

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 ROUTE NINE SQUARE
1095 LOUDON ROAD & 591 BOGHT ROAD
5 APPLICATION FOR SEQRA DETERMINATION
& FINAL SITE PLAN APPROVAL
6 *****

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8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on December 2, 2014 at 9:15
11 p.m. at The Public Operations Center, 347 Old
12 Niskayuna Road, Latham, New York

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

16 ALSO PRESENT:
17 Kathleen Marinelli, Esq., Counsel to the Planning Board
18 Michael Tengeler, Planning and Economic Development
19 Joe LaCivita, Director, Planning and Economic Development
20 Nick Costa, PE, Advance Engineering
21 Joe Grasso, PE, CHA
22 Angela M. Nagle
23 Wesley Guptil
24 Charles Guptil
25 Susan Stock Hogan

1 CHAIRMAN STUTO: Okay, we've seen this one a few
2 times. Route 9 Square, 1095 Loudon Road and 591 Boght
3 Road; application for SEQRA determination, design code
4 waivers and final site plan approval.

5 Joe LaCivita, do you have any introductory
6 remarks?

7 MR. LACIVITA: Yes, Peter, I think that this
8 project has come a long way since we have first seen it
9 back in June of 2013 for DCC. It came back before us
10 again in March of 14 for sketch and then we gave it
11 concept in May of 14.

12 It is in the COR zone. There are a couple of
13 design waivers we'll talk about tonight and ask for.
14 It's in a mitigation area as well, the Boght GIS,
15 which will pay about \$230,000.00 worth of mitigation
16 fees. Again, this project has come a long way
17 because it has had several meetings with the
18 applicant, the TDE and the property owners as well.

19 I'll turn it over to Nick Costa for further
20 review and conversation.

21 MR. COSTA: Good evening, again. We're here to
22 present the Route 9 Square project which is located at
23 the corner of Boght Road and Route 9. It's the former
24 Boght Road Fire House facility which was housed at this
25 location. So, this aerial photo shows that there is

1 already on the site a two-story brick fire house
2 building. The fire house hall is located right here
3 (Indicating).

4 CHAIRMAN STUTO: With all due respect, we know all
5 that.

6 MR. COSTA: We'll move along then.

7 CHAIRMAN STUTO: I just checked with the Board and
8 we all remember.

9 MR. COSTA: The project did go through some
10 iterations of the design. We originally at the DCC
11 level had tried to develop this area and it was
12 suggested that we turn it into a corner bree. The
13 apartment building that is located right here was
14 originally located closer to the residence (Indicating)
15 and also closer to Boght Road. There is a very large
16 36-inch oak and I think that there is another large
17 specimen tree located here (Indicating). After several
18 tries, we were able to salvage those trees and move the
19 building further to the north.

20 When we were back in here in May, we also
21 looked at locating the building parallel to Boght
22 Road. Some of the internal circulation was also
23 looked at and changed, and we also started with four
24 pumps instead of what we have now which is three
25 pumps. Basically, this site is a redevelopment of

1 the existing Boght Road firehouse facility. Those
2 buildings will be demolished and it will be
3 developed with the mini-mart, gas pump canopy with
4 six pumps, an apartment building with eight units
5 and a retail restaurant building at this location
6 (Indicating).

7 We're also going to be limiting the entrance
8 and exits from Bought Road. Currently the access is
9 unlimited along Boght Road along the frontage.
10 Based on DOT comments, we were going to be have the
11 standard access points separate for the apartment
12 building and separate for the mini-mart. We're also
13 going to have limited access off of Loudon Road with
14 rights-in and rights-out at this location
15 (Indicating). Again, it's a redevelopment. We're
16 reducing the impervious area a small amount.

17 There are existing utilities that we're going
18 to be connecting to. Some of those utilities are
19 already connected to the existing buildings. We're
20 going to be running new water service and sanitary
21 sewer service to the mini-mart. The same thing with
22 the retail building in the back. Again, similarly
23 we're going to be doing the same thing with the
24 apartment building.

25 Stormwater, we have talked about in the past.

1 There has been a neighborhood mention that
2 historically there has been issues with the
3 stormwater run-off. Currently all the stormwater
4 just runs off the site, off the imperious area and
5 runs out to Boght Road or over to Loudon Road. What
6 we are doing is we're actually going to be
7 installing a closed drainage system that will pick
8 up the stormwater run-off and bring it to a
9 detention basin that we have located up in this area
10 (Indicating).

11 CHAIRMAN STUTO: As an engineer do you think that
12 you'll be improving the stormwater condition over the
13 current conditions?

14 MR. COSTA: Yes. We are improving it because
15 currently there is no detention. There is a lot of
16 stormwater run-off off that comes through the site and
17 on-site. We're actually complying with the current DEC
18 standards for stormwater management. We're collecting
19 the stormwater and bringing it into a facility and
20 releasing it -

21 CHAIRMAN STUTO: You've hit all the major points.
22 If you don't mind, I'm going to turn it over to the Town
23 Designated Engineer.

24 MR. COSTA: That's fine.

25 MR. GRASSO: There is a comment letter in your

1 packet dated October 21st. It does identify half a
2 dozen or so relatively minor technical comments. I
3 would like to say that there has been a lot of rounds of
4 review by our office after the project got concept
5 acceptance and before we had issued this letter. In
6 fact, the technical comments that you see in this letter
7 have also been addressed in a follow up plan
8 resubmission that the applicant has made to our office.
9 I don't need to go through those things.

10 I would like to say that this project has
11 evolved significantly throughout the whole review
12 process, starting with the DCC and going through
13 sketch plan and going through concept review and
14 then multiple rounds of detailed site plan review at
15 every step in the process, both the applicant and
16 Nick as their consultant have been extremely
17 responsive to all of the concerns as well as
18 concerns that have been raised by the public brought
19 out earlier in the process. They've presented a
20 good reasonable alternative to their plan in order
21 to address those comments that have been reviewed.
22 As such, we don't have any significant comments with
23 the project and we feel like all of the
24 substantiated comments that have been made
25 throughout the process have been incorporated into

1 the plan where feasible.

2 The project does require some waivers from the
3 design standards. These are typical waivers that we
4 see for projects, especially redevelopment projects.
5 The four that are required for this project include
6 parking in the front yard setback, as all the
7 buildings do not present their main facade and
8 entrance towards the road. As a corner lot, the
9 maximum setback of 25 feet from a major road is
10 exceeded. A 14 parking space waiver is requested.
11 These are things that have been discussed with the
12 Board before and supported by the Board. The
13 applicant has provided supporting justification for
14 each of those waivers and as such we have drafted a
15 Resolution in support of the requested waivers for
16 the Planning Board's consideration.

17 Regarding SEQRA, the Town Attorney's office did
18 classify this as a unlisted action pursuant to SEQRA
19 during a DCC review. The applicant provided a full
20 Environmental Assessment Form with Part I completed
21 that adequately described the environmental setting
22 of the project site as well as the proposed
23 development based on the relative scale of the
24 project and lack of sensitive environmental features
25 on the site as well as the project's conformance

1 with the Boght Road GEIS statement of findings. We
2 do not anticipate that the project is going to
3 result in a significant environmental impact. Also
4 within your packet we have drafted Part II of the
5 SEQRA form and a negative declaration Resolution for
6 the Planning Board's consideration. If you're ready
7 to take final action on the site plan, making that
8 SEQRA determination is required beforehand. If you
9 go through your packet there are technical comments
10 that have been provided by various Town departments
11 and again that most recent plan submission that we
12 have received have addressed these technical
13 comments. So, there is nothing that we need to
14 bring to the Board's attention.

15 CHAIRMAN STUTO: Okay we have members of the public
16 that would like to be heard on this. I think that they
17 have signed up.

18 Angela M. Nagle.

19 MS. NAGLE: I'm Angela M. Nagle. I own 587, 589
20 Boght Road. I'm a partner in Biscany Bay, LLC that
21 borders the proposed development. I have several
22 concerns and questions that I would like answers or
23 direction given on.

24 CHAIRMAN STUTO: Where is your property?

25 MS. NAGLE: This parcel and this entire parcel

1 (Indicating). So, I border this entire area.

2 CHAIRMAN STUTO: Does that go through to Route 9 or
3 no?

4 MS. NAGLE: No, it does not.

5 What is the plan for a tree or fencing buffer
6 that will be presented by the developer? Please be
7 aware that the area in question has a dense
8 population of small children within very few feet of
9 this propose project. There are 12 children under
10 the ages of 3 and another 8 children under the ages
11 of 10. When you look at this huge retention system,
12 that's probably within five feet of my backyard.
13 So, I would like to know how that is going to be
14 proposed to be secured and then what is the buffer
15 within that very very small area. Is this deemed
16 by Army Corp of Engineers as currently wetlands? If
17 so, how are you going to dig down that deep to
18 capture the significant amount of water that is
19 coming not only off of Boght Road but off of Route
20 9?

21 Do you want me to go through all of my
22 questions?

23 CHAIRMAN STUTO: Sure.

24 MS. NAGLE: The former Boght Fire Company and
25 adjoining parcels appear to have been gutted and

1 asbestos abatement has been completed. The buildings
2 have been sitting in a state of disrepair. The debris
3 has been blowing freely throughout the neighborhood and
4 across my lawn and properties for weeks. There are now
5 gaping holes in each of the structures presenting both
6 safety and health concerns. I have not known of any
7 other structures in the Town of Colonie that have been
8 allowed to sit in such a state of disrepair.

9 Just this morning at 6:30 a.m. the Colonie
10 Police came up my driveway believing that it was my
11 house alarm that was going off. Indeed there are
12 alarms going off in the fire house every night. Can
13 you please comment on the timeframe for the
14 demolition as it has become an eyesore and a safety
15 concern for our entire community.

16 Drainage has been a significant issue in the
17 Boght area. At the time I built my house three
18 years ago my husband and I were required to place an
19 additional \$75,000.00 in drainage onto the property.
20 We have two huge enormous retention ponds of our own
21 as a resident. We then put in and it was part of
22 that additional drainage along Boght. We were
23 required to put in three manholes for one house. So
24 there seems to be some type of disparity.

25 Flooding during major rains is a major issue.

1 We have seen times when Boght Road becomes
2 impassable because of the volume of water coming off
3 of Route 9 and then down Boght Road. I'd like to
4 see significant planning related to drainage beyond
5 just a large retention pond leading to mosquito
6 infestation. Indeed if that is the plan, I'm not
7 sure how that is going to capture the volume of
8 water during a heavy rain. It's a fast moving water
9 that repeatedly has washed out the driveway at 589
10 Boght that is now going to join the apartments.

11 It's called a proposed outlet control structure
12 that you are referring to in terms of the drainage
13 On the map it adjoins both of my properties; 587 and
14 589. How will the water be controlled after it
15 leaves or overflows after it leaves or overflows
16 that retention pond? If it's wetlands deemed by the
17 Army Corp of Engineers, it's always been very wet -
18 how do you dig down deep enough to capture that
19 volume of water? What is the control when that
20 overflows? It seems that the control is that it's
21 going to flow over onto 587 and 589 and proceed down
22 Boght Road. Is there any type of underground catch
23 basins? Is it all above ground? How is the water
24 off of an eight-unit apartment complex going to be
25 controlled so that it's not flowing east onto both

1 residential properties?

2 Snow removal appears to be issue and I had that
3 down even before I heard about the garages this
4 evening. In giving the density that you have on
5 this commercial development proposed site, where is
6 the snow going to go during a significant snow
7 storm? That is an enormous amount of additional
8 run-off to be considered. We're not opposed to the
9 development but feel that it was not properly
10 planned and reviewed for this heavy commercial use -
11 still believing it's too much for too small a site.

12 Traffic has been a major issue. Accidents have
13 been a major issue. The drive-thru back up with
14 just one window and trash disposal removal are all
15 issues that do not appear to be significantly
16 addressed at this time.

17 Being that it abuts residential across Route 9,
18 across Boght Road and adjacent residential
19 properties to the east, I also think that it becomes
20 a matter of public safety. You're talking about a
21 very dangerous intersection in the Town of Colonie
22 with a high density of children. You're placing a
23 greenspace park at the forefront of where there has
24 been enormous accidents. Are you encouraging
25 children to cross Route 9 to come to that

1 greenspace? It just doesn't seem very logical. I
2 understand that you're trying to do something with
3 the traffic from Boght and from Route 9 but again,
4 considering the accidents and the danger it
5 presents, I don't believe that it's been
6 significantly addressed. Thank you.

7 CHAIRMAN STUTO: We should try to go through these
8 issues. We'll try to pick off the easier ones first.

9 Debris and demolition schedule?

10 MR. COSTA: The demolition permit will be picked up
11 tomorrow morning.

12 CHAIRMAN STUTO: When do you expect the demolition
13 to commence?

14 MR. COSTA: This month.

15 CHAIRMAN STUTO: Snow removal.

16 MR. COSTA: If it can't stay on the site and we run
17 out of space on the site, it would have to be -

18 CHAIRMAN STUTO: Where do you think that you'll
19 likely put it on the site?

20 MR. COSTA: There is the detention basin. It is
21 water and that is a stormwater management facility.
22 That's a good place for it. There is plenty of
23 greenspace all around that you see that would be
24 utilized for snow.

25 CHAIRMAN STUTO: Buffer to the properties?

1 MR. COSTA: There will be a fence. There is a
2 six-foot chain link fence around the detention area and
3 there will be plantings --

4 CHAIRMAN STUTO: And that's security around the
5 detention area as well?

6 MR. COSTA: That's correct. There will be a gate
7 right here for maintenance access but it will be all
8 around the basin.

9 CHAIRMAN STUTO: And with the plantings - you left
10 the tree.

11 MR. COSTA: Yes, we left the very large tree that's
12 right here and right here (Indicating). We are leaving
13 as many trees as we possibly can that exists over in
14 this area (Indicating).

15 MR. MION: With the fence there, how do you plan on
16 getting snow back there?

17 MR. COSTA: There is a gate here (Indicating).

18 MR. MION: It has got to be big enough for a plow
19 to get through.

20 MR. COSTA: It's going to be wide enough for
21 maintenance equipment so it would be utilized in the
22 same manner.

23 CHAIRMAN STUTO: Why don't you address drainage and
24 there were some sub categories of that. Is that a
25 federal wetland? How are you going to dig deep enough?

1 Is there any other underground drainage?

2 MR. COSTA: There are no wetlands on-site. There
3 isn't any known federal wetlands on-site. This is open
4 mowed lawn, historically. In the back it is treed.

5 CHAIRMAN STUTO: Are you going to dig there?

6 MR. COSTA: Yes, we are. We actually did test pits
7 in this area and I think that it was about 80 inches or
8 so that we hit some ground water. The practice that is
9 proposed for here is what is referred here as a pocket
10 pond. A pocket pond needs ground water for it to be
11 viable.

12 With regard to underground structures and
13 underground drainage system. I mentioned that
14 before. If you look at the plans closely there are
15 catch basins placed at strategic locations where the
16 water is going to be picked up as it runs off the
17 pavement and it hits the curbing and it goes into
18 those structures which bring it over to this
19 location (Indicating).

20 MR. GRASSO: And from there how does it go?

21 MR. COSTA: It was mentioned that there was an
22 outlet control structure which is located right here
23 (Indicating) and it get piped from there right out to
24 the road.

25 MR. AUSTIN: I think that I asked this question

1 before about porous pavement. I think that it was
2 answered that the soils are not conducive.

3 MR. COSTA: This is not conducive to porous
4 pavement. We've done porous pavement before.

5 MR. AUSTIN: I remember that Mr. Guptil speaking
6 about the fact of the sheeting of the rain going across
7 the parking lot from the Boght Fire Department. I
8 remember him telling us that story. There is a lot of
9 pavement here too.

10 MR. COSTA: We met with Mr. Guptil. Joe and myself
11 met out there. The way that the current pavement is
12 installed and functions is that it's sheet drainage.
13 It's uncontrolled sheet drainage. There isn't one
14 structure on the site. There is a catch basin above the
15 retaining wall in this area and there is a four or six
16 inch pipe that comes out to the road. You can imagine
17 how much water that will capture. What we have done
18 here with this design is that it's graded to such a
19 system that the run-off will be concentrated to go to
20 the catch basins. Once it gets into the catch basins
21 and it gets into the pipes -

22 MR. AUSTIN: So, you've taken out a good deal of
23 the slope that is existing there right now?

24 MR. COSTA: We have worked with that slope. There
25 is a retaining wall here (Indicating). We don't have a

1 retaining wall. We have worked with the pitch of the
2 pavement towards both of the catch basins that we have
3 installed. There is an open sheet flow that goes right
4 out to Boght Road. There is curbing that stops that
5 water from going there and directs it to the catch
6 basins.

7 MR. WESLEY GUPTIL: So, in a normal rain or
8 substantially a little bit more than a normal rain, will
9 you be containing all the water on site?

10 MR. COSTA: Yes, we have done calculations. There
11 is a stormwater report that was done that Joe's office
12 reviewed. It's shown that the existing conditions in a
13 100-year storm -- one of the sub catch basins
14 contributes 20 cfs of run-off. What we are going to be
15 discharging from this in the same storm is about 4.5
16 cfs. You can see the magnitude. The discharge from
17 this detention basin is 1.85 cfs. If you look at the
18 magnitude of the numbers; 20, 4 and 1.85, you can see
19 that we've substantially mitigated.

20 The other thing that I want to say and I want
21 to give credit to my client is that he has installed
22 this and it benefits the entire area. He's picking
23 up water that comes off-site. It's not just water
24 from his site. It's also water off-site.

25 CHAIRMAN STUTO: Traffic and general safety in

1 connection with the traffic and with the park - do you
2 have any comments on that?

3 MR. COSTA: We're substantially improving the
4 situation with traffic. DOT has agreed with that. They
5 like the plan and they commented on the plan.

6 With regards to the park, the park is an
7 amenity for this development but it certainly
8 doesn't keep other people from using it. It's open
9 to the public.

10 MS. DALTON: Is there a fence around it? I can't
11 remember.

12 MR. COSTA: There is the typical Town requirement
13 for the fence along the frontage because it's one of the
14 design requirements.

15 CHAIRMAN STUTO: Okay, you have addressed them
16 adequately as far as I'm concerned. I don't know if it
17 makes the neighbors happy or not.

18 We have two Mr. Guptils. I'll let you guy
19 fight it out and who wants to speak first.

20 MR. WESLEY GUPTIL: So, Nick, in your stormwater
21 management system are there any pumps involved? You
22 have to pump that up-hill somewhere.

23 MR. COSTA: No. You'll have to look at the grading
24 plan. We were able to put in catch basins down here
25 (Indicating) and get that water to go there. I know

1 that you're looking at it the way that it is right now
2 and the way that the topography is right now. We are
3 digging this out. So, we've lowered that enough where
4 we can take the water and bring it to that location.

5 MR. WESLEY GUPTIL: What is to prevent that from
6 overflowing due to the massive amount of water basically
7 not leaking from that site. As you know it already
8 comes from Route 9 at the [SIC] Emerick property and
9 dumps there already, already overflowing the two
10 properties next door due to the fact that it actually
11 overflows and runs into another retention pond and fills
12 that and then runs out of that. The release isn't big
13 enough to handle that water.

14 MR. COSTA: Wesley, what happens is we have looked
15 at the topography here. Everything that comes to this
16 location - and the stormwater management report shows
17 that analysis. Everything that's coming to this has
18 been taken into account and the sizing of this. This
19 basin is large enough to take this water, in addition to
20 this water (Indicating). Just because there is more
21 water coming down here, this won't overflow because it's
22 already been taken into account. As engineers we always
23 design for emergency overflows and there is emergency
24 overflow and it's right through here (Indicating).

25 MS. NAGLE: Underground?

1 MR. COSTA: Yes.

2 MS. NAGLE: That's my property. That's the
3 emergency overflow.

4 MR. COSTA: Your property is actually higher than
5 this basin.

6 MS. NAGLE: Not by much.

7 MR. WESLEY GUPTIL: Not when it sits full.

8 MR. COSTA: The overflow is lower than your
9 property. Whatever can't go into the pipe won't come
10 over land and -

11 MS. NAGLE: Above ground.

12 MR. GRASSO: But that's only an overflow.

13 MR. COSTA: An emergency overflow.

14 MR. GRASSO: In an emergency. But it is there and
15 that's exactly what they have to design for is an
16 emergency overflow that doesn't -

17 MR. WESLEY GUPTIL: It already crosses there.

18 MR. GRASSO: Hang on a second. What they have to
19 design for is an emergency overflow that takes it out to
20 the road that doesn't impact adjacent properties. The
21 only way to reduce the flows off-site is to create
22 storage on the site. They are taking a substantial
23 amount of water that is coming at this property from
24 off-site. They are creating a sizable detention area
25 and creating a storage reservoir there where that water

1 will then have a controlled release at a much slower
2 rate than what that site sees right now. In the event
3 that there is a blockage or greater than 100 year storm,
4 that pipe will not have the capacity and it will
5 overflow over land without impacting any buildings or
6 adjacent properties and flow out to the Boght Road
7 drainage system the exact same way that it does now. I
8 don't know what else this project could do to try to
9 address the drainage. Ths project has done
10 significantly more drainage improvements and mitigation
11 that is not related to this project.

12 MS. NAGLE: I had to do that too, with all due
13 respect.

14 How deep is the retention pond?

15 MR. COSTA: There is about three or about four and
16 half feet of storage in that pond which is required. A
17 four foot water level. There is going to be a four foot
18 level where that is always going to be fed from the
19 ground water, and I believe that it was between three
20 and four feet of storage.

21 MS. NAGLE: Given the significance of that and the
22 fact that you have an eight-unit apartment, do you know
23 how dense that area is with small children?

24 MR. GRASSO: It is fenced, though. That basin is
25 fenced.

1 MS. NAGLE: So, it's to the ground so a small child
2 could not crawl under it?

3 MR. GRASSO: No, it's continually fenced all the
4 way around with a gate. I think that it's a six feet
5 high chain link. That should deter. The adjacent
6 neighbors that have the children have the ability to
7 construct fencing on their own property as well. They
8 may choose to do that but one of the design standards is
9 when you're in an environment like this and you're going
10 to create a detention pool of water of this depth, the
11 design standards say that it needs to be fenced and
12 that's what they have built into it.

13 MR. AUSTIN: So, Nick, just to clarify for Angela,
14 there is always going to be standing water in there;
15 three to four feet of water.

16 MR. COSTA: That's a requirement of the practice
17 from the New York State Design Manual.

18 MR. AUSTIN: Below that is three to four feet of
19 drainage material; is that correct?

20 MR. COSTA: I believe it's the reverse. There is
21 always going to be three or four feet of standing water
22 which is called the pocket pond.

23 MR. GRASSO: That's your water quality. That's
24 where the water gets cleansed and goes through the
25 biological uptake. Above that is the storage for

1 detention. Above it is slow attenuation which will rise
2 up and get pulled down.

3 MR. AUSTIN: The question about actually
4 mosquitos --

5 MR. GRASSO: Anytime you create ponding water, you
6 run the risk of creating a mosquito habitat. That's one
7 of the trade-offs from creating detention basins. It's
8 a decision about do you want to try to address the
9 drainage concerns, or do you want to address mosquito
10 habitat?

11 MR. COSTA: In some of those, Joe, we don't even
12 have a choice because it's required by the regulatory
13 agency.

14 MR. GRASSO: There would be a basin there
15 regardless because it's a sizable redevelopment project
16 even though there is nothing there now. It's larger
17 than what would be required.

18 MR. AUSTIN: Right now there is nothing there.

19 MR. GRASSO: There is nothing there. There is no
20 detention whatsoever.

21 MR. AUSTIN: It's obviously a significant
22 improvement with what they are doing here.

23 MR. GRASSO: From our perspective it will be a
24 significant improvement on downstream properties that
25 are impacted as well as the drainage system along Boght

1 Road.

2 CHAIRMAN STUTO: Any other questions from the
3 public?

4 MR. WESLEY GUPTIL: I have one more question. Is
5 there any setback? Even though this is a commercial
6 project, you seem to be putting all the water right
7 along a residential lot. Is there any setback required?

8 MR. GRASSO: There is not.

9 MR. WESLEY GUPTIL: So, you can go right up to the
10 line even though it's a commercial project and it's
11 residential?

12 MR. GRASSO: Yes, as long as there is a fence there
13 constructed around the basin. Normally with the grading
14 that has to take place and the fence and the buffering,
15 you normally have like a 10 to 20 foot -- I don't know
16 what you have on that plan, but normally you're given
17 that through design.

18 MR. COSTA: We have at least 20 feet from the
19 property line to the fence.

20 MR. GRASSO: There is no requirement but that's
21 what you normally get.

22 MR. CHARLES GUPTIL: Charles Guptil. I've plowed
23 the arena for over 55 years and the retention area that
24 he is talking about is like down in Amedores and Bob
25 Marinis when you have the fence and the gate. We have a

1 pit in the bottom of our arena parking lot that Joe has
2 seen and you have seen and you have seen. When I plow
3 snow at the arena, that fills up and it plugs the whole
4 area - the bottom of our place and right across to
5 Canterbury. So, that won't when the snow melts. That
6 will have to be trucked out.

7 MR. GRASSO: That is an option to truck snow, but
8 we do think that detention areas are good areas for snow
9 storage normally when the snow is there. You don't have
10 the periods of peak flows like you get during the heavy
11 rain storms that they are designed for. I know that it
12 can seem counter-productive or poses the question why
13 are you putting the snow in there that you want to
14 reserve open? But it's something that we support.

15 MR. CHARLES GUPTIL: New England Avenue is a
16 private road owned by us. We built it in 1946. Can you
17 give us the assurance that is not going to flood
18 anymore?

19 MR. GRASSO: No. I can't give you that assurance.
20 All I can say is that this project will mitigate its own
21 drainage impacts and mitigate some extent drainage that
22 comes from other off-site areas. But a total lack of
23 drainage improvements and stormwater management areas on
24 all the developed properties in this are including your
25 own and this project is complying with the regulations

1 and addressing as many of the concerns that have been
2 raised by us and the residents and the Board as we
3 believe is practical for the project.

4 MR. CHARLES GUPTIL: These drainage problems are
5 issues with Route 9 and not from the Guptils. We have
6 our own catch basins which I showed you. That water
7 comes down Route 9.

8 MR. GRASSO: I would disagree, but everybody is
9 entitled to their opinion.

10 MR. CHARLES GUPTIL: If you walked the site you'd
11 see.

12 MR. GRASSO: I did.

13 CHAIRMAN STUTO: Any other questions from the
14 public?

15 MS. STOCK HOGAN: I'm Susan Stock Hogan. I'm just
16 a little north. If someone goes to that drive-thru
17 restaurant and they go around the back, the drive-up
18 window and they go out onto Route 9, they have to turn
19 right; correct?

20 MR. COSTA: That's correct.

21 MS. STOCK HOGAN: So, if they want to go south on 9
22 or go down Boght Road, they have to go past the gas
23 pumps and exit there which looks to be directly across
24 from the gas station across the way, which is really
25 difficult to get out of anyway.

1 MR. COSTA: No, it's over here (Indicating).

2 MS. STOCK HOGAN: That's the other exit there
3 (Indicating)?

4 MR. COSTA: Yes. Cumberland Farms is right at this
5 entrance.

6 MS. STOCK HOGAN: But you'd still have to maneuver
7 all around the parking lot and down past the gas tanks
8 and everything to go south.

9 MR. COSTA: That's correct.

10 MS. STOCK HOGAN: If there is a lot of snow piled
11 up and such -

12 MR. COSTA: This was required by DOT. It wasn't
13 our choice.

14 MS. STOCK HOGAN: That it was a right turn only?

15 MR. COSTA: Yes.

16 MS. STOCK HOGAN: I can see why that would have to
17 be.

18 MR. COSTA: It's a right-in and right-out only.

19 MS. STOCK HOGAN: But if you want to go left it
20 seems very convoluted. If there is snow and it's piled
21 up, it looks to be a very small area to maneuver through
22 if you want to go south on 9.

23 MR. GRASSO: I will speak to that. It's convoluted
24 but it's important that for traffic that wants to head
25 south on Route 9, we want them at a controlled

1 signalized intersection. Sometimes we will make them
2 make movements like this through a site in order to
3 provide an appropriate control. It's a decision that we
4 have to make in this case based on the traffic volumes
5 that we expect, we think that's the safest movement for
6 traffic.

7 MS. STOCK HOGAN: I also had a question about the
8 parking spaces in the apartment complex. How many
9 parking spaces do they have?

10 MR. COSTA: They are required to have two per
11 apartment. That would be 16 and I believe that we have
12 17 in here.

13 MS. STOCK HOGAN: So, nobody can have a party or
14 have company over?

15 MR. COSTA: I'm sorry; there is 19.

16 MS. STOCK HOGAN: Because most people have two
17 cars. If somebody has a party then there are extra
18 cars.

19 MR. COSTA: The requirement is two per unit. We're
20 adhering to the requirements.

21 MS. STOCK HOGAN: That doesn't necessarily mean
22 that it's going to work.

23 MR. COSTA: No, but it also means that there is
24 movement not to create too many parking spaces because
25 of the impacts on the environment. We can't create a

1 shopping center parking lot because once a year there is
2 a superbowl party.

3 MS. STOCK HOGAN: With regard to the retention
4 basins, can you show me on the map approximately how big
5 that would be? The whole area there would be a pond?

6 MR. COSTA: The fence is outside the edge of the
7 water. Most of the time the water will just be in a
8 small area right in here (Indicating).

9 MS. STOCK HOGAN: And the rest will remain green.

10 MR. COSTA: The water comes in and would rise in
11 that pond and slowly release.

12 CHAIRMAN STUTO: Is there anybody else that wants
13 to speak?

14 MS. NAGLE: What does that do to the surrounding
15 basements? Does that water seep down? How does that
16 change the underground groundwater?

17 MR. GRASSO: There will be some infiltration based
18 on the soils. On this site there will be very little
19 infiltration and that's why he was directed to use a
20 pocket pond because of the lack of infiltration
21 capability in the soils. So, we don't expect that there
22 will be an impact on the ground water levels in the
23 area. It also has to do with the elevation that he has
24 designed this basin, like he said. There is going to be
25 a lot of excavation to lower the grades in that area so

1 it will become lower than your property.

2 CHAIRMAN STUTO: Kathy you want to start?

3 MS. DALTON: I have seen it get better all along. I
4 am mostly satisfied. I agree about the line of trees
5 that should be shielding the apartments on both sides.
6 Then it gives it some more private space. I am going to
7 rely on the he engineers to say that there is enough
8 space around a gas pump to make sure that people can get
9 through.

10 MR. MION: I think that it's a great improvement
11 over what we first saw. My one question is that you
12 said that you moved the dumpsters to the back of the
13 property. Where is that?

14 MR. COSTA: As Joe mentioned, there was a comment
15 letter that went in and we responded to it. This plan
16 is not the latest. It's the one that Joe commented on.
17 We eliminated the dumpster here and here and placed it
18 over in this location here.

19 MR. MION: Thank you.

20 MR. AUSTIN: I see on that plan the plantings
21 between the apartment parking and the other parking for
22 the mini-mart. There is no fencing?

23 MR. COSTA: There is no fencing. There is a little
24 bit of an elevation that was between here and here
25 (Indicating). There was a little separation.

1 MR. AUSTIN: I very much like what you have done
2 with the rights-in and rights-out on 9. It really kind
3 of frees up a lot of the intersection and congestion
4 that you had originally. It still seems like a lot in a
5 small spot. It seems to work. I'm concerned about the
6 traffic on-site too - people backing in and backing out.

7 MR. COSTA: We have improved that area based on
8 your comments.

9 MR. AUSTIN: I defer to the TD.

10 MR. GRASSO: It's still a tight site, but we think
11 that it works well.

12 MR. LANE: I just think that you guys did a great
13 job in working to make this location work.

14 MR. SHAMLIAN: I didn't see your original plan but
15 it seems like a pretty good site and I applaud you for
16 taking water and dealing with water from off-site.
17 That's a significant issue all over the Town and
18 whenever there is an opportunity for somebody to do it.

19 CHAIRMAN STUTO: I'd like to thank the applicant
20 and his representative for working through this project
21 to make it the best it can be.

22 With that said, we'll go through the
23 environmental.

24 Joe, do you want to walk us through that?

25 MR. GRASSO: I think that Kathleen has it.

1 MS. MARINELLI: Do you want me to go through the
2 whole Part II or do the Resolutions?

3 CHAIRMAN STUTO: We've talked about it and this is
4 the fourth meeting and we've been over all the issues.
5 I think that we can go to the Resolution but we'll open
6 it up to questions first. I think that stormwater is
7 the one that got addressed quite well.

8 There are no questions, so we'll go right to
9 the Resolutions.

10 MS. MARINELLI: Resolved that based on a thorough
11 review of the project by the Planning Board that there
12 be no significant adverse environmental impact and no
13 GIS will be required, and be it further

14 Resolved that the attached negative declaration
15 be adopted in accordance with SEQRA Part 617.12.

16 CHAIRMAN STUTO: Do we have a motion?

17 MR. LANE: Motion.

18 MR. MION: Second.

19 CHAIRMAN STUTO: Any discussion?

20 (There was no response.)

21 All those in favor say aye.

22 (Ayes were recited.)

23 All those opposed say nay.

24 (There were none opposed.)

25 The ayes have it.

1 Waiver Resolution?

2 MR. GRASSO: I'll paraphrase that.

3 Whereas the applicant is requesting a waiver to
4 allow parking in the front set back to construct
5 only 74 parking spaces of the required 88 spaces and
6 land bank 10 parking spaces to allow the building
7 setback to exceed the 25 foot maximum setback and to
8 allow the main building facade an entrance to not be
9 presented toward the road.

10 Now therefore be it resolved that the Board
11 hereby finds that the extent of the requested
12 waivers is not considered substantial and be it
13 further resolved that the Board finds the applicant
14 has established that there are no practical
15 alternatives to the proposed waivers that would
16 conform to the standard and that the waivers are
17 necessary in order to secure reasonable development
18 of the project site. Be it further resolved that
19 the Board hereby issues a waiver to allow parking in
20 the required front yard setback to construct only 74
21 parking spaces of the required 88 to allow the
22 building to exceed it's 25 foot set back from front
23 yard setback and to allow the main building facade
24 and entrance to not present toward the road, and be
25 it further

1 Resolved that these waiver findings be a
2 condition of site plan approval of the application
3 and be kept in the project file in the office of
4 Planning and Economic Development.

5 CHAIRMAN STUTO: I'll ask that the stenographer to
6 put the entire Resolution into the record.

7 Do we have a motion?

8 MR. LANE: I'll make a motion on behalf of the
9 waivers.

10 MR. MION: Second.

11 CHAIRMAN STUTO: Any discussion?

12 (There was no response.)

13 All those in favor say aye.

14 (Ayes were recited.)

15 All those opposed say nay.

16 (There were none opposed.)

17 The ayes have it.

18 With respect to the main question before the
19 Board which is for final site plan approval. Do we
20 have a motion?

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

22 MR. AUSTIN: I'll second that.

23 CHAIRMAN STUTO: Any discussion?

24 (There was no response.)

25 All those in favor say aye.

1 (Ayes were recited.)
2 All those opposed say nay.
3 (There were none opposed.)
4 The ayes have it.
5 Thank you.
6 MR. COSTA: Thank you.

7
8 (Whereas the above entitled proceeding was
9 concluded at 10:02 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 December 29, 2014

