

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 LATHAM PLAZA
1210 TROY SCHENECTADY ROAD
APPLICATION FOR FINAL REVIEW
5 AND SEQR DETERMINATION

6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY STRANG-VANDEBOGART, a Shorthand
9 Reporter, commencing on October 7, 2014 at 8:05 p.m.
at The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

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

18 ALSO PRESENT:
19 Kathleen Marinelli, Esq., Counsel to the Planning Board
20 Joseph LaCivita, Director, Planning and Economic
21 Development
22 Michael Tengeler, Planning and Economic Development
23 Richard Rosetti
24 Joe Grasso, PE, CHA
25 Nick Costa, PE, Advance Engineering & Surveying
Michael Wieszchowski, Greenman-Pedersen, Inc.
Linda Guzzo
Alan Goldstein

1 Harold Graber
2 Jeff Ludwin
3 John Farley
4 Nia Cholakis, Esq.

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1 CHAIRMAN STUTO: The next item on the agenda is
2 Latham Plaza, 1210 Troy Schenectady Road. This is an
3 application for final review and SEQR determination.
4 This is a change in use of the former 28,424 square foot
5 bowling alley to retail sales, construction of a new
6 3,500 square foot storage building, new two-story 10,120
7 square foot retail office building and new 3,000 square
8 foot retail restaurant building.

9 Joe, do you have any introductory remarks
10 before we turn this over?

11 MR. LACIVITA: No, Peter, we have seen this a
12 couple of times and the Planning Board looked favorably
13 at the overall redevelopment of the site. I'd like to
14 go right into the overall review.

15 CHAIRMAN STUTO: Thank you.

16 Mr. Rosetti?

17 MR. ROSETTI: Do you want me to review this and
18 then answer any questions?

19 CHAIRMAN STUTO: Sure.

20 MR. ROSETTI: You're all familiar with the Bowler's
21 Club. We were in here before. This is the existing
22 building and how it looked when I purchased it
23 (Indicating). This is what we are proposing. This is
24 the bowling alley building. We took down about 11,000
25 square feet off of the front section here (Indicating)

1 and reduced this building to about 30,000 square feet.

2 We're adding in two pad sites out front. The
3 pad sites are about a 3,000 square foot building and
4 about a 10,000 square foot building and we have
5 renderings of that also.

6 The current site conditions show the section of
7 building that we have actually taken off. It also
8 shows the existing curb cuts. There is an 82-foot
9 curb cut here and a 60 foot curb cut here
10 (Indicating).

11 This is the proposed site, the two pad sites
12 out front and the proposed building is back here
13 (Indicating). Then the proposed storage building
14 back here. We are proposing one curb cut, reducing
15 the two curb cuts that are there, and eliminating
16 them and creating one 36-foot curb cut.

17 One of the things that we are going to require
18 are some waivers. One of the reasons that we need
19 them is because of the sewerline that runs across
20 the front of the property and across the side of the
21 property - there are easements there that we can't
22 encroach upon.

23 This slides off just a little bit, but the
24 house that was most effected by the development sits
25 right here (Indicating) and we purchased that house

1 and currently have it rented. We have also
2 increased traffic flow on the site.

3 We actually have multiple ways in and out of
4 the site. We have an access out onto Vly Road and
5 we're creating an access to the property next door
6 that has a traffic light. We also are creating
7 traffic flow through this corridor and though this
8 corridor which will connect to British American
9 Boulevard (Indicating).

10 This is typical parking lot lighting that we
11 are going to propose (Indicating). It's decorative
12 and it's a down-lighting, so it doesn't shed light
13 into the neighbors.

14 We're also proposing along this back area here,
15 fencing and trees to block some of the building from
16 the neighbors (Indicating). We've taken the time to
17 meet with the neighbors and different people want
18 different options. We're discussing locations of
19 where we're going to put fencing and trees.

20 This is the proposed fencing that we're looking
21 at (Indicating). It's vinyl fence and it's beige in
22 color so it blends in with the tree color. This is
23 the proposed pine trees (Indicating) and we have
24 some different options on those. We will be working
25 with the neighbors on that.

1 This is a before and after (Indicating). We
2 are spending a significant amount of money to
3 renovate the site. It's about a \$7 million dollar
4 project, when it's all said and done.

5 We're increasing the greenspace. Typically on
6 a redevelopment site, usually they are under the
7 greenspace, which this one was when we took it. It
8 was about 29 percent. We're increasing it to 35.4
9 percent actually which is above what the requirement
10 would be on a new site.

11 This is the proposed drawing with all the
12 engineering; water sewer, drainage and so forth
13 (Indicating). Nick Costa, my design engineer will
14 review that.

15 This is just some of the existing conditions
16 that are behind the plaza right now with the trees
17 (Indicating). I think that you've seen this slide
18 before. The property line for the neighbors is up
19 in the hill area. There is a considerable amount of
20 trees there now and we are proposing leaving those.
21 That's why we are working with the neighbors and
22 propose where the trees and fences will actually go.

23 This is just showing a sight distance of where
24 the trees and the fence would be in proportion to
25 some of the homes (Indicating).

1 We're in for final approval tonight and we're
2 open to any questions that you might have.

3 CHAIRMAN STUTO: Okay, we're going to turn it over
4 to the Town Designated Engineer, who is CHA. Joe Grasso
5 is representing them and has reviewed the project.

6 I just want to say that if any neighbors have
7 an interest in this, we are taking a vote tonight,
8 unlike the project that we just heard. If I could
9 ask you to sign in on the sheet over there and we'll
10 call you up in the order that you sign in and let
11 you have a full hearing - not a legal hearing, but
12 we'll fully hear what you have to say.

13 Joe, do you want to give your comments?

14 MR. GRASSO: Sure. This project really started
15 with our review when we attended the DCC meeting this
16 spring. I think that it was about five months ago that
17 the project was officially presented to the Town
18 Departments and our office for review. It's a large
19 project. It's a significant redevelopment project that
20 has come a long way in five months and I commend the
21 applicant for really, really working diligently trying
22 to address the items that have been brought up
23 throughout the course of the project. That's why it's
24 really ready for some final decision-making here by the
25 Board tonight.

1 We had done our first preliminary final site
2 plan review. We did that in a letter dated
3 September 22nd. There were 28 comments. That is
4 included in your packet.

5 After September 22nd, the applicant did a
6 resubmission of plans which you have in your packets
7 with you tonight. They responded on September 26th.
8 We did a review of that project resubmission and we
9 reissued another letter dated October 3rd. So, the
10 October 3rd letter is the most recent one. I will
11 go through some of the comments in that letter. I
12 took the number of comments from 28 down to 13.
13 Most of them are minor comments that we think can be
14 easily addressed without involving big changes to
15 the site plan.

16 CHAIRMAN STUTO: Which is your most recent letter?

17 MR. GRASSO: It's dated October 3rd. So, it should
18 be the second page in your packet. That's our most
19 recent one. It's got 13 comments. That's based on the
20 plan submission of the last revised September 22nd. I
21 think that if you go further to the back of your packet
22 -- most of the time you only get one comment letter from
23 us. Because we wanted to make sure that the Planning
24 Board understood the evolution of the project, some of
25 the comments that didn't make it into our final letter

1 might have been touched on in our earlier letter and
2 that's why we wanted to get that information out there.

3 CHAIRMAN STUTO: That was from Peter Lilholt, if I
4 remember?

5 MR. GRASSO: That's right.

6 So, going through our most recent letter and
7 the outstanding items, the first one Rich touched is
8 regarding the waivers that are required.

9 Our previous letter identified the need for
10 four waivers. They did modify the plans to reduce
11 the need for that fourth waiver. So, three waivers
12 are now required. The applicant has provided
13 sufficient justification in their application
14 materials that supports the need for those three
15 waivers. So, we have provided a Draft Resolution
16 with waiver findings for consideration by the
17 Planning Board assuming that you're looking to take
18 action on the waivers tonight. That's in your
19 packet and that's attached to our October 3rd
20 comment letter.

21 CHAIRMAN STUTO: Joe, can you send someone up to
22 copy off that October 3rd letter? We don't have that
23 one.

24 MR. GRASSO: And I'm going to go through the items
25 in the letter.

1 CHAIRMAN STUTO: Maybe we do have it.

2 MR. GRASSO: If I do my job well enough, I'm going
3 to bring you right along and let you know of the issues.

4 The second comment is regarding the access
5 configuration to the site and I'm going to come back
6 to that one. That is probably the singular biggest
7 issue for us to discuss with you tonight. I'm going
8 to go past that one and come back to it.

9 The third one is regarding some improvements to
10 the access to the east of the site, which I think,
11 Rich, you have ownership interest in. Obviously,
12 some work is proposed on that site to reconfigure
13 the access drive so that it provides appropriate
14 accommodated access to both parcels. We want to see
15 the easements that will cover that work both from a
16 temporary construction work as well as permanent
17 access rights.

18 The fourth comment is regarding some internal
19 signage which is a minor item that we think that
20 they can address.

21 The fifth comment is regarding some minor
22 grading details and sporulation to make sure that
23 the site will be fully handicapped accessible after
24 it's built, and to make sure that we understand how
25 the water is going to flow following construction.

1 The sixth comment is regarding the outlet
2 control structure from their proposed stormwater
3 management area. They are proposing a large
4 detention basin to the rear of the site to try to
5 mitigate the amount of flows that currently bypasses
6 through the site and reduce the flows down to the
7 Route 7 corridor, which is a very desirable feature.
8 But the detail of how that control structure is set
9 up needs to be looked at in greater detail and with
10 a slight modification there.

11 Our seventh comment was related to the
12 stabilization of the disturbed areas on the site.
13 When we are into this type of commercial development
14 and you've got these pad sites being developed, our
15 recommendation is that we stabilize the areas around
16 the pads with sod as opposed to seeding them with
17 mulch so that we can get that instant stabilization
18 and less runoff onto the paved surfaces and less
19 pedestrian traffic marring up the lawn areas as we
20 have seen as sites that get redeveloped in the Town.
21 It's a relatively minor comment. It's not a
22 requirement but it's something that we strongly
23 recommend to the applicant.

24 The eighth comment is regarding the lighting
25 plan. They did a good lighting plan with lights

1 designed in accordance with the Town standard; full
2 cut-off fixtures. They are meeting the Town's
3 requirement for 18 feet high. They did provide us a
4 photometric plan that kind of shows the amount of
5 footcandles being generated by these lights across
6 the site. There was a minor spillover onto the
7 Ludwin property, so that's something that we want
8 them to take a look at and possibly -- we looked at
9 it and thought that they could mitigate that impact
10 by shifting one of the lightpoles. We want to alert
11 that to their attention.

12 The ninth comment was regarding the stormwater
13 management report. When they made this last set of
14 plan revisions, there were some features that we had
15 reviewed and signed off on as part of our earlier
16 review which did not make it into the final plan.
17 It's related to one of the western pad sites. We
18 need some clarification regarding what will be built
19 to accommodate that stormwater management.

20 I'm up to comment 10 in the letter that you
21 just got. We're making our headway.

22 Comment 10 was regarding the internal sidewalk
23 configuration - there was an illogical termination
24 of an internal sidewalk and we asked for an
25 extension of that deeper into the site so it's a

1 minor issue there.

2 Comment 11 is regarding their proposing a
3 free-standing sign out in front of the site. The
4 current location for that monument sign is on top of
5 the Town's sewer, so that's going to have to get
6 relocated. Regarding the signage, that's something
7 that I think needs to dovetail in with the final
8 access configuration because we want to make sure
9 that traffic coming through the site and leaving the
10 site - signage will be important that we are
11 directing them to the appropriate access points.
12 So, that location may need to be modified in the
13 future.

14 Comment 12 is regarding the SEQRA review of the
15 project. It's an unlisted action so the applicant
16 did provide us, as well as the Planning Board, a
17 short Environmental Assessment Form with Part I
18 completed. We have gone through and drafted Part II
19 of the short EAF. Based on our review, assuming
20 that some of the comments that we have identified
21 are sufficiently addressed and there is no
22 additional comments brought up by the Planning
23 Board, the Planning Board may wish to consider a
24 SEQRA determination as part of the review of the
25 project.

1 Comment 13 is regarding some technical comments
2 that we received from Pure Waters and passed along
3 to the applicant and those are relatively minor
4 comments that we think could be addressed in a post
5 hearing plan submission.

6 I'm going to go back to Comment 2 in our
7 traffic letter which is regarding the access to the
8 site. Because it's a redevelopment project and
9 because the site previously had two curb cuts and
10 they're looking to consolidate to one full access
11 curb cut - in general we have been supportive of a
12 full access curb cut and that's what's always been
13 proposed as part of the application. Up until the
14 last week, we had never received a detailed traffic
15 analysis supporting a full access location there.

16 You may recall early on that there were some
17 comments by our office that we had wanted
18 consideration given to a rights-in and rights-out
19 access only along the Route 7 frontage. DOT had
20 commented early on that they had recommended a
21 rights-in and rights-out access but again, they
22 would continue their review of it and look to see a
23 more detailed traffic analysis.

24 On September 29th we received a detailed
25 traffic analysis that looks at how queues are going

1 to occur within along the Route 7 corridor. You
2 have to understand that there are two signals, one
3 to the east and west of the site.

4 CHAIRMAN STUTO: Can you go up and point to that?

5 MR. GRASSO: I will refer to it as the CHP signal.
6 It serves the property to the south side as well as to
7 First Columbia's plaza on the north side of Route 7.
8 The other signal that is affected by the site is the Vly
9 Road intersection more towards the west. You have to
10 remember that the south is up on the diagram there
11 (Indicating).

12 CHAIRMAN STUTO: Can you point to the intersection
13 in question?

14 MR. ROSETTI: Yes, Vly Road is right here and the
15 traffic light is right here in this section
16 (Indicating).

17 CHAIRMAN STUTO: And can you point to your curb cut
18 in question?

19 MR. ROSETTI: That's right here (Indicating).

20 MR. GRASSO: This gets into the detail of the
21 traffic analysis - what we try to look at is how this
22 curb cut being full access would impact the Route 7
23 corridor in terms of cars trying to come in to a full
24 access curb cut, as well as cars coming out.

25 Just so that you understand, this is a

1 five-lane section of Route 7 that sees about 3,000
2 vehicles during a peak hour of the day, heading in
3 both directions.

4 CHAIRMAN STUTO: How many all day?

5 MR. GRASSO: All day, you're probably talking
6 15,000 vehicles. We look at a peak hour which is the
7 worst hour. We want to make sure that there is
8 appropriate access during the p.m. peak hour, knowing
9 that if we can solve that problem all the other hours
10 should be satisfactory. So, of the five-lane section,
11 there is a two-way left turn lane that vehicles heading
12 in both directions have the ability to go into in order
13 to make a left turn movement. There is a dedicated left
14 turn lane for east bound vehicles as you are approaching
15 the CHP signal to turn in to take a left into this
16 plaza. There is also a dedicated left turn lane for
17 west bound vehicles looking to take a left onto Vly
18 Road. The analysis that we requested and was provided
19 looked at the amount of vehicle queues that would occur
20 at the signal; both along those left turn lanes as well
21 as the queues that would occur for the through lanes.
22 That analysis showed that if a full-access intersection
23 was going to be considered, that this is generally the
24 best spot. It's sufficient distance away from this
25 stacking lane here to get by a sufficient distance from

1 the Vly Road intersection to not impact that. In
2 theory, you could have a car that could make a left turn
3 in and you could have a car that could make a left turn
4 out and take advantage of that two-way left turn lane.
5 It would be a two-stage stop where they would come into
6 that two-way left turn lane, have to stop and wait for a
7 gap in the traffic. But these signals do provide some
8 gaps for vehicles to get out. The problem that we have
9 with the full access intersection is that these roads
10 during the peak hour also have queues up in the through
11 lanes that come past this curb cut location
12 (Indicating). So, as you're heading eastbound you've
13 got a queue that comes past in this direction and as
14 you're heading westbound you have a queue that backs up
15 from this signal all the way though past the CHP signal
16 (Indicating). That creates obstruction for vehicles
17 that are trying to both get into the site as well as
18 trying to get out of the site.

19 That's where we have been trying to wrestle
20 with what is the appropriate access location. That
21 was our concern giving full access. Obviously a
22 rights-in and rights-out, as you've heard me say
23 many times, we consider a free movement and it
24 really has little impact on the main line. It
25 provides safe access for cars looking to slip in or

1 slip onto the site. Once we get above that
2 rights-in and rights-out and we start to look at
3 left turns in and left turns out, then we have to
4 look at those potential conflicts and there are
5 going to be some conflicts that are going to occur
6 here during the peak hours of the day.

7 As of right now, based on the analysis that we
8 have, we would be supportive of restricting the
9 lefts out and still allowing the left turn in
10 movement. It would be what we consider a standard
11 pork chop configuration that would still allow the
12 lefts in, but fully restrict the lefts out so you
13 wouldn't be able to make this movement. That
14 eliminates the conflict between those two left turns
15 occurring. It also eliminates the likelihood that
16 somebody trying to take a left out when this traffic
17 is queued up past the intersection which we now know
18 does occur. When they come out here and try to get
19 past and through a queued up line of cars, they have
20 a likelihood that they're going to get clipped by a
21 through movement going in the westbound direction.

22 The other reason why we would marginally
23 support a left turn in is if you're looking to get
24 to this site and you're heading westbound on Route 7
25 in this direction (Indicating) and you want to take

1 a left, it's just as easy to take advantage of this
2 protected left turn arrow which you are going to get
3 at this signal in a dedicated left turn lane. Then
4 you don't have to worry about trying to jump across
5 these lanes here. You're in a protected spot. They
6 have it designed with very good access into the site
7 from the signal there. That's why I said we are
8 supportive of that left turn movement being
9 unrestricted as long as we can live with the lefts
10 out.

11 CHAIRMAN STUTO: Did you say marginally supportive?

12 MR. GRASSO: Yes, we are supportive understanding
13 that we're getting to the area where there is going to
14 be a greater likelihood of conflict. It's about degrees
15 here. I can't say that one thing is always totally safe
16 and one thing is always totally unsafe.

17 CHAIRMAN STUTO: Do you think that it needs more
18 study?

19 MR. GRASSO: We think that obviously in order to
20 support a full access intersection, it's going to
21 require more study.

22 CHAIRMAN STUTO: The left-in - do you think that
23 needs more studying?

24 MR. GRASSO: We don't. Our office has had a chance
25 to review the detailed traffic analysis so we feel -

1 CHAIRMAN STUTO: What does New York State DOT say
2 about it?

3 MR. GRASSO: The study has been submitted to them.
4 They are reviewing it. We did have a meeting today with
5 them where we kind of went through the applicant's
6 analysis. We talked about the concerns regarding access
7 to the site. DOT ultimately has a big say in this.
8 They have to issue a curb cut permit for this. Again,
9 they haven't had the chance to look at the study and do
10 a detailed analysis. Their initial reaction is hey, we
11 acknowledge that a rights-in and rights-out is the best
12 access arrangement but we would consider granting
13 additional access assuming that it was supported by the
14 Planning Board and the Town in general. Obviously, they
15 said that they need to be given an opportunity to fully
16 review the traffic information that's been sent in.

17 Is that a fair characterization?

18 MR. ROSETTI: I think that they would be supportive
19 of what the Planning Board -- they're looking for
20 direction from the Planning Board. I would say that was
21 fair. They've made suggestions to me and they'd like to
22 see no curb cuts anywhere ever in the traffic and that's
23 the perfect world that they live in. The reality of it
24 is that we don't live in a perfect world.

25 Right now we have 142-foot curb cut and if

1 someone opened a bowling alley back here, those curb
2 cuts would remain. This is going to be a retail
3 plaza. A Retail plaza is different than any other
4 type of commercial development in that I see it and
5 I pull in. It's not an office park where it's a
6 destination and people know where it is.

7 I happen to own the property next door, so I
8 happen to be able to straighten this intersection
9 out here which curves right now. We're
10 straightening it out so that yes, most people will
11 use that access as they learn that they can actually
12 get into the plaza that way and there is a traffic
13 light and that you can get it. The problem is that
14 once somebody comes past the traffic light, the new
15 customer coming to the plaza would get here and if
16 there were no left turn in and it was a right-in and
17 right-out only access, they're not going to know to
18 go all the way down to Vly Road and that they can
19 turn left on Vly Road and make another left and come
20 into the plaza. If they did, what kind of traffic
21 is that going to generate now on Vly Road and create
22 more traffic here? I think that what you look at is
23 a compromise. A compromise is what are we doing to
24 mitigate the traffic on Route 7.

25 One of the things that we have done is this is

1 the bowling alley right here (Indicating). This is
2 the access that we are proposing. We have four
3 access sites off of this property. We created one
4 here, out in the front, out on Vly Road and we've
5 also created two roadways that connect to British
6 American Boulevard (Indicating). So, anybody
7 traveling from British American Boulevard that wants
8 to come down and use the services of this plaza can
9 come through and not even have to go out onto Route
10 7. We're also closing off two existing curb cuts.
11 So, when you look at it at the end of the day
12 nothing is going to be perfect, but I think that
13 we've done a lot to help vacate a lot of the traffic
14 on Route 7.

15 We do have a traffic report that does support
16 full access. Stewarts, which was a similar
17 redevelopment site here on the corner that was
18 approved just a few years ago, had two curb cuts out
19 onto Route 7. It also had access off of Vly Road.
20 It was supported by this Board by Joe Grasso that
21 this was combined into one access point with full
22 access. I don't think that we're asking for
23 anything more than what Stewarts got. The traffic
24 situation that Joe is talking about happens between
25 7:30 and 8:30 in the morning and 4:30 and 5:30 at

1 night. We had a total of 19 cars making a left hand
2 turn into First Columbia's plaza over here
3 (Indicating). This is a destination and it's a dead
4 end. They're not turning into this roadway going
5 someplace else. It's the same people every day and
6 the queueing happened in a very short period of
7 time.

8 I do have my traffic engineer here and we have
9 a couple of slides. If you want, I can have him
10 explain some of the traffic generation in queueing.

11 CHAIRMAN STUTO: I think that this is an important
12 enough issue for the Board to start asking questions
13 about it if they have questions. I'll just open it up.

14 MS. DALTON: Joe, you gave a lot of explanation and
15 I'm hearing a lot here. I guess I need a simple answer
16 as to why is it not acceptable to simply use the
17 existing light and have people turn down that access
18 road and into your parcel as opposed to having any
19 specific curb cuts from Route 7?

20 MR. ROSETTI: There are actually a couple of
21 reasons. One is the traffic light is well before where
22 the plaza is.

23 MS. DALTON: I'm sorry, I meant the other traffic
24 light.

25 MR. ROSETTI: First and foremost is that this is a

1 retail plaza. Access is imperative. If you were to say
2 to me that there is restricted right-in and right-out
3 access here or no access at all, the project is not
4 going to go forward because in order for retail to work,
5 people need to be able to see it and pull in. You're
6 talking about a very finite period of time during the
7 day.

8 I live on Vly Road and I work in the plaza
9 here. I see the traffic movements. Most times of
10 the day there is very little traffic on that road.
11 It's totally during the peak hours. To say that
12 we're going to close off an entrance for two hours a
13 day, I think that is not workable for me and maybe
14 it's not realistic.

15 The other thing that it does is it creates
16 another traffic problem out here and you start
17 stacking additional cars out onto Route 7. This
18 light doesn't have enough time to get the cars
19 through that are in that lane right now all the way
20 into the plaza and that also creates a traffic
21 back-up into the plaza with the two plazas being
22 together.

23 MR. LANE: You're saying just going to that one.

24 MR. ROSETTI: Correct.

25 MR. LANE: Where is the signage that has to be

1 moved that's over the sewer?

2 MR. ROSETTI: The sign is going to go right here
3 (Indicating).

4 MR. LANE: Which makes that appear to be the
5 primary entrance. What if you move that up towards the
6 traffic light to bring the majority at that point, and
7 then if people miss that they have that other access?
8 You're going to have to move that sign, anyway.

9 MR. ROSETTI: We actually have a permit for that
10 sign approval.

11 MR. AUSTIN: Yes, but with the sign being there, as
12 Tim said, that's your primary access.

13 MR. ROSETTI: Correct. Just because I own this
14 property I'm being penalized to say that I have to come
15 through here. If I didn't own this property we wouldn't
16 be having this discussion.

17 MR. AUSTIN: I'm not saying because you own the he
18 property -- where is the two-story retail in the front?

19 MR. ROSETTI: Here (Indicating).

20 MR. AUSTIN: So, anybody coming from the west -
21 chances are they might not even see the plaza because
22 there is a two-story building there in the front. Even
23 then there is the one-story Starbucks thing that if they
24 pass the light, they're going to see an entrance to get
25 into the retail and know to go between the two pad sites

1 to go back to the -- well, I guess you have the signage
2 but that is your primary entrance and we don't want a
3 primary entrance there.

4 MR. ROSETTI: This project should stand on its own.
5 It should have its own entrance. I have two curb cuts
6 right now. We are reducing from 142 feet and down to 36
7 feet. It's a redevelopment site. There has got to be
8 some compromise in here. We're making a significant
9 investment in the project. If people can't get to it
10 they're not going to go there.

11 MS. DALTON: I'm not objecting, necessarily. I'm
12 trying to understand why the existing light is not
13 adequate.

14 MR. LANE: Primary access is generally at the
15 light.

16 MR. ROSETTI: That's not part of this property.
17 The issue is that this project here should stand on its
18 own. I have two existing curb cuts. If I put a bowling
19 alley back in here, I can use the existing curb cuts.

20 MS. DALTON: Does that light not turn into a public
21 road?

22 MR. ROSETTI: No, this turns into my other office
23 building over here (Indicating).

24 MR. LACIVITA: It would be a shared access
25 component. If you remember Fasttrack that we saw here

1 last week on that third parcel, we had that shared
2 access component. That's similar to what is happening
3 here. We're trying to see if traffic can go through a
4 shared component into the plaza.

5 To Rich's point, he's trying to get access into
6 a retail component, so he wants it a little further
7 back in. DOT is struggling with a full access
8 component at this point in time and that's what we
9 are trying to get through at this point.

10 MR. AUSTIN: DOT wants a right-in and right-out.

11 MR. ROSETTI: DOT doesn't want any curb cut at all
12 anywhere on Route 7 from here to Schenectady.

13 MR. AUSTIN: Joe Grasso marginally said that he
14 agreed with the left in -

15 MR. GRASSO: Yes, that being allowed.

16 CHAIRMAN STUTO: Joe's okay with right-in and
17 right-out.

18 MR. GRASSO: I support that all over, generally.
19 They are unrestricted, but I support the lefts-in
20 because of the fact that you're taking the lefts-out out
21 of the equation to reduce that conflict, plus I like the
22 opportunity that Rich has developed for the left turn
23 movements able to take the signal. That's why I said if
24 the signage can be such that if you want to go to
25 Starbucks, you see the sign at the signal and people

1 take advantage of the dedicated left turn and the left
2 turn arrow. It's a protected movement. It's a great
3 opportunity as opposed to once you get up to trying to
4 cross those lanes and get into that two-way left turn
5 lane when cars trying to get into Bette's property --
6 that's where you're going to get into those conflicts.
7 What I'm saying is that we can still allow that movement
8 trying to compromise, as Rich describes it, but still
9 allowing them the opportunity to take that signal. The
10 lefts-out - the way that the site plan is laid out, if
11 you allow the lefts-out, then you've got those conflicts
12 that we struggle with. So, it would have to be signed
13 appropriately to take those lefts and get the either out
14 to Vly Road or back to the CHP signal.

15 MR. SHAMLIAN: Do you have a sense over time as
16 people head west are they going to opt to make the left
17 at the light as opposed to continuing -

18 MR. GRASSO: I think that actually Mike touched on
19 it in his report. This goes into your analysis. Fifty
20 percent is what you estimated. There is an analysis
21 that I could point to, but I would say that I hope 50
22 percent, assuming that it's signed appropriately and
23 people know that it is there.

24 MR. ROSETTI: We are focusing on this entrance and
25 not looking globally the whole project. When I

1 purchased this site, I knew that these were going to be
2 issues that were going to come up.

3 This is the entrance that we're talking about
4 right here (Indicating). I did take into
5 consideration the fact that we had added an access
6 here -- that would be a through access out to the
7 traffic light here and there would be another
8 through access out to British American Boulevard
9 there (Indicating). I have mitigated a lot of
10 traffic off of Route 7. I have mitigated a lot of
11 traffic that is going to go to the traffic light.

12 At 8:00 at night when someone wants to go to
13 the restaurant and they can't pull in, it makes it
14 very difficult for that business owner to have
15 customers go there. Once they drive past it, they
16 may not stop, or you may create another situation
17 where people may go and do a turn at Stewarts and
18 come back and come into the plaza.

19 This is a redevelopment site. This is
20 something that was existing. It's been vacant for
21 10 years - probably closer to 15 years and sitting
22 vacant. It's the gateway from Niskayuna into
23 Colonie and I'm making a \$7 million dollar
24 investment. If I'm making that investment, the
25 retail tenants are going to want people get to the

1 plaza. It's not just Starbucks that we're talking
2 about. We have other tenants that are going to be
3 affected by it. We need to have the sign out in
4 front of the plaza so that people know that --
5 they're not going to know to pull in here even if
6 there is a sign here. They're going to end up over
7 here (Indicating).

8 I have a gigantic number three on my building.
9 I tell people to come to my building. It's number
10 three and you'll see it. They'll call me from the
11 parking lot saying I can't find it. You can't have
12 a bigger sign that I have.

13 People don't always look at the signs and we're
14 not going to have the opportunity to put every
15 tenant on that pylon sign. I just ask you to look at
16 it more globally. There is good and bad in every
17 project. I think that the good outweighs the bad in
18 this project. I think that the things that we are
19 offering and the things that we are doing - the
20 project that we are building - all of these things
21 outweigh the disadvantage of this. I also think
22 that in fairness, Stewarts was granted exactly the
23 same thing. You can certainly make the argument
24 that there is no stacking when you make a left hand
25 turn out of Stewarts. If you make a right hand turn

1 the queueing shows that the queueing backs up to
2 here (Indicating) so that there is no ability to
3 pull into the plaza. I think that our situation is
4 much better. When we did the traffic study we
5 originally had the entrance 25 feet up further and
6 closer to the traffic light. We did allow queueing
7 for cars and we did make the appropriate changes. I
8 think that we did, as Joe would say, put it in the
9 most appropriate location.

10 MR. AUSTIN: Rich, off of Vly Road - I remember
11 that there was a lot of concern, especially when
12 Stewarts first went in, about the parking on that access
13 road. Is that going to be an issue with that access
14 road now?

15 MR. ROSETTI: I stop at Stewarts every morning and
16 tell them to move their vehicles.

17 I bought the house next door and one of the
18 thoughts that we had is maybe we could align this
19 roadway with Vly Pointe so that it would be a "T"
20 intersection. It would also move this intersection
21 further away from the traffic light which would
22 allow for more queueing. Stewarts asked for more
23 than what was allowed on the site - way more. They
24 had a lot of waivers and a lot of variances that
25 they had to receive and I'm not asking for more than

1 what our site can handle. I'm meeting the
2 requirements as if it was built today as far as
3 greenspace. I have more parking than what is
4 required.

5 When you count a gas pump as a parking spot and
6 you don't have an area for your own trucks to
7 deliver product, it's something that probably
8 shouldn't have been approved in the first place.

9 I've been working with Mr. Dake and met with
10 him a couple of times and we're trying to iron out
11 what is the best way to have access through here and
12 create more parking for him. His solution is a
13 little bit different from my solution, but we're
14 going to try to work towards the middle. We both
15 benefit by it. I think that it's something that we
16 can correct.

17 I purchased the house next door without any
18 agreement with Stewarts that they would actually buy
19 it and increase their parking. My point is that on
20 this whole project, we've been very proactive and
21 we've created more greenspace. We have created
22 access. We bought the house next door and we've
23 worked with the neighbors and we are making a
24 significant improvement to the facility. It's not
25 just your typical retail center. We have some nice

1 features. We have a glass dome on the corner that
2 will light up at night. It's to create a better
3 looking product than what you see most other places.

4 MR. AUSTIN: So, you want full access.

5 MR. ROSETTI: I'm requesting full access. I think
6 that the compromise is that we are closing off a
7 140-foot curb cut and there will only be one curb cut.
8 I think that when you look at the additional accesses
9 that we created, the fact that it's a redevelopment
10 site, the fact that it was a bowling alley -- I'm also
11 not asking for anything more other than what Stewarts
12 got. My site is asking for a lot less than what
13 Stewarts asked for.

14 CHAIRMAN STUTO: Okay, we'll turn it over to the
15 public. I'm sure that we'll come back to this.

16 Linda Guzzo.

17 You want to show us where you live?

18 MR. GUZZO: This is the bowling alley and my house
19 is right there (Indicating).

20 I'm Linda Guzzo and I live on Vly Road and I
21 was at the first meeting. I had some concerns, but
22 I think that I've kind of changed my tune a little
23 bit. I noticed that Mr. Rosetti has been trying to
24 work with all the neighbors in the neighborhood.
25 What has been proposed to keep us having a little

1 bit more of a buffer zone between the noise and the
2 site seems like a really good idea. Nothing has
3 started yet, but it sounds like a good idea.

4 I don't know if I should bring this up but on
5 the access road to Route 7 - there is a bus that
6 turns in there and I don't know what you're going to
7 do about that.

8 MR. ROSETTI: It's a bus stop.

9 MR. COSTA: It's going to remain.

10 CHAIRMAN STUTO: Alan Goldstein.

11 MR. GOLDSTEIN: Good evening. My name is Alan
12 Goldstein. I'm president of the Goldstein Auto Group.
13 We have auto businesses in Latham since 79 and in the
14 Village also.

15 I'm listening to the traffic, but first what I
16 would like to address is Mr. Rosetti's project is a
17 premier project. He's a premier builder both in
18 residential and commercial. I know him personally
19 and he's got a mind and he covers things thoroughly.
20 I don't think that the project is in question.

21 The curb cut kind of relates to what I'm
22 saying. Route 9 near our Chrysler store - we now
23 have a new development and there is going to be a
24 red light by Bellini's and there is a red light
25 south.

1 I want to move over to the new Shop Rite.
2 We've just built a new Buick Store in the Village
3 and we're in the process of a new Subaru store.
4 Shop Rite came in and Shop Rite almost looks like
5 Mr. Rosetti's project. There is a red light. You
6 pull up from the gas pumps, or from Shop Rite or you
7 can go east and pull out.

8 I'm listening more and more here and I was
9 listening to the lady on the far end. Could you use
10 that red light to go in that's on the east end?
11 Well, you could. Mr. Rosetti has a great point.
12 They are separate parcels. If he didn't own both of
13 them, that may create a problem. What I think
14 happens is that people take the path of least
15 resistance. When I pull out of Shop Rite, I get gas
16 there and I take the red light. I don't take the
17 exit that I have to look both ways and I think that
18 it's easier.

19 I think that what will happen with Mr.
20 Rosetti's project is to have all kinds of ingress
21 and egress and he can relieve it, but I think that
22 the path of least resistance eventually will be that
23 red light.

24 I'm a car dealer and not a traffic expert like
25 Mr. Grasso, but I think that it will resolve itself.

1 I believe that upper Central right now - you might
2 now the traffic count - might be five times the
3 traffic. We have ingress and egress from both
4 directions.

5 What I left out was I'm a resident of Vly Road
6 also. I haven't seen a large back up of a traffic
7 queue anywhere. I can take you to Route 9 and I
8 could take you to Central. This is an easy drive.

9 I recommend that this project goes forward with
10 the ingress/egress as he suggested.

11 Thank you very much.

12 CHAIRMAN STUTO: Thank you.

13 Harold Graber.

14 MR. GRABER: Good evening. My name is Harold
15 Graber. I am a resident of Vly Road. I've been there
16 20 years and I'm very familiar with the road. I used to
17 bring my daughters to the bowling alley for birthday
18 parties years ago.

19 When I look at the bowling alley, I just look
20 at something that's been there too long that needs
21 to be updated - change, something different. I am
22 very supportive of this whole project.

23 I know Rich. I know him personally and I
24 concur with what Alan said about him. He has that
25 vision and he doesn't do half the job. He does the

1 whole job and then he really dresses it up. All I
2 can say is that I think that it works and I'm
3 familiar with Vly Road and going down Vly Road and
4 taking that right hand turn. My daughters complain.
5 I say, Jackie, two minutes, you have to wait there
6 two minutes. No matter where you're going, you have
7 to wait two minutes. It's really not bad. Once you
8 get off there, the traffic just flows all the way
9 down. I don't see any problem. I think that buffer
10 that he's got that he wants to put in for making
11 that turn - I think that you have to have it to make
12 that whole thing work.

13 Then I look at the access. He's got access at
14 CHP, he wants to put the buffer in and then he's got
15 access at Vly and then he's going to do something on
16 Vly Road to bring more traffic in this way. I think
17 that it's a win/win situation.

18 Somebody made a comment - I'd like to like it
19 more. I don't see how you can like this anymore.
20 To me, it works. That's my personal opinion. Thank
21 you.

22 CHAIRMAN STUTO: Anyone else?

23 MR. AUSTIN: By the way that comment came from me,
24 but I was addressing a different project. I already
25 like this one more.

1 MR. LUDWIN: I have two questions. I brought up
2 the lamps and I think that one of the comments was
3 angling the lamp. That's good. That's one of my three
4 concerns from the beginning.

5 What he was discussing was possibly aligning
6 the road with the other road?

7 MR. ROSETTI: We're not on the agenda tonight for
8 that. That's at a different meeting that will be
9 discussed.

10 MR. LACIVITA: Your name sir?

11 MR. LUDWIN: Jeff Ludwin. I'm right next to the
12 property that he purchased.

13 MR. LACIVITA: Thank you.

14 CHAIRMAN STUTO: Anyone else from the public?

15 MR. FARLEY: Thank you, Mr. Chairman. My name is
16 John Farley. I have been a resident of Albany County
17 for a good many years. I bought a home on Coronet Court
18 up on top of the hill just above the piece of land that
19 we are talking about. I want to speak in support of it.

20 I think that it would be a wonderful thing if
21 we could work out the finer points and produce a new
22 era down here with new business, new industry and a
23 broader tax base. I think that it would be a
24 wonderful thing. As I say, I moved up here in 1968.
25 I'm 94 years old. Here's a wonderful chance of

1 industrial development that we've all talked about
2 and we want to make it work. I'm sure that with the
3 cooperation of all of you, we're all going to work
4 at it. I'm sure that you're going to bring about
5 something that it going to be successful and a
6 wonderful thing for the Town of Colonie and for that
7 matter, the State of New York. I wish that, please,
8 all of us would work at this. I'm sure that it's
9 going to work our for us.

10 Thank you, very much.

11 CHAIRMAN STUTO: Anyone else from the public?

12 (There was no response.)

13 We'll open it back up to the Board. I'll start
14 with my comments just to put my personal cards on
15 the table.

16 It's a great project. It's a great
17 redevelopment. The circulation is great. The
18 multiple entrances are great. I personally
19 appreciate it and not surprisingly the main issue is
20 that main intersection.

21 I don't know what DOT thinks. I'm hearing
22 different things. I would love for them to tell
23 us -- to have a totally neutral party -- Joe is
24 neutral -- advocating for us. You're an engineer as
25 a profession and I'm not questioning that and I'm not

1 questioning your sincerity. Left hand turns - I
2 can't support coming out of there. I still question
3 whether left-ins are a good idea. I'm having
4 difficulty with that. Otherwise, I support
5 everything else with the comments that seem to be
6 agreed to.

7 Craig?

8 MR. SHAMLIAN: First, I do agree with your comment
9 that you should not be penalized because you own the
10 property next door. That being said, I can't really be
11 supportive of a left out. I probably am supportive of a
12 left-in. That doesn't really negatively impact the
13 business transactions that they place because people are
14 already on the property. They'll figure out how to get
15 out and over time it will be very easy for them to get
16 out. It doesn't really negatively impact the retail
17 transactions that are going to take place because
18 left-in gives them total access for the spontaneous
19 action of turning into the property to conduct this.

20 MS. MILSTEIN: Another reason that I'm opposed to
21 the left-out is that I can see people coming in from
22 British American finding that it's easy to go through
23 there and taking a shortcut through there, so you're
24 generating more traffic in turning left onto Route 7.

25 I have another question and this goes back to

1 the one where you showed the original bowling alley
2 and the trees. What trees are remaining?

3 MR. ROSETTI: All the trees that you see there are
4 remaining.

5 MS. MILSTEIN: Another possibility even with the
6 left-in - down in the City of Albany by the Capitol
7 there are no left turns between certain hours. I don't
8 know if that is another possibility.

9 MR. ROSETTI: We talked about that with DOT at the
10 meeting today. I think that clarification with DOT - I
11 think that they are looking to the Planning Board for
12 their input. I think that they would seem to go along
13 with maybe with the Planning Board would like to see.
14 That's the feeling that I got from them.

15 Joe, you were at the meeting.

16 MS. MILSTEIN: Who else was at the meeting?

17 Joe, you were there. What is your feeling
18 about DOT? Are they looking to us or are we looking
19 from them?

20 MR. LACIVITA: I think that DOT is definitely
21 looking for direction from the Planning Board. They
22 have expressed their concerns. They are the permitting
23 entity to this project. They have been on record to say
24 that right-ins and right-outs are basically what they
25 are looking to give for this project, but they can be

1 supportive of the redevelopment project, but there has
2 to be some direction by this Board. They do have
3 concerns about the left-out as well. They are looking
4 for direction from you so that they can finalize their
5 review.

6 They have asked the applicant to address the
7 concerns of their comment letter of July 25th and
8 they've asked for, again, recommendation from this
9 Board to see if they can move forward. Once they
10 get that collective information, then they'll go
11 forward with their final decision.

12 MR. ROSETTI: I'd like to make a point. Now the
13 Town has been developed for a number of years and you're
14 going to see a lot more redevelopment sites come online.
15 What you're going to see is someone like me who does a
16 lot of redevelopment of sites is not going to choose to
17 redevelop sites anymore if you're not allowed access
18 into the property. For retail, the key component of
19 retail is accessibility.

20 When I took my first real estate course they
21 said where is the best piece of real estate in the
22 Capital District? It's on the corner of Wolf Road
23 and Central Avenue. There is a motel on it. It's a
24 great location. What's the problem? You can't get
25 there. That's the situation that you are creating

1 with these redevelopment sites. Is it a perfect
2 fit? Probably not. I don't know where you can show
3 anywhere in the Capital District on any site that is
4 a perfect fit. This is a redevelopment site. We've
5 gone to great effort. We've spent a lot of time,
6 effort and money to make this project work. I think
7 that there is a compromise. I'm not asking for
8 anything that you didn't grant Stewarts only a
9 couple of years ago. As a matter of fact, my
10 traffic engineer can make the argument that my
11 access is a lot cleaner pulling in and out. To have
12 these redevelopment sites be restricted - you're not
13 going to get people that are going to want to do the
14 redevelopment sites. Two curb cuts right now -- I'm
15 asking for a 36-foot curb cut and we're talking
16 about a very finite period of time during the day
17 when this traffic study is done and when these lanes
18 are backed up.

19 I live on Vly Road and I work on Route 7 and I
20 see the traffic patterns and once you get past 6:00
21 there is no traffic. If I have a restaurant people
22 want to be able to pull in and out - or a fitness
23 facility or a liquor store, beauty salon - whatever
24 I'm going to put the plaza, those are small
25 businesses that rely on accessibility into the

1 plaza.

2 CHAIRMAN STUTO: Anybody else want to speak?

3 MR. LANE: We do see redevelopment projects and I
4 think that we work very well with the developers that
5 come in here to do that.

6 MR. ROSETTI: I'm asking you to work for me the
7 same way that you worked for Stewarts.

8 MR. LANE: There is more than just Stewarts and
9 this is quite a bit larger scale than Stewarts as well.
10 That being the case, I do rather agree with my
11 colleagues that we also have to look at public safety
12 factors and so on for things that might become
13 problematic. I don't know that anybody else could have
14 come in and done as large a project as yourself. It
15 probably would not have worked for anyone else, and the
16 reason that it does is because you do have that other
17 property next door with that access. It may not have
18 worked for anybody else, other than yourself. To say
19 that it's being used against you, I don't know if I
20 agree with that. I'm looking at it another way.

21 Just going back to the one issue about the sign
22 - the sign that you are permitted for - is that the
23 sign that's noted in our letter? Are we talking
24 about the same sign?

25 MR. GRASSO: The sign that Rich has pointed to just

1 to the east of their proposed access location - we made
2 a comment that it appears to be located above a sanitary
3 sewer line. It looked like the main sign to the
4 complex. I don't know. We don't review detailed sign
5 plans. We just saw a sign there and said, hey, it's on
6 top of the sewer.

7 MR. COSTA: We met with the Division of Pure Waters
8 and they signed off on us placing the sign at that
9 location.

10 MR. LANE: How much clearance do we need?

11 MR. TENGELER: I was at that meeting with Nick and
12 Chret from Pure Waters, and the recommendation from our
13 Pure Waters Superintendent was that it would essentially
14 straddle the pipe. There was a requirement from Chret
15 that it had to be hand-dug because of the proximity to
16 the sewerline that's over there.

17 MR. LANE: Don't the issues that generally come up
18 is if there is ever work that it needs -

19 MR. LACIVITA: A maintenance agreement would handle
20 that.

21 MR. TENGELER: A hold harmless and encroachment
22 agreement that will follow that will grant the Town the
23 ability to go on the property anytime to do any
24 maintenance to the infrastructure underneath.

25 MR. LANE: Just as long as everybody is aware that

1 is the case, okay. Thank you.

2 MR. AUSTIN: I am fully in favor of this project.
3 There is really no other place to go except keep going
4 with it because obviously it's no longer a bowling
5 alley. It's basically a shell. I love it. It's great.
6 You have my full support of this. This little entrance
7 way is our only stumbling block to get there. So please
8 do not assume that -- I think that we're all in favor of
9 the project. I think that it's great. I love it with
10 the pyramid with the lights. It's going to be very
11 Vegas and kind of cool.

12 To Mr. Goldstein's comment - I appreciate you
13 coming, sir, thank you very much. With respect to
14 the path of least resistance being the light, maybe
15 over time but the problem is that the sign is still
16 going to be at the other entrance.

17 MR. ROSETTI: But you need the sign in front of the
18 properties because they are the businesses.

19 MR. AUSTIN: I think that the path of least
20 resistance is not going to happen because they're going
21 to see the sign and pull up and want to go in to where
22 the sign is, because that's what the sign is for.

23 MR. ROSETTI: That might be true to a certain
24 extent, but I think that once you learn it and the types
25 of tenants that we have out front - Starbucks -

1 generally somebody is going to stop and get coffee --
2 there is going to be a lot of people. With the
3 additional access that I created, if they come in and
4 get coffee, they may not go back out onto Route 7. As I
5 said, don't keep focusing on just that entrance. Look
6 at the project as a whole and some of the things that we
7 have done to mitigate all the traffic off of Route 7.
8 We have done an awful lot to mitigate traffic and keep
9 it off of Route 7.

10 MR. AUSTIN: Right, and the more I hear about the
11 Stewarts and the left-out and everything like that -

12 MR. ROSETTI: I'd like to read the minutes of the
13 meeting for Stewarts into the record. I'm going to have
14 Nia Cholakis do it. Nia Cholakis is my in-house
15 counsel.

16 MS. CHOLAKIS: This starts on line 21.

17 "In your packets, I think that it's about in
18 the middle of your packets we have our December 28th
19 concept site plan review letter. I'm going to go
20 through just about all of the items in there. The
21 first one has to do with access which has been a
22 large topic of discussion during the initial
23 presentation regarding the project.

24 The current Stewarts store as well as the other
25 businesses that are there have two full access curb

1 cuts on the Route 7 and one full access on the curb
2 cut on Vly Road via the common access drive. One of
3 the existing curb cuts on Route 7 is only 90 feet
4 from the intersection with Vly. We say that in
5 order to promote access management along Route 7 and
6 minimize conflicting movements. We support the
7 consolidation of curb cuts and relocating them
8 further from the intersection of Route 7 and Vly
9 Road. The current proposal consolidates the two
10 existing curb cuts on Route 7 into one which is
11 approximately 140 feet.

12 During the initial DCC review of the project,
13 DOT expressed some concerns about continuing to
14 allow full access onto Route 7 but because of the
15 closing of the one curb cut, which is closer to the
16 intersection, they had provided us additional
17 comments also included in your packets which states
18 that:

19 "The access configuration proposed.

20 Including a full movement driveway on Route 7
21 appears to be an improvement over existing
22 conditions and in our opinion is an acceptable
23 compromise, given the other site constraints
24 involved."

25 So, the current access configuration is

1 supported both by our office -"

2 This is Mr. Grasso speaking.

3 "- as well as New York State Department of
4 Transportation. Obviously, the final approval of
5 that curb cut onto Route 7 is going to require a
6 formal approval and work permit from DOT."

7 While I'm standing up here -

8 MR. AUSTIN: Can we get Joe's comment on that
9 before you go forward?

10 MS. CHOLAKIS: I would just like to finish the
11 thought.

12 This is where we're talking about - where
13 Stewarts is that has a full access in and out which
14 again, this was in 2012 so this is not ancient
15 history.

16 The other thing that I want to point out is
17 this was also a redevelopment site. You have the
18 Dunkin Donuts here and the Subway here and two
19 office buildings in the back. This was the
20 redevelopment site where there was an existing
21 building which was demolished and four buildings
22 were constructed. Again, this also has full access
23 in and out and here you also have full access in and
24 out.

25 I traveled down this road and I got to the

1 intersection of Albany Shaker Road and Route 7 where
2 the Mobil gas station is. That has access from
3 Albany Shaker Road and has access from Route 7, but
4 that has a left turning lane in and it has a
5 right-out, but it also has full access on Albany
6 Shaker Road. All Mr. Rosetti is trying to do is
7 just to be consistent. He's not looking for any
8 special preferential treatment. He's looking to be
9 treated fairly. He needs full access for his site.

10 CHAIRMAN STUTO: Joe Grasso, did you want to
11 comment?

12 MR. GRASSO: Yes. Two comments - regarding the
13 Stewarts and I appreciate them reading the discussion
14 right out of our letter because our tune hasn't changed
15 regarding that situation. Obviously, we look at every
16 project on its own merits.

17 The Stewarts, again, was another redevelopment
18 project. There were two full-access curb cuts for
19 the Stewarts. It's important to note that the
20 Stewarts was demolished and a new Stewarts was built
21 whereas this project - we've heard the bowling alley
22 had two former curb cuts that were developed in
23 whatever year they were developed. This is a
24 different project, so it's traffic generation during
25 the a.m. and p.m. peak hour are going to be

1 different than the bowling alley. We need to look
2 at the new project on its own merits. The Stewarts
3 was demolishing a Stewarts an building another
4 Stewarts. So, when you can take two curb cuts, full
5 access, and combine it to one, that's good
6 compromise for allowing just that Stewarts to be
7 rebuilt where they already had those two access curb
8 cuts. They are right there at Vly Road so vehicles
9 that are looking to take a left, they're right there
10 next to Vly road. They're within the site and it's
11 right there. The curb cut is right there so it's
12 easy for them to take advantage of Vly Road and make
13 that left turn movement.

14 The other one - when you're heading westbound
15 and you're looking to take a left-in, which is an
16 unrestricted movement, they get to take advantage of
17 the signal being right there and the gaps that are
18 being created there and the queue lane that we're
19 talking about at the CHP plaza is no longer a
20 factor. They're sitting there in that left
21 dedicated left turn lane basically right at the
22 signal.

23 So, we do look at every project on its own
24 merits and I think that the Stewarts application
25 going from two full access curb cuts to one full

1 access was appropriate mitigation for that
2 redevelopment project. It's a great point. It's
3 distinctly different than this. I think that what
4 was characterized was that Stewarts got something
5 that this project hasn't gotten, I think, is
6 blatantly false.

7 CHAIRMAN STUTO: Some of the Board members still
8 want to speak.

9 MR. AUSTIN: The curb cuts that Mr. Rosetti is
10 planning on getting rid of haven't been used in 10 or 15
11 years either, apparently. That's when the bowling alley
12 was closed. Traffic patterns have changed in 10 and 15
13 years as well.

14 MR. ROSETTI: If I put a bowling alley back in
15 here, I can leave both curb cuts. By the way, it wasn't
16 just a bowling alley. It was a bowling alley and it was
17 a restaurant and a bar and it wasn't creating peak hour
18 traffic like Stewart does. Stewarts is a morning
19 breakfast place. It's packed. They received multiple
20 waivers. They received multiple variances and they
21 don't even meet the greenspace requirement. There is a
22 long list of things that they were granted and I'm not
23 asking for. I'm not asking for more square footage than
24 what the Town allows. I'm not asking to have less
25 greenspace than what the Town allows. I'm doing it as

1 if it was meeting the new guidelines.

2 MR. AUSTIN: I don't think that any of that is
3 under our concern at all.

4 MR. ROSETTI: You're queueing right here from
5 Stewarts to go out and make a left hand turn in the
6 original queueing area. If you're coming in and want to
7 make a left hand turn into Stewarts, this queueing
8 actually backs up to here (Indicating) and you'll see it
9 on the next slide. So, there is no place to actually
10 queue in here to make a left hand turn.

11 I can make an argument and my traffic engineer
12 sitting here can make the argument that it's actually
13 a worse situation than what we are asking for. Full
14 access is a necessity for this project. It's going
15 to fail otherwise. I'm making a significant
16 investment. This is a redevelopment site and again
17 we are focusing on just the entrance and we're not
18 looking at globally what we are doing to improve the
19 movement of traffic along the corridor of Route 7.

20 MS. DALTON: I am going to be the lone voice on the
21 Board calling for full access. Here is the reason why.
22 I live not too far down Route 7. I make a left turn
23 onto Route 7 every day. I also make right hand turns
24 onto Route 7 everyday. It's like driving anywhere else.
25 There is the median access lane, so you pull halfway

1 across the traffic and then when it clears you pull into
2 the next lane and visa versa. Lots of times I have more
3 problem going right than left because the traffic
4 heading east is worse than the traffic heading west.
5 So, I don't see it as any different than any other
6 situation on Route 7. Getting on an off Route 7 is a
7 challenging driving activity and you act appropriately.
8 If you can't figure it out, you shouldn't have a
9 license.

10 CHAIRMAN STUTO: None of my kids should have
11 licenses.

12 MR. AUSTIN: Just as a note, if none of this had
13 come up before tonight, I would be in favor of the full
14 access too. It's the DOT thing and it's some issues
15 that we're trying to resolve on this whole thing.

16 MS. DALTON: DOT doesn't live in our community.

17 MR. AUSTIN: With the recommendation that we are
18 receiving and a lot of the information that we are
19 getting, we're just trying to process all that and make
20 sure that we have the best result.

21 MR. ROSETTI: Quite honesty when I bought this
22 building and it had been sitting empty for 15 years and
23 I proposed this, the last thing in the world that I
24 thought that I would ever be having is this
25 conversation. As I said to Supervisor Mahan today, I

1 thought that not only would I get full access, I thought
2 that the Town might put some red carpet in here for me.
3 I have a hard time believing that we are having this
4 conversation. This building has been an eyesore for 15
5 years. I'm coming in and spending \$7 million dollars
6 bringing in some premier tenants and I have to have the
7 conversation that I can't have access to my own
8 property? I have two curb cuts now. If it was your
9 property, you would feel the same way. It's like taking
10 part of what your property value is.

11 MR. MION: With the right turns in and the left
12 coming off in, you have access. Now you have to have
13 people out of it.

14 MR. ROSETTI: We do want them to leave at some
15 point.

16 Are there any other Board Members that are in
17 favor of full access?

18 CHAIRMAN STUTO: You'll have to find out when we
19 take a vote. We don't conduct it that way. We're not
20 here to answer questions like that.

21 MR. ROSETTI: I have my traffic engineer and maybe
22 he can shed some light on the situation.

23 MR. WIESZCHOWSKI: I'm Mike Wieszchoski and I'm
24 with Greene-Pederson and I'm a conventional traffic
25 operations engineer.

1 CHAIRMAN STUTO: Let me just say that our Board
2 Members are saying that they want to take this to a
3 vote. Everybody is getting tired. If you want to table
4 it and come back, that's a possibility, but we want to
5 bring this to a head, one way or the other. I'm not
6 cutting you off, I'm just letting you know what's going
7 on up here.

8 MR. WIESZCHOWSKI: The queueing issues that Joe had
9 a concern about - they don't occur 20 hours out of every
10 day. There is only a couple hours that they occur. The
11 biggest queue eastbound is during the a.m. peak hour
12 when very few cars are going to enter the site. It's a
13 retail site. The queues are lefts trying to come out
14 against that heavy eastbound queue. You're not going to
15 see a lot of cars coming out of the site. There is
16 really not an issue there. In the afternoon you do have
17 a heavy queue going westbound, but you have that two
18 stage crossing, and the eastbound traffic is much
19 lighter so that you can get into that two-way left turn
20 lane and then accelerate and move out. So, I really
21 don't see as much of a concern that has been raised as
22 far as getting in and out of the site.

23 CHAIRMAN STUTO: Thank you.

24 I'm going to start taking votes. That's what
25 I'm looking to do, unless you want to say something

1 else. It's getting a little repetitive.

2 MR. ROSETTI: I agree. I just hope that, again,
3 you can globally look at the whole site. We understand
4 that it's not a perfect situation, but I don't think
5 that there is any project that comes in front of this
6 Board that is a perfect situation. I think that we made
7 great effort to mitigate traffic on Route 7. I think
8 that we're doing a great project. I think that we're
9 taking a building that's been empty for a really long
10 time, but it's imperative for access for retail. If it
11 was an office building, I would agree with you but
12 because it's retail the business owners that are going
13 to be there - it's going to be detrimental to the
14 business.

15 I'm also a resident on Vly Road and am in favor
16 of the project.

17 CHAIRMAN STUTO: Who is going to walk us through
18 the SEQRA?

19 MS. MARINELLI: Just the Resolution, Peter?

20 CHAIRMAN STUTO: I think that we want to talk a
21 little bit about the factors.

22 MR. GRASSO: I'm going to go through the Part II of
23 the short EAF which is the actual impact assessment.
24 That's something that the lead agency needs to go
25 through and make decisions. The choices are to these

1 questions is:

2 A. Will there be a no or small impact and if
3 so, then we'll check that box. If not, then the
4 other option is a moderate or large impact may occur
5 and if we check that box then we have to get a more
6 in-depth analysis. You have to understand that when
7 we draft this for the Planning Board's
8 consideration, it's based on the comments that we
9 have already raised in our letter.

10 The first comment is: Will the proposed action
11 create a material conflict with an adopted land use
12 plan or zoning regulations? We said no, or a small
13 impact may occur.

14 Will the proposed action result in a change in
15 the use or intensity of use of the land. We said
16 no, or a small impact may occur.

17 Will the proposed action impair the character
18 or the quality of the existing community? We said
19 no, or a small impact may occur.

20 Will the proposed action have an impact on the
21 environmental characteristics that cause the
22 establishment of a critical environmental area? We
23 said no because there are no critical environmental
24 areas in the vicinity of the project site.

25 Will the proposed action result in an adverse

1 change in the existing level of traffic or effect
2 existing infrastructure for mass transit, biking or
3 walkway? We checked the box that says no, or small
4 impact may occur.

5 Will the proposed action cause an increase in
6 the use of energy and fails to incorporate
7 reasonably available energy conservation or renewal
8 energy opportunities? We said no impact will occur.

9 Will the proposed action impact existing public
10 or private water supplies? We checked no.

11 The B part to that question is: Would it impact
12 public or private waste water treatment facilities?
13 We said no.

14 Will the proposed action impair the character
15 or quality of important historic archeological
16 architectural or aesthetic resources? We checked
17 no.

18 Will the proposed action result in an adverse
19 change to natural resources including wetland,
20 waterbodies, groundwater, air quality, flora and
21 fauna? We said no.

22 Will the proposed action result in an increase
23 for a potential for erosion flooding or drainage
24 problems? We checked no.

25 Will the proposed action create a hazard to

1 environmental resources or human health? For that,
2 we also checked no.

3 That completes Part II and that's the impact
4 assessment.

5 The next part is the determination of
6 significance which is up to the Planning Board to
7 determine whether or not the project could result in
8 a potentially large or significant adverse impacts
9 which would then require a preparation of an
10 Environmental Impact Statement. The other option is
11 based on the information evaluated and supporting
12 documentation that the proposed action would not
13 result in any significant adverse environmental
14 impacts. By checking that, that basically issues a
15 negative declaration for the project and there is a
16 Draft Resolution supporting a negative declaration
17 also in the packet.

18 CHAIRMAN STUTO: Does anybody have any questions or
19 comments or discussion?

20 (There was no response.)

21 Is Kathleen going to do the Resolution?

22 MS. MARINELLI: Yes, I'll do it.

23 Resolution of the Town of Colonie Planning
24 Board lead agency designation and preparation of a
25 negative declaration, Latham Plaza, 1210 Troy

1 Schenectady Road.

2 Now therefore be it resolved that the Planning
3 Board declares itself lead agency for the purposes
4 of SEQRA review; and be it further

5 Resolved that based on a thorough review of the
6 project by the Planning Board that there will no
7 significant adverse environmental impacts and no EIS
8 will be required; and be it further

9 Resolved that the attached draft negative
10 declaration be adopted in accordance with SEQR part
11 617.12.

12 CHAIRMAN STUTO: Any comments or questions on that
13 resolution?

14 (There was no response.)

15 Do we have a motion?

16 MS. MILSTEIN: I'll move.

17 MR. GRASSO: The only clarification - I think that
18 it's important that the SEQRA determination document the
19 traffic situation.

20 CHAIRMAN STUTO: Based on an agreed to -

21 MR. GRASSO: Exactly. I think that the record
22 should clearly say what you're supporting from an access
23 consideration and have the SEQRA determination support
24 that decision so that we don't have two conflicting
25 things. You grant a neg dec based on one access

1 configuration and five minutes from now you say, well,
2 you really didn't support that access configuration. I
3 just think that they should be aligned; whatever it is.

4 CHAIRMAN STUTO: The two options are full access.
5 That would be right-in and right-out, left-in and
6 left-out. That's one possibility.

7 MR. GRASSO: Yes.

8 CHAIRMAN STUTO: The other which I think that we
9 are considering is no left-out, right-in and right-out,
10 no left-out but allow left-in.

11 MR. GRASSO: Correct.

12 CHAIRMAN STUTO: I think that there might a
13 consensus on that. The other possibility is right-in
14 and right-out.

15 Does somebody want to propose one of those?

16 MR. MION: I'll make a motion for the right-in and
17 right and left-in.

18 MS. DALTON: Can we start with the most liberal and
19 go backwards?

20 CHAIRMAN STUTO: If you want to take a vote on
21 that.

22 MS. DALTON: Can I make a motion for full access?

23 CHAIRMAN STUTO: Do you mind if she makes that
24 motion?

25 MR. MION: I don't mind.

1 CHAIRMAN STUTO: You'll withdraw your motion?

2 MR. MION: Yes.

3 MS. DALTON: I don't think that anyone will second
4 it, but can we just do it?

5 MR. LANE: I'll second it.

6 CHAIRMAN STUTO: Comments or discussion?

7 (There was no response.)

8 All those in favor, say aye.

9 MS. DALTON: Aye.

10 MR. AUSTIN: Aye.

11 MR. LANE: Aye.

12 CHAIRMAN STUTO: It appears that we have three
13 ayes. Any disagreement on that?

14 (There was no response.)

15 All those opposed say nay.

16 CHAIRMAN STUTO: Nay.

17 MS. MILSTEIN: Nay.

18 MR. SHAMLIAN: Nay.

19 MR. MION: Nay.

20 CHAIRMAN STUTO: It appears that we have four nays.
21 Any disagreement on that?

22 (There was no response.)

23 So, that motion is defeated.

24 A new motion that we might consider is right-in
25 and right-out, no left-out but allow a left-in.

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

2 MS. DALTON: Second.

3 CHAIRMAN STUTO: Kathy seconds it. Any discussion?

4 (There was no response.)

5 All those in favor say aye.

6 (Ayes were recited.)

7 All those opposed say nay.

8 (There were none opposed.)

9 The ayes have it.

10 On the waivers, we have a Waiver Resolution
11 before us.

12 I'll ask the stenographer to enter the entire
13 Resolution into the record. The Board has had a
14 review, and I'll ask our attorney to read after
15 therefore be it resolved.

16 MS. MARINELLI: Now therefore be it resolved that
17 the Board hereby finds that the extent of the requested
18 waivers is not considered substantial; and be it further

19 Resolved that the Board finds that the
20 applicant has established that there are no
21 practical alternatives to the proposed waivers that
22 would conform to the standard and that the waivers
23 are necessary in order to secure reasonable
24 development of the project site; and be it further

25 Resolved that the Board hereby issues a waiver

1 to allow the building to exceed the 25 foot maximum
2 front yard setback; and be it further

3 Resolved, that the Board hereby issues a waiver
4 to allow the building to exceed the 25 foot maximum
5 front yard setback; and be it further

6 Resolved that the Board hereby issues a waiver
7 to allow parking in the front yard of Troy
8 Schenectady Road; and be it further

9 Resolved that the Board hereby issues a waiver
10 to allow parking within 10 feet of the side yard
11 property line; and be it further

12 Resolved that these waiver finds be a condition
13 of site plan approval of the application and be kept
14 in the project file in the office of the Planning
15 and Economic Development Department.

16 CHAIRMAN STUTO: Any discussion on that?

17 (There was no response.)

18 Do we have a motion?

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

20 MR. AUSTIN: Second.

21 CHAIRMAN STUTO: Any discussion?

22 (There was no response.)

23 All those in favor?

24 (Ayes were recited.)

25 All those opposed, say nay.

1 (There were none opposed.)

2 The ayes have it.

3 With respect to the main Resolution before the
4 Board which is for final site plan approval based
5 upon the conditions set forth in the record, the
6 recommendations of -

7 MS. MARINELLI: There is a decision of the Zoning
8 Board of Appeals that we should probably read into the
9 record. It's four sentences. It's a conditional
10 approval of the Zoning Board and the conditions are that
11 a substantial buffer approved by the Planning Board must
12 be installed behind the main structure near the zoning
13 boundary; no outside dining for main building (old
14 Bowler's Club) without ZBA approval; no dumpsters are to
15 be behind the main building; dumpster pick-up must be
16 done between the hours of 7:00 a.m. and 7:00 p.m. and
17 deliveries must occur between 8:00 a.m. and 7:00 p.m.;
18 diesel trucks are not to be left idling at any time.

19 CHAIRMAN STUTO: Okay, that's part of the record.
20 We obviously have to conform to that.

21 MR. GRASSO: They are on the plans.

22 CHAIRMAN STUTO: Okay, that's good to know.

23 We're considering a motion for the main
24 question before the Board which is for site plan
25 approval, conditioned upon that the Town Designated

1 Engineer's letter and all the comments of the Town
2 Departments.

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

4 MR. MION: I'll second.

5 CHAIRMAN STUTO: Any discussion?

6 (There was no response.)

7 All those in favor say aye.

8 (Ayes were recited.)

9 All those opposed say nay.

10 (There were none opposed.)

11 The ayes have it.

12 Thank you.

13 MR. ROSETTI: Thank you.

14

15 (Whereas the above referenced proceeding was
16 concluded at 9:35 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 October 20, 2014

