

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 NEWCOMER FUNERAL HOME
181 TROY SCHENECTADY ROAD
APPLICATION FOR CONCEPT ACCEPTANCE

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7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY STRANG-VANDEBOGART, a Shorthand
9 Reporter, commencing on November 18, 2014 at 7:46
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 TIMOTHY LANE
14 CRAIG SHAMLIAN
15 SUSAN MILSTEIN

16 ALSO PRESENT:
17 Kathleen Marinelli, Esq., Counsel to the Planning Board
18 Michael Tengeler, Planning and Economic Development
19 Brian Sipperly, Sipperly and Associates
20 Perry Hasselbeck, Newcomer Funeral Homes
21 Chuck Voss, PE, Barton and Loguidice
22 Mark Malinoski
23 Aaron Baron, Sipperly and Associates

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1 CHAIRMAN STUTO: Okay, next on the agenda is
2 Newcomer Funeral Home, 189 Troy Schenectady Road. This
3 is an application for concept acceptance. Raze existing
4 restaurant and construct a new 10,800 square foot
5 funeral home.

6 Mike Tengeler, would you like to give any
7 introductory remarks on this?

8 MR. TENGELER: No, I think that you hit it on the
9 head, Peter. We're here for concept acceptance. The
10 Board has seen this at sketch plan. This is the first
11 time that the project has been placarded and the public
12 has had the opportunity to comment if they wish. I see
13 Brian Sipperly is here setting up.

14 Brian, whenever you're ready, feel free to take
15 over.

16 CHAIRMAN STUTO: And before Brian starts, if there
17 are members of the public that would like to speak,
18 there is a sign-up sheet on the table next to the door.
19 We'll call your name in the order on the sheet.

20 MR. SIPPERLY: Good evening, Chairman and Members
21 of the Board. My name is Brian Sipperly with Sipperly
22 and Associates. We are representing the Warren Family
23 Funeral Home headquartered out of Topeka, Kansas. You
24 might know them. They operate locally in the capital
25 region in the Village of Colonie off of 155 by the name

1 of Newcomer Canon.

2 The applicant and current property owner of 181
3 Troy Schenectady Road is proposing the construction
4 of a 10,800 square foot single story funeral home
5 with four chapels and attached accessory garage and
6 1,125 square feet.

7 The property located right here in Latham, New
8 York is right off of Route 2, located right across
9 the street, roughly, from Delatour Road. It is
10 presently developed and it's a vacant restaurant
11 operating under the last name of Indulge. It's
12 roughly a 5,200 square foot facility existing today
13 with parking for about 90 spaces with a small
14 stormwater detention in the northeast corner of the
15 lot. The site has approximately 273 feet of road
16 frontage along Route 2 and 370 along an access road
17 running north/south off of Troy Schenectady Road.
18 The site is located in a
19 commercial/office/residential or COR zone. It's
20 bordered by the north and the east by a PDD,
21 Swatling Acres undeveloped PDD. It's bordered to
22 the east by AFSCO Fence and Kmart up here
23 (Indicating). Of course it's bordered on the south
24 by Troy Schenectady Road. Some of the other uses to
25 the south would be St. Patrick's cemetery. On the

1 corner of Delatour and of course the Grace
2 Fellowship further down Delatour Road.

3 Site utilities - we're lucky that the site
4 utilities, public and private, located at the curb.
5 The sewer is located at the north of the site. The
6 topography of the site is a gentle slope. We lose
7 about 10 feet of elevation from the curb on Troy
8 Schenectady Road to the north boundary of the
9 property.

10 I didn't mention earlier but the 10,000 square
11 foot funeral home is proposed to have 100 parking
12 spaces. It is approximately 25 percent over what is
13 allowed in the current code. The current code
14 allows 20 spaces per chapel or parlor room. We have
15 four which would equate to 80 so we are asking for
16 100.

17 In terms of access to the site, currently we're
18 showing two points of access. The property has a
19 deeded ingress/egress and utility easement along the
20 access parcel that was slated for ingress/egress to
21 the PDD. We're also looking for a dedicated
22 right-in and right-out turn off of Route 2.

23 In terms of waivers, we are looking for a
24 single waiver. That would be a 35-foot setback from
25 a maximum road in the COR zone. Currently it should

1 be 25 feet per the Zoning Code. We're looking for
2 an additional 10. We're doing that from an
3 aesthetic standpoint in terms of the proposed
4 Gibby's development here to the east as well as the
5 AFSCO facility here (Indicating). In addition we
6 have some power easements running out in front of
7 Route 2. We kind of wanted to buffer ourselves and
8 aesthetically look inviting with the rest of the
9 structures that are on the road.

10 Here tonight with me I have Perry from Newcomer
11 Cannon. I'd like him to talk briefly about the
12 operation of the facility and what they do on a
13 daily basis on Monday through Friday and Saturday.

14 MR. HASSELBECK: Good evening. My name is Perry
15 Hasselbeck and I'm Chief Operating Officer for Newcomer
16 Funeral Homes. As Brian shared with you, we're trying
17 to get this site plan approval.

18 The business operations are basically Monday
19 through Saturday. Those are our normal business
20 hours. However, obviously, as all of you have
21 attended a funeral somewhere in your life,
22 visitations can happen virtually any day of the
23 week. Normal business hours would be from 8:00 to
24 5:00 p.m. Visitations would be as they are
25 scheduled in the evenings and can go as late as 8:30

1 or 9:00 at night. Service schedules - normally
2 there are funerals in the morning and in the
3 afternoon. So, they are off-peak hours for traffic
4 siltations. For the staffing itself, probably three
5 full-time staff in the funeral home with as many as
6 10 when business picks up and when we have the need
7 for more staff to assist with the services that are
8 occurring at that particular time.

9 Flower deliveries - flowers can be delivered
10 virtually all day long. They have access to the
11 building 24 hours a day but they normally come
12 between 8:00 a.m. and 3:00 p.m. prior to the service
13 schedule for the visitation.

14 MR. SIPPERLY: Are there any questions in terms of
15 operations for Perry?

16 CHAIRMAN STUTO: The big issue is circulation and
17 ingress and egress. I just reread the transcript and I
18 recall at the last meeting we asked you to address that.
19 It looks like nothing has changed. There was a flurry
20 of emails this afternoon. New York State DOT doesn't
21 like the two curb cuts. Mike Lyons has made a
22 recommendation. That is probably the biggest issue. I
23 think that's really what we need to spend some time
24 talking about.

25 Chuck can you summarize where DOT and Mike

1 Lyons are?

2 MR. VOSS: Yes. This afternoon, as Peter said, we
3 got an email through the Planning Office from Kevin
4 Novak. He's the design engineer over at DOT that we
5 work with routinely. He expressed some concerns and I
6 believe that we forwarded those onto you guys so you can
7 see those about the right-in and the right-out proposed
8 curb cut on the west side of the site.

9 Principally they just don't like the queuing
10 that could potentially build up on the westbound
11 movement of Route 2 into that site. They just feel
12 that the queuing distance between that curb cut and
13 the Delatour Road intersection is just too close.
14 So, they'd like you to kind of reconfigure or
15 readdress the issue of having two curb cuts.

16 In addition, the existing right of way that you
17 have on the east side of the site - I think that DOT
18 has expressed in their email this afternoon - would
19 like to make your principal ingress and egress and
20 push your connector cuts into the site further to
21 the north; basically to the back of the site so you
22 can get additional queuing on that side road, which
23 would eliminate any queuing issues on Route 2 which
24 is obviously a state road and any queuing issues
25 that you might get for events further up onto

1 Delatour Road and that intersection.

2 Brian, I don't know if you've had a chance to
3 think about that.

4 CHAIRMAN STUTO: Does the Planning Board understand
5 the points that he's making?

6 MR. LANE: I do.

7 MS. MILSTEIN: Yes.

8 MR. SIPPERLY: We have digested that in the small
9 amount of time that we -

10 CHAIRMAN STUTO: Yes, but we brought it up at the
11 last meeting - the Planning Board did. I'm a little
12 frustrated that all the thinking gets done two hours
13 before the meeting.

14 MR. SIPPERLY: Up until Kevin Novak's input as of
15 about 4:30 this afternoon, DOT -

16 CHAIRMAN STUTO: You all should have elicited that
17 input before this afternoon. It shouldn't been on the
18 Planning Board agenda.

19 MR. VOSS: Actually, Peter, in all fairness to the
20 applicant, Joe LaCivita met with DOT today on a number
21 of access issues. This came up and Kevin said that he
22 apologized for not getting his comments to the Planning
23 Office in a more timely manner. That's why his email is
24 at 4:00 this afternoon.

25 CHAIRMAN STUTO: Right, but it puts us in a funny

1 position.

2 MR. VOSS: It does.

3 CHAIRMAN STUTO: You should have at least thought
4 about it. The Planning Board Members were clear about
5 it at the last meeting. I guess our opinion may not
6 count as much as DOT's.

7 MR. SIPPERLY: I think that we have thought about
8 it and what you see here is what we think about it and
9 we want to have two curb cuts. We would like the
10 opportunity following the emails that we saw this
11 afternoon to meet with Kevin Novak and DOT and kind of
12 work this out. We have a couple of issue here.

13 One that I'm thinking of here is that we don't
14 have a reciprocal maintenance agreement. I'm
15 concerned about not having exclusive access and
16 control over this being the single point of access
17 to the site. The condition of the road fails to the
18 point where primary egress and ingress is not able
19 to happen. If an accident happens, they don't have
20 the ability to fix it or to do anything with it.
21 So, there is a concern about that.

22 CHAIRMAN STUTO: Have you given us copies of your
23 easement?

24 MR. SIPPERLY: I don't believe that we have.

25 CHAIRMAN STUTO: Can you get copies to the

1 department and to our attorney? Do you have a copy in
2 your file now?

3 MR. SIPPERLY: I do not have one with me right now.

4 Throughout numerous Planning Board projects,
5 we've heard a lot about dual points of access. So,
6 Fire Services input to this plan here was zero
7 comment. However, I don't know what their comment
8 would have been if I dead-ended that stub right
9 there and had them look at a single point of ingress
10 and egress.

11 Second to that is that we are also concerned
12 that when and if the future PDD gets developed, how
13 is that construction entrance going to play in
14 affecting Newcomer's ability to use as a primary
15 access? Technically, and these are the details that
16 we have to work out with DOT, we have met the
17 commercial driveway spacing standards that they have
18 set for state highway entrances here in terms the
19 distance between this entrance here and this
20 right-in and right-out and the AFSCO and there is
21 also distance in between a signalized intersection.
22 I believe that we have met all of those.

23 I don't know if you have looked at that, Chuck.

24 We would like the opportunity given Kevin's
25 most recent input to sit down and talk to them.

1 Now, I did see Mike Lyons and Joe LaCivita's input.
2 Why would we vote tonight on something that could
3 significantly change? The answer to that is that we
4 don't know at this juncture whether it would
5 significantly change. We'd like the opportunity for
6 the Board to vote on this conditional that we could
7 work out access uses with DOT. Let Mike Lyons and
8 the PEDD determine, and of course Chuck from Barton
9 and Loguidice, these level of significant changes.
10 If we are, we'll start over again and we'll come
11 back and give an informational meeting to the Board
12 on where we land with that, if that's amendable to
13 the Board.

14 CHAIRMAN STUTO: Do you have further comment?

15 MR. SIPPERLY: No, I think that we'd like to open
16 it up to the Board at this point.

17 CHAIRMAN STUTO: Okay, we'll go back to our Town
18 Designated Engineer.

19 MR. VOSS: Peter, we issued a concept review letter
20 on October 21 for the project. Let me just walk through
21 some of the points there and then we can open up the
22 discussion and the transportation issues.

23 Basically this is an unlisted action under
24 SEQRA which under the current configuration they are
25 looking for two waivers. One waiver is for maximum

1 setback on a major road. The major road is obviously
2 Route 2. Then a waiver for the funeral home; 20
3 spaces per chapel/parlor room. They are exceeding
4 those requirements, as Brian said. Obviously for
5 this type of use we feel is a positive design issue.

6 Water and sanitary issues are all there.
7 Again, we kind of did our typical concept look at
8 this. There is not a whole lot of engineering
9 detail yet to look at and just some preliminary
10 issues. As Brian noted, there is some grade to the
11 site; approximately 10 feet of elevation that drops
12 from the front of the site to the far back over 300
13 feet, we'll want to look at certainly from a
14 stormwater management view.

15 CHAIRMAN STUTO: Can we ask the applicant what they
16 plan to do with the elevation change? They said that
17 they were going to do something.

18 MR. SIPPERLY: The applicant knows that it's not
19 practical to park your car on a 10 percent grade in the
20 back of the parking lot. The current facility that is
21 there now appears to be lifted to provide basement
22 access. That was all filled right there. I don't now
23 how much of this was explained at the sketch phase. The
24 applicant looked very hard at reusing that site and
25 because of the cost, abandoned that plan. The plan that

1 we have here now is going to take that knob off and
2 again, we haven't set the finished floor yet, Chairman,
3 so we have to look at that after we get concept
4 acceptance. The whole idea would be that we take out
5 that knob and generally maintain the topography.

6 CHAIRMAN STUTO: So, you're going to bring it down.

7 MR. SIPPERLY: We're going to bring it down.

8 CHAIRMAN STUTO: How many feet?

9 MR. SIPPERLY: Approximately three feet.

10 CHAIRMAN STUTO: What's the difference going to be
11 then?

12 MR. SIPPERLY: I'm kind of giving you curb to the
13 back of property omitting the mound in the middle right
14 now. It's just a statistic that I provided to you.

15 The question regarding stormwater - we're going
16 to propose detention underground in the parking lot.
17 The site is pretty limited in terms of space for any
18 at grade detention ponds and things like that as
19 well. Obviously let it out to the north and follow
20 its natural drainage course down to the creek.

21 CHAIRMAN STUTO: Okay, we'll turn it back to our
22 TDE. Thank you.

23 MR. VOSS: So, stormwater was really the other
24 issue. There may be an initial need to have a hydrant
25 out front. We're not sure yet at this point.

1 Last but not least certainly is the access
2 issue with DOT. I think that the way that we would
3 certainly want to consider this, as Brian said, is a
4 conceptual plan. We're looking at the overall site
5 from a concept standpoint. Does the Board feel
6 comfortable with this type of use and this type of
7 facility in this location? Principally that's what
8 we look at in concept. I think that the access
9 issue, as Brian said, can be worked out as long as
10 we start moving into more advanced design. The
11 recommendation would certainly sit with Kevin Novak.
12 They obviously have some serious concerns with
13 access to the state highway. If Kevin can be
14 persuaded to look at other design issues, we would
15 want to go with DOT recommendations on that. If
16 not, you're going to have to look at redesign
17 options for the site.

18 CHAIRMAN STUTO: Understood. Mike Lyon's email --
19 I think that a meeting with the DOT would need to occur
20 prior to concept acceptance as this could chance the
21 site designs.

22 I'm just throwing that on the record.

23 I'll turn it over to the Board for comments.

24 MR. LANE: I'm hesitant to vote on it under that
25 circumstance. That's a big factor. I have no issue

1 with the use of the site, but obviously this is a lot of
2 impact.

3 CHAIRMAN STUTO: Any other comments or questions on
4 the property?

5 MS. MILSTEIN: I agree. I think that the review
6 should stay with us because of our substantial concerns.

7 CHAIRMAN STUTO: I agree also. I think that it's a
8 great use of the site and a great redevelopment of the
9 site. I think that we need and that we are entitled to
10 a little more detail. I'm sorry if someone didn't get
11 back to you time. I don't think that it should have
12 been brought back to us until that issue had been
13 resolved in a little more of a final fashion.

14 MS. MILSTEIN: Plus there are a lot of projects
15 that are going on around there. I think that needs to
16 be taken into consideration as well.

17 CHAIRMAN STUTO: I guess that's the big issue.
18 The elevation plan still concerns me. I don't
19 know if that's enough of a fix.

20 Can you look at that Chuck?

21 MR. VOSS: Certainly.

22 MR. SIPPERLY: Can you elaborate on your elevation
23 concern?

24 CHAIRMAN STUTO: It's so just so darned steep. I'm
25 not sure if taking it down three feet -- I believe that

1 in the transcript you said that you were going to raise
2 the back and go low to the front in the sketch plan.
3 That's what's in the transcript. Now you're saying that
4 you're going to lower three feet in the front. I just
5 want to make sure that the elevation are -

6 MR. BARON: We have every intention of designing
7 the parking lot to have slopes less than five percent.
8 Currently the parking lot, as Brian said, has slopes
9 exceeding 10 percent. We would lower the slope of the
10 parking lot - or attempt to lower the slope of the
11 parking lot so that it's five percent or less.

12 CHAIRMAN STUTO: Can you bring a design sketch of
13 that?

14 MR. BARON: Aaron Baron with Sipperly and
15 Associates.

16 We'll address that in our next meeting.

17 CHAIRMAN STUTO: You can do it with a drawing or
18 something or some other kind of illustration.

19 MR. BARON: Certainly.

20 CHAIRMAN STUTO: We'll try to turn it over as
21 quickly as we can. As soon as you can get the meeting
22 with DOT, we can get you back on the agenda.

23 MR. SIPPERLY: We appreciate that.

24 CHAIRMAN STUTO: Mark Malinoski, do you want to
25 speak on this one?

1 MR. MALINOSKI: My name is Mark Malinoski and I
2 live at Lakeridge which is a development close to the
3 property here in question. I had four quick items for
4 your consideration.

5 As far as demolition goes, I would ask that you
6 may want to require the applicant to recycle a lot
7 of the materials there. It's a relatively new
8 building so you have trusses and windows and HVAC
9 equipment that could be used in certainly save on
10 the landfill space. However, being a relatively new
11 building, you still could have asbestos in some of
12 the window caulk and floor tile mastic. So, keep
13 that in mind.

14 As you eluded to with the turn-in and turn-out
15 on the western part of the property, I am equally
16 concerned about people leaving the site and trying
17 to turn onto Delatour Road and creating a hazard in
18 the passing lane of the westbound traffic and maybe
19 even in the driving lane.

20 Also, eastbound traffic coming down towards
21 Watervliet attempting to turn in there where there is
22 no turn lane. That would be a big concern.

23 Finally, I haven't heard mention at all is the
24 significant reduction in the greenspace. You're
25 talking about 57 percent existing down to 38

1 percent. I would be concerned over that.

2 MR. LANE: It's within the guidelines.

3 MR. MALINOSKI: I understand, but it still is a
4 significant reduction; at least in my mind.

5 CHAIRMAN STUTO: Okay, would you address those
6 issues when you take with the applicant going forward?

7 MR. VOSS: Yes.

8 CHAIRMAN STUTO: Anything else from the Board?

9 (There was no response.)

10 Anything else from the public on this?

11 (There was no response.)

12 Okay, thank you.

13 MR. SIPPERLY: Thank you.

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16 (Whereas the above entitled proceeding was
17 concluded at 8:07 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 November 29, 2014

