to add
14 to that.

15 MR. ROSETTI: No, it's just going to be an access
16 road. That road did currently exist. It's not a new
17 road.

18 MR. LUDWIN: I didn't know if you were going to
19 keep it that way.

20 My other concern is the traffic. My driveway
21 is the next driveway up to the left. I didn't know
22 how the traffic was going to use this road, if it
23 was going to back up a little bit more during peak
24 hours or at morning or at night when we're coming
25 home.

1 MR. GRASSO: We wouldn't expect this to create any
2 more queuing that occurs on Vly Road. There could be
3 queuing within the site waiting to take a left or a
4 right turn out to the signal. That's basically where we
5 want them to stage is within the site.

6 MR. LUDWIN: Those were all my concerns.

7 CHAIRMAN STUTO: Thank you.

8 Any other resident questions right now?

9 FROM THE FLOOR: I just wanted to ask Mr. Rosetti a
10 question.

11 Was there a road behind the Bowler's Club? Is
12 that what you were saying?

13 MR. ROSETTI: It's not a road. It's an access area
14 to get back behind the building.

15 FROM THE FLOOR: The water from my easement where
16 the water used to run right behind the Bowler's Club
17 within maybe three feet of the building itself -- since
18 he's made it wider, it actually runs closer to my
19 property now. It still runs close to my property, but
20 it's now further away from the Bowler's club. That's
21 the other thing -- it was never a road. You're going to
22 put a road in?

23 MR. ROSETTI: There was a drive back there. It was
24 kind of overgrown when we took it over. We created a
25 swale back there and now the water from both of our

1 properties will go into and it will drain out. You'll
2 still have that.

3 FROM THE FLOOR: I think that the only thing that
4 I'm concerned with is that I know that you were going to
5 take care of all the water where it lays. I do have a
6 problem with -- I've talked to the Town about this and I
7 think that someone was supposed to come out. There's
8 one area that comes over the top of my property and
9 actually makes a mess out of my back yard. It's like
10 the rapids coming across there. I don't think that it
11 has anything to do with what he is proposing, but I'm
12 not too sure if it's going to be a problem at all with
13 the properties.

14 CHAIRMAN STUTO: Okay, maybe we'll talk a little
15 bit more about stormwater and also screening seems to be
16 two of the big items.

17 I know that you have spoken to the neighbors.
18 Can you just talk generally about your vision of
19 what the screenings are going to be back there in a
20 little more detail? And also the stormwater on Ms.
21 Rizzo's property.

22 MR. ROSETTI: This is actually the back of the
23 property right here (Indicating). This is the swale
24 that we are going to create. Obviously, once we get
25 everything done with the storm drainage -- this will be

1 different.

2 You can see that here is the back of Linda's
3 property (Indicating). You can see that there is
4 quite a slope here and then this is the drive that
5 we are creating behind the building. This is the
6 actual building right here (Indicating). The swale
7 will continue to be maintained. There is a big hill
8 here (Indicating). We actually put the fence up and
9 we talked about different locations for the fence.
10 If I put it on my property, it would end up being
11 down here (Indicating) which would defeat the
12 purpose of the fence because it would be low. We
13 talked about me paying for it, but putting it on
14 actual homeowner property so it would actually be
15 higher. We actually have a cross-section right here
16 (Indicating). I think that it might be somewhere
17 between Linda's house and the next door neighbor.
18 This actually shows the actual height of the bowling
19 alley. It shows the proposed fence and the trees
20 and this is 10 feet higher right here (Indicating).
21 It's almost the same grade. They're actually
22 looking at the top of the building. If there were
23 any vehicles that were even down here, you wouldn't
24 be able to see those. So, whether it's a six foot
25 fence or an eight foot fence or the trees are on

1 this side of the fence or that side of the fence,
2 those are things that we have to discuss.

3 CHAIRMAN STUTO: Is that on your property - the way
4 that's depicted?

5 MR. ROSETTI: That's not on my property. That's on
6 the homeowner's property. If it was on my property, it
7 would be down here (Indicating). It would probably drop
8 down about three feet. The grade actually goes up
9 quickly here. As it goes up by Linda's house, it
10 actually gets even taller.

11 MR. MION: Once you installed it, who would be
12 responsible for it?

13 MR. ROSETTI: The homeowner would be responsible.
14 It's my fence at my expense on their property. It's a
15 vinyl fence so there really isn't any maintenance on the
16 fence. Because of the trees, it's not like you can draw
17 a straight line and put a fence right in that line
18 because everybody's property is different. Linda talked
19 about maybe we could take down some trees and maybe put
20 the fence where some of those trees are because they are
21 dying. Other homeowners are like - I think that I would
22 like them on the backside or they want the trees on the
23 inside. Those are things that they don't have to decide
24 right away but through meetings, we can figure out
25 exactly where those would go.

1 MS. DALTON: If you get consensus from everybody,
2 that's fine, but my personal opinion right now just from
3 the information that I have is that it needs to be on
4 your property and here is the reason why.

5 This one lady has kids. Her kids crash into it
6 and knock down part of the fence and she doesn't
7 have money to replace it. The other neighbors get
8 mad and it winds up creating a gap. All of those
9 things are possible so maintenance free is not
10 always maintenance free. If it's on their property
11 then there is a person or an entity that we can go
12 to and say that it's not working.

13 As you point out, the consensus among everybody
14 which trees not to take down and which trees to take
15 down could be quite a problem. I am currently
16 leaning towards you just having the fence on your
17 property even if it has to be taller and then if you
18 want to do plantings behind it, that has less of an
19 impact on neighbors.

20 MR. ROSETTI: I think without actually visiting the
21 site, it's difficult to make that call. Even when I
22 went to look at the site, it's easy to look at a map and
23 say put a fence here. Even if I put it on my property,
24 it would entail taking down trees that are actually a
25 natural buffer to the property right now. If the

1 homeowners are agreeable to have it on their property,
2 then I'm okay with it. I think that it's more of an
3 issue between us and the homeowners than it is between
4 us, the homeowners and the Town; as long as everybody is
5 satisfied. I think that you have to actually see the
6 property to actual appreciate it.

7 Certainly the Cropsys have a different
8 situation where they are because they don't have the
9 hill in the back. Their back yard tapers down to
10 the bottom, but they are also the least impacted.
11 The building that's going behind their property has
12 no access behind it. It has no windows and it has
13 no doors. It's just a storage building. So, it's
14 actually like looking at a retaining wall. Their
15 needs may be a little bit different than Linda's
16 needs.

17 I think that it has to be on a case by case
18 basis. They are the ones that are going to have to
19 live with it afterwards. I think that they are the
20 ones that are going to have to be happy with it
21 afterwards.

22 MR. LACIVITA: Kathy, I think that if we put the
23 fence on the Bowler's Club side closer to the building
24 -- that berm goes anywhere from Jeffrey's location which
25 is about three feet to a berm which is about 15 to 18

1 feet. If we put it down here on the Bowler's Club side
2 you're not going to really see it. You're going to need
3 a 20-foot high fence.

4 I agree with Rich. If you go out and see the
5 site I think that you'll start to see the
6 differences with all the property lines and how it
7 would actually be effective. I think closer to the
8 property line or on that property line might be a
9 little bit more effective.

10 MR. ROSETTI: Joe was out at the site this week
11 visiting and if anybody on the Board would like to
12 actually physically take a look at it, I'd be happy to
13 meet with anybody.

14 CHAIRMAN STUTO: I'm just going to make a comment
15 on this point right now. Over the weekend I drove by my
16 brother-in-law's last house and he planted - I don't
17 even know what kind of pines they were. Granted it was
18 probably 10 years ago. They were decent size round
19 type. They were full pines. Now they are humungous.
20 In the long run, something like that might be good.

21 MR. ROSETTI: That's why we propose both.
22 Originally, we had just a fence. After I met with the
23 neighbors I felt that there was a need for both. I
24 certainly want to appease the neighbors also. Those
25 type of trees grow a foot a year. It doesn't take long

1 for a six-foot tree in three years is a nine-foot tree.
2 They get bigger as time goes.

3 FROM THE FLOOR: The other concern that I have with
4 putting the fence on our property rather than your
5 property is once we put a high fence up, we lose the
6 access to that property.

7 MR. ROSETTI: I agree that your property is a
8 different scenario. Unfortunately, you were unable to
9 make the meeting yesterday. I agree with you. In your
10 situation, it could go on the other side because you
11 have the topo for it and the clearing for it. It's not
12 an issue. We can still put the trees on your side,
13 also.

14 CHAIRMAN STUTO: It sounds like you're going to
15 fairly extensive lengths to accommodate the neighbors
16 and I think that's pretty important.

17 I'll open it up to the Board.

18 MR. MION: I think that it's fantastic the way that
19 you are working with the neighbors. I think that the
20 neighbors feel the same way, from what I'm hearing here.

21 MR. ROSETTI: They are all nice people and I
22 enjoyed meeting all of them.

23 FROM THE FLOOR: I do have one concern about the
24 culvert that runs through my property that has the water
25 that runs down.

1 CHAIRMAN STUTO: Is it open?

2 FROM THE FLOOR: It's open.

3 CHAIRMAN STUTO: Do you know what she is talking
4 about?

5 MR. ROSETTI: Actually, it's water that comes down
6 Vly Road and then there is a culvert that cuts through
7 and then comes to my property and then ultimately --
8 obviously Vly Road is a pretty steep road. The water
9 comes down fairly quickly and it cuts down through here
10 (Indicating).

11 CHAIRMAN STUTO: It goes into an underground
12 culvert?

13 MR. ROSETTI: There is a culvert there, yes.

14 CHAIRMAN STUTO: I'm not visualizing it because
15 culverts are enclosed. Where do you see it? When it
16 comes out of there?

17 FROM THE FLOOR: No, you can't really see it
18 because it's in the back and then it drops off. I'm not
19 so sure if it's on Rich's property or if it's on my
20 property. It might be very close to both.

21 CHAIRMAN STUTO: I'm not sure what your concern is
22 though. Is it if it will be able to handle the water
23 after the project?

24 FROM THE FLOOR: I think that something needs to be
25 changed along Vly Road. It's such an old road. It's

1 more flat than it is angled. Like I said most of the
2 water doesn't drop into that culvert because it gets
3 covered over and then I have to dig it out. The water
4 runs down and over my property.

5 CHAIRMAN STUTO: It's hard for us to tell him to do
6 something up hill.

7 FROM THE FLOOR: That really doesn't concern him as
8 far as that water is concerned.

9 Because of the access and where it comes
10 through -- are you hooking anything up to that?

11 MR. ROSETTI: We're actually going to take that
12 water and send it out to Route 7. It's not going to
13 back up - if that's what you are worried about.

14 FROM THE FLOOR: Before it actually used to run
15 behind the Bowler's Club into all of the properties that
16 actually were on the Bowler's Club side and ran down
17 into Stewarts and used to freeze right into the parking
18 lot. I think that it still does because it's been doing
19 that for many years. It's always been a problem as far
20 as I was concerned. If he changes that he shouldn't
21 have any problem.

22 MR. ROSETTI: We can't do anything about the water
23 up on top. We're going to make the water that comes
24 down through your property and my property dissipate a
25 lot better.

1 MR. LACIVITA: One of the things that we could do
2 from the Town's perspective is that I can talk to the
3 Stormwater Department or the Department of Public Works
4 and just kind of see when they are on the maintenance
5 schedule and when those things get jettied just to see if
6 there is anything that is obstructing it and impeding
7 some of the flow.

8 FROM THE FLOOR: You're talking about the natural
9 flow on Vly Road, itself?

10 MR. LACIVITA: Yes, where it goes into the culvert.

11 FROM THE FLOOR: Actually, I did talk to somebody
12 and I can't remember who it was.

13 MR. LACIVITA: It was probably either John Dzialo -

14 FROM THE FLOOR: Yes. There were two Johns and I
15 spoke to one of them. So, he is actually going to come
16 down and check it out and see how old it is. Actually,
17 it's run into Greg's property where it has actually
18 washed my mulch right into their property which I've had
19 to clean up so many times.

20 MR. LACIVITA: It sounds like you're in the right
21 direction. I would have talked to John anyway, so
22 you're in good hands.

23 CHAIRMAN STUTO: Board Members?

24 MR. AUSTIN: I think that it's a very nice thing
25 what you are doing with the neighbors and that you are

1 willing to work with the neighborhood. We're very
2 fortunate to have people come before us like Mr. Bette,
3 etcetera, that do want to work with the neighbors and
4 make things right. It's not an inexpensive thing for
5 them to put trees and a fence in there. In the scheme
6 of the whole project maybe it's not that much, but it's
7 still some cost and for you to take it upon yourself to
8 put it on their property as well - that's very
9 admirable.

10 MR. ROSETTI: Thank you.

11 MR. LANE: I like the project as well. We always
12 like to see the redevelopment projects and this is a
13 good one.

14 My only question is snow storage. Will that be
15 on-site or off-site?

16 MR. ROSETTI: Snow storage will be on-site.

17 MR. LANE: It would probably be in the green area?

18 MR. ROSETTI: In the green areas and the parking.
19 One of the labors with the parking that we brought up is
20 that yes, we can eliminate 10 parking spots, but when
21 you have snow you lose some parking spots. We are
22 increasing the greenspace of the total site. It's not
23 like we are asking for the waiver and we have less
24 greenspace than what is required. Most of these
25 redevelopment sites are really under what the greenspace

1 requirement is.

2 CHAIRMAN STUTO: Joe, do you want to voice an
3 opinion on the interior landscaping? I think that's
4 what Mr. Rosetti is talking about.

5 MR. GRASSO: No, I think that the facts are out
6 there. We think that when you meet the Town's ratios
7 for parking, you are providing ample parking including
8 the need for snow storage. Understanding that it is a
9 redevelopment project and they are increasing
10 greenspace, we think that there are spaces that could be
11 lost and still the site would be amply parked and meet
12 the interior island requirement and therefore not need a
13 waiver.

14 MR. ROSETTI: Case and point is that Stewarts got
15 approved with the parking that they have. They don't
16 have enough parking. They're parking on Vly Road.
17 They're parking out onto Route 7 and they're parking on
18 my property. So, my point is that you can never have
19 enough parking spots. If we have to add a little bit on
20 some of the islands, we're happy to look at that for
21 sure.

22 CHAIRMAN STUTO: I'm sympathetic with the
23 redevelopment at the expense of the interior
24 landscaping. If it were a new site, I don't think that
25 I would be inclined to grant the waiver.

1 Anything else?

2 (There was no response.)

3 CHAIRMAN STUTO: Okay, do we have a motion on
4 concept acceptance?

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

6 MR. AUSTIN: Second.

7 CHAIRMAN STUTO: Any discussion?

8 (There was no response.)

9 CHAIRMAN STUTO: All those in favor say aye.

10 (Ayes were recited.)

11 CHAIRMAN STUTO: All those opposed say nay.

12 (There were none opposed.)

13 CHAIRMAN STUTO: The ayes have it.

14 Thank you, and thank you for the neighbors for
15 coming out.

16

17 (Whereas the above entitled proceeding was
18 concluded at 7:48 p.m.)

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CERTIFICATION

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

NANCY STRANG-VANDEBOGART

Dated August 11, 2014

