

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****
4 RGR PROPERTIES
5 2090 CENTRAL AVENUE
6 APPLICATION FOR WAIVER REQUEST
7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 Matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on June 23, 2015 at 8:50 p.m. at
11 The Public Operations Center, 347 Old Niskayuna Road,
12 Latham, New York

13 BOARD MEMBERS:
14 PETER STUTO, CHAIRMAN
15 LOU MION
16 KATHY DALTON
17 TIMOTHY LANE
18 BRIAN AUSTIN
19 CRAIG SHAMLIAN

20 ALSO PRESENT:
21 Michael Tengeler, Planning and Economic Development
22 Joe LaCivita, Director, Planning and Economic Development
23 Nick Costa, PE, Advanced Engineering
24 Mike Pettograsso
25 Bill Dergosits
James Scherician
Adam Leonarda

1 CHAIRMAN STUTO: The final item on the agenda is
2 RGR Properties, 2090 Central Avenue. This is an
3 application for waiver request. This is an addition to
4 an existing building, waiver request for max building
5 setback and parking within the frontyard setback.

6 Mike?

7 MR. TENGELER: Just to set the table real quick
8 for Nick Costa, the properties are 2090 and 2092 Central
9 Avenue. They are proposed to be merged to create 2090
10 Central Avenue. That's currently the home of Arrowhead
11 Equipment.

12 They perform work and retail sales of dump bodies,
13 platform bodies, cranes, sweepers, snowplows and
14 accessories in the utility truck business.

15 The proposal is for an addition just under 5,000
16 square feet. It would be consistent to the build out to
17 the property that it's being added to, as well as the
18 pavement in the front is concurrent with the current
19 pavement scheme that is out there on the existing
20 property.

21 Nick will go through the particulars and then we'll
22 talk with the public, if there is anyone interested.

23 MR. COSTA: Good evening, again. We have prepared
24 an addition site plan for 2092 that is going to be
25 merged, as Mike said, to 2090. The two parcels right now

1 are split by the property line that is shown right here
2 (Indicating). This being 2092 and this is 2090. The
3 two properties will be merged with the addition of that
4 building that will be connected to the existing building
5 here (Indicating). The existing site has had several
6 structures on it and for the last few years it's really
7 been in bad shape as far as the structures. There are
8 several - what looks like an old garage that is ready to
9 fall down and a lot of debris scattered throughout the
10 site. The applicant is proposing to make this addition
11 and - the setback waiver requested is to keep the
12 building line and the same setback and then we're adding
13 the three parking spaces right here (Indicating) which
14 will continue the existing parking bay.

15 The site statistics are that there is six percent
16 building area. When the parcels are combined the
17 building area is six percent and the greenspace is 82%.
18 The proposed would be eight percent building, 78% green
19 and 14 percent paved.

20 As far as sanitary - there is already a sanitary
21 sewer lateral in this building and it's connected to a
22 manhole that runs through the sanitary sewer that is
23 along the rear of the site.

24 The water - there is already water service to this
25 building.

1 Then, as far as stormwater, there is an existing
2 basin that was constructed here (Indicating) that would
3 be expanded to take the water from the proposed addition
4 and the additional pavement.

5 The site is located in the COR zone. It does allow
6 the proposed use.

7 If there are any questions, I'd be more than happy
8 to answer them.

9 CHAIRMAN STUTO: Okay, this isn't a major site plan
10 review. We wouldn't normally see it. It would be seen
11 and approved or modified by the department. Because
12 you're asking for waivers is why you're here.

13 We have members of the public that want to be heard
14 on this.

15 Mike Pettigrasso.

16 MR. PETTOGRASSO: I'm Mike Pettigrasso, 2084
17 Central Avenue.

18 I live right next to the building.

19 CHAIRMAN STUTO: Can you show us where on the map?

20 MR. PETTOGRASSO: Right here (Indicating).

21 ENCON having put this in -- I have a picture of it
22 and it shows a pond where it's dead water and you're
23 going to get all kinds of bugs and mosquitos.

24 Basically, the arborvitaes would go here to block
25 the dumpster in the back. It's a pretty nice area here

1 and that's a pretty nice looking building.

2 MR. TENGELER: Nick, can you summarize what you
3 were taking about?

4 MR. COSTA: Sure. What Mr. Pettograsso is asking
5 is that there was some landscaping that is shown right
6 in this area (Indicating). He feels that this is really
7 not necessary and that it could be relocated and
8 actually be arborvitae to be planted in this area right
9 here so that when he looks out of his gazebo, he doesn't
10 have that view that he showed on the photograph.

11 MR. LACIVITA: Mr. Pettograsso, arborvitae is a
12 very soft evergreen. They get destroyed in the winter
13 time. They get eaten by the deer. Are you looking for
14 a buffer?

15 MR. PETTOGRASSO: Screening.

16 MR. LACIVITA: My suggestion would be that might be
17 better if it were more like a Norway or something like
18 that which is a spruce tree, which would actually grow
19 faster and wider and provide you with a better buffer if
20 that's what you are looking as a screening. At the end
21 of the day the arborvitae -- it's columnar and it's very
22 tall from that perspective to where the spruce goes a
23 little bit wider and gives you a better buffer.

24 MR. PETTOGRASSO: I'd rather have the narrow ones.

25 MR. LACIVITA: Okay, then we'll just plant more of

1 them.

2 CHAIRMAN STUTO: How does the applicant feel about
3 that particular suggestion?

4 MR. LEONARDA: There is a wetland area back there.

5 MR. COSTA: We are going to have to stay out of
6 disturbing the wetland area. As long as we don't go
7 into the wetland area we're okay with planting some
8 arborviteas to provide some screening for Mr.
9 Pettagrosso.

10 CHAIRMAN STUTO: That brings up his second point
11 which is the ponding, right?

12 MR. COSTA: Some of that ponding has to do with DEC
13 requirements for ponding. The days of dry ponds are
14 over by the DEC stormwater regulations. They like to
15 see some water at the bottom of the pond so that when
16 water comes into it, it helps the sediments drop out.

17 CHAIRMAN STUTO: There is a note on the plan.

18 MR. COSTA: I know. We put that note on there. We
19 will do that, but I just want you to be aware that some
20 ponding may still occur because the bottom is so flat
21 that if we start drilling some of that in to have a slope
22 that is always positive, what will happen is that we're
23 going to lose the volume. We can grade it so that it
24 goes right to the end of the pipe. The pond has an
25 invert - pipe that is right here (Indicating). Usually

1 what DEC makes you do is they make you have a sump and
2 it's going to have water at certain times of the year.
3 During the middle of the summer, there may not be any
4 water in there, but during the spring and the fall
5 there will be water in there. The idea is for when
6 water comes in, it has sediments and it has pollutants.
7 The idea is that the sump helps drops the sediments.

8 CHAIRMAN STUTO: Where is the water flow? Can you
9 describe it? He's got a picture of a pond here.

10 MR. COSTA: Yes, and that pond flows out by
11 controlled outlet. There is an outlet control structure
12 here and it flows out to this swale that is here.

13 MR. MION: When I was out there the other day, I
14 saw the one pond, but there is another one. There was
15 more than one. It wasn't as big, but there was still
16 pooling of water there. Where this one is -- go farther
17 west a little bit.

18 MR. COSTA: That is the swale that's in the back.

19 MR. MION: Then you have two ponds. That's what I
20 saw.

21 MR. COSTA: This is the one that we built. If there
22 is water that is ponding back here -

23 MR. LEONARDA: No, the one that you built. There
24 are actually two ponds.

25 MR. COSTA: We will address that. Last time I was

1 out there, there was only one area that was pooling.
2 There may have been some sediments that built up and
3 they may need to be removed.

4 MR. TENGELER: There are two arrows on the plan.
5 That might show approximately where both ponds are, if
6 you look at the plans. Lou, is that about where you
7 think that you're noticing them? There are two arrows.

8 CHAIRMAN STUTO: Right where that grading note is?

9 MR. TENGELER: Yes.

10 CHAIRMAN STUTO: That's not where he is pointing.
11 He's pointing further down. Your grading note is right
12 off the rounded corner. That's not where the pond is.

13 MR. COSTA: No, that's the swale.

14 CHAIRMAN STUTO: That is supposed to direct the
15 water down toward the pond.

16 MR. COSTA: This we can grade, but as far as
17 removing the water from the pond, that's according to
18 DEC requirements.

19 CHAIRMAN STUTO: Mr. Pettagrosso, do you understand
20 what he is saying? He can make it so that it flows down
21 to where that one pond is supposed to be. I don't know
22 if that's satisfying you.

23 MR. COSTA: There are times during the year when
24 it's going to have water in it.

25 MR. PETTOGRASSO: It's toward mosquito time. It's

1 not just for us on our side, but for the guys that are
2 working there too.

3 MR. COSTA: I understand that. Our hands are
4 really tied when it comes to that. We are meeting the
5 standard requirements.

6 MR. PETTOGRASSO: I was able when I put mine in
7 before this ruling that they're talking about, it ran
8 right out and they call it clear water. They said they
9 didn't mind it at that time.

10 MR. MION: One pond is probably what you're looking
11 for, but there were two down there.

12 MR. COSTA: We will be expanding this existing
13 pond. This is going to be enlarged. Anything that is
14 built up in the bottom of that pond, the sediment is
15 going to get removed. Yes, the swale does need to be
16 regraded; that's correct.

17 CHAIRMAN STUTO: Mr. Pettagrasso, I don't know if
18 that satisfies you, but I'm not sure how much further we
19 can go with that.

20 MR. PETTOGRASSO: No, that's fine. As long as he
21 knows basically how we feel on that side.

22 MR. COSTA: And the other thing that the applicant
23 is willing to do is to talk to the tenant about maybe
24 relocating where the dumpster is.

25 MR. PETTOGRASSO: As long as he keeps that area

1 clear until they get the rest of the work done, because
2 I know that they are tying up a lot of stuff over there.

3 MR. MION: I believe that in my conversations with
4 the tenant also, they made a comment that they were
5 going to try to move it to the other side.

6 MR. PETTOGRASSO: If they can, fine; but if they
7 can't I can understand.

8 MR. TENGELER: We will look for that on the final
9 plans, Lou.

10 CHAIRMAN STUTO: Bill Dergosits.

11 MR. DERGOSITS: I reside at 2996 Curry Road
12 Extension in the Town of Colonie. I'm here as a
13 representative of the Lishakill Reformed Church which is
14 at 2131 Central Avenue. I have the property that
15 borders this land in question to the west.

16 CHAIRMAN STUTO: Do you want to just touch where it
17 is on that? It looks like it's at the top of the map.

18 MR. DERGOSITS: Right here (Indicating).

19 I want to make it clear that we are not in
20 opposition to this acquisition. We have struggled with
21 the neighbors to the east as mentioned. The property
22 has not been well maintained. We are genuinely
23 interested in having a better, stronger and nicer
24 relationship with the new owners. We definitely are
25 here to support them. We do hope that there will be

1 ample greenspace. This is the first opportunity that
2 I've had a chance to see the map and we appreciate the
3 respect for where the cemetery and the property and we
4 just hope that is maintained.

5 Once again we are not in opposition to that and I
6 want to thank the Board for taking a look at this. A
7 colleague of mine is a dentist and he has a little more
8 to say on that so I will yield to the clock.

9 CHAIRMAN STUTO: I don't know if the applicant
10 wants to comment on that. You still have a lot of
11 greenspace. I'm not sure what is changing between you
12 and the church's property.

13 MR. COSTA: We are doing some grading. That's what
14 is changing. We need to do some grading to get the water
15 to go to this stormwater management area. As you said,
16 there is quite a bit of greenspace. There is 78% green
17 when this project is completed. Three quarters of the
18 site is going to be green.

19 CHAIRMAN STUTO: You are building closer to the -

20 MR. COSTA: We are, but there are existing
21 structures that have been there that were used as --
22 maybe at some time they were used as a residence and
23 garages. I'm not sure that we're going any further to
24 the north than those former buildings that existed.

25 CHAIRMAN STUTO: How many feet are between the end

1 of your building and the border line?

2 MR. COSTA: That's 30 feet.

3 CHAIRMAN STUTO: How about where it gets wider?

4 MR. COSTA: That would be 44 feet. Actually, it's
5 more than 44 feet. It's almost 60 feet.

6 CHAIRMAN STUTO: And what would the graded area
7 look like when it's completed?

8 MR. COSTA: It will be a sloping lawn up to the
9 property line.

10 CHAIRMAN STUTO: Is there going to be a swale?

11 MR. COSTA: There is going to be a real gentle
12 swale at the bottom of that is going to take the water
13 when it comes off the building.

14 CHAIRMAN STUTO: It will be a mowed lawn though.

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

16 CHAIRMAN STUTO: James Scherician.

17 MR. SCHERICIAN: I'm a member of Lishakill
18 Reformed church and am responsible for its property.

19 I have a couple of comments. There has been a
20 great deal of talk about greenspace. I appreciate the
21 fact that they are going to maintain greenspace here.
22 Certainly the people who are deceased and buried in that
23 cemetery -- the cemetery was established in 1862. It has
24 Civil War veterans in it.

25 I was privy to it and here when the Lia group

1 developed the property on the other side of it. There
2 was an understanding there that there would be
3 greenspace, which the greenspace was provided. That
4 greenspace has been violated by Lia parking cars on
5 their greenspace and if you go there today, you will
6 find that there are cars parked on that greenspace.

7 We have had comments from relatives from people who
8 have been buried in that cemetery. How would you like a
9 car sitting next to your gravestone? Some of these
10 gravestones are so old and have been there for so long
11 that they are right along the edge of the property line.
12 We have to have respect for the living, but we also have
13 to have respect for the dead. Obviously, the Lia group
14 just does what they want to do. They off-load cars in
15 our parking lot. We have called about that. I don't
16 want to get into a lot of issue, but I don't want the
17 same thing to happen on the other side. I would expect
18 that if greenspace is going to be there, it's going to
19 be green. It's not going to have trackers parked on it
20 or fire trucks or anything else parked on it and that
21 it's going to stay green and that will show respect to
22 the people that are buried there.

23 There are a lot of trees there on this particular
24 part here that present a hazard. They are a hazard to
25 your tenant, but they also present a hazard to the

1 cemetery as well. We have no objection to some of those
2 big hazard trees being taken down. Whatever you deem
3 necessary to be taken down is fine with us. They can
4 not only fall on your side, but they could also fall on
5 our side. You can knock yourself out as far as that's
6 concerned.

7 Again, we have absolutely no problem with this
8 concept. Certainly what was there before and
9 understated, it was a junkyard - a total junkyard. We
10 tried to have the person that owned that respect that
11 space and they didn't either. As a matter of fact they
12 went through our fence to get access to the property
13 which we eventually stopped. All we ask is that this
14 historic place which is owned and maintained by the
15 church, even though it's in middle of all this
16 commercialism that it be respected.

17 Another comment that I'd like to make, when the
18 original Lia project was proposed, there was a section -
19 you can't see it here but there was a section here that
20 was supposed to be forever wild. It was told to me that
21 it would not be touched because it was wetland. All of
22 the sudden out of the blue, Mr. Lia needs some more
23 parking spaces and all the sudden that's not wetland
24 anymore. So, it was developed and now it's a part of
25 that parcel of which they park cars on it anyway right

1 up against our parking lot. I'd really like something
2 to be done about it. It really makes you people look
3 foolish to make these laws and these rules and have
4 these developers and these people come in and do things
5 in the Town and then just do whatever they want. There
6 are no checks and balances. I'm sorry to be irritated
7 with this, but this has been an ongoing thing for us.
8 We have a historic place that is sort of stuck in the
9 middle of commercialism. We understand that the Town
10 has to develop and that these things have to be done.
11 We just ask that there be respect for the people who are
12 interred there and their relatives. Thank you.

13 MR. LACIVITA: We will look into the potential for
14 the Lia conflicts that might be happening.

15 As far as the checks and balances, we ask people
16 like yourselves to tell us all the time when things are
17 happening because we may miss something along the way.

18 I do want to clarify one thing so that the
19 applicant doesn't think that there is going to be clear
20 deforesting of that location. The applicant had said to
21 take down hazardous trees and not clear everything. So,
22 I just want to make sure that is clarified on the
23 record. As you are going through the site, we're not
24 asking for a clear cut of the site, we just want to make
25 sure that we're taking down the hazardous ones.

1 MR. COSTA: Joe, we show a clearing line so that's
2 what we intend on clearing. It just happens that the
3 clearing line parallels the property line. Most of
4 those trees are going to get removed.

5 CHAIRMAN STUTO: Do you have any other response, or
6 no in terms of what your use is or why you may or may
7 not park in the wrong area of close to the cemetery?

8 MR. COSTA: That is shown as green and that's what
9 its intended to do.

10 CHAIRMAN STUTO: And it's for drainage as well.

11 MR. LEONARDA: There is quite a bit of grade change
12 from the cemetery to ours. You wouldn't be able to park
13 there.

14 MR. COSTA: That's a good point. These lines show
15 that a grade elevation from the cemetery property to
16 this property is a pretty good amount. It's seven or
17 eight feet.

18 MR. TENGELER: With a seven foot incline that is
19 proposed to remain green, we don't have any worries that
20 they'll be parking out there. They have ample parking
21 for the uses on the site plan. We have run the parking
22 calculations. They are within what we deem necessary
23 for that type of use. We don't have any concerns with
24 that and also the fact that it is a slight incline. It
25 kind of makes it prohibitive for randoms to park there.

1 Additionally, they do a lot of work in their garage so
2 really it's more employees and the occasional customers
3 that are parking there. We don't anticipate any issue.

4 MR. AUSTIN: What is the business?

5 MR. TENGELER: Arrowhead Equipment.

6 MR. LEONARDA: They do snowplows, utility bodies on
7 fire trucks.

8 MR. TENGELER: They are a growing business.

9 CHAIRMAN STUTO: Okay thank you. And you'll look
10 into the other situation on the other side.

11 Anyone else?

12 (There was no response.)

13 It appears that the environmental review has been
14 completed and signed off on.

15 MR. TENGELER: Correct.

16 CHAIRMAN STUTO: Why don't you run through the
17 waivers.

18 MR. TENGELER: Sure. There are three waivers and
19 Nick can indicate on the plan to each waiver I am
20 referring to. Two of the waivers kind of lead right
21 into each other.

22 The first one is to allow new pavement within the
23 frontyard setback. In this case, the frontyard setback
24 is Central Avenue. The new four or five parking spaces
25 that they are proposing falls within that new frontyard

1 setback. It's something that we support because it does
2 not prohibit circulation throughout the site. It
3 doesn't meet the Code which is why they are looking for
4 the waiver. The way that it is proposed, it gives you
5 the best type of circulation, the safest circulation
6 that you can get out of the site as well as creates an
7 additional five parking spaces which we feel is minimal.
8 We are in full support of that. We feel that it's a
9 practical and reasonable development of the site.

10 That bring us into the other coinciding waiver.
11 The waiver to allow pavement within 15 feet of the
12 frontyard setback line. Again, Central Avenue is the
13 front setback roadway. The current parking goes
14 directly right up to Central Avenue with no separation.
15 Again, this is to keep this consistent with what is
16 there previously. It's an additional five spaces worth.
17 We feel that it's supported. They are utilizing an
18 existing curb cut on both pieces. It's just basically
19 connecting the dots in between. It's straight and to the
20 point and it's something that our Highway Department as
21 well as the Planning Department looked at. We are
22 comfortable with it. They are requiring a waiver for
23 that, as well.

24 The last waiver is to allow a maximum building
25 setback greater than 20 feet. Believe it or not this

1 end of Central Avenue is considered a minor roadway
2 which is a 20 foot setback. Major roadways require a 25
3 foot maximum setback. This setback is 45 feet however,
4 it's concurrent with what is there already. If they
5 were to essentially bump out the building it would be
6 impractical as far as circulation is concerned. It
7 would really be more of a hindrance. These three
8 waivers kind of lead into each other to allow for this
9 type of development. It's nothing that we are against.
10 The Town Comments were pretty straight and to the point
11 and we're confident that this should move forward.

12 CHAIRMAN STUTO: And you also have a memorandum in
13 support of that. The PEDD summary recommendation.

14 MR. TENGELER: Correct and we sort of illustrate
15 all the points in there.

16 CHAIRMAN STUTO: On the basis of what Mike just
17 said and his memorandum, do we have a motion on the
18 three waivers?

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

20 MR. AUSTIN: Second.

21 MR. TENGELER: Peter, I actually have a Resolution.
22 Would you mind if I read it?

23 CHAIRMAN STUTO: Yes. And I'll ask that the
24 stenographer include the entire Resolution into the
25 record.

1 MR. TENGELER: Now therefore be it resolved the
2 Board hereby recognizes the granting of these waivers to
3 allow new parking within the frontyard building setback,
4 new pavement within zero feet of the front lot line and
5 a building setback of 45 feet from Central Avenue front
6 line does not hinder the Town's objectives to protect
7 its important natural resources, conserve farm land,
8 create recreational or wildlife trail corridors, the
9 preservation of historic resources, protected viewsheds
10 or scenic roadways and will not overload school
11 districts or be a hindrance on traffic operation.

12 And be it further resolved the Board hereby finds
13 the waiver request safe and practical in order to allow
14 reasonable development of the site and grants the waiver
15 request to allow parking within the frontyard building
16 setback.

17 And be it further resolved the Board hereby grants
18 the waiver to allow new pavement, zero feet from the
19 front lot line.

20 And be it further resolved the Board hereby grants
21 the waiver to allow for a building setback of 45 feet
22 from Central Avenue.

23 And be it further resolved that the waiver findings
24 be kept in the project file in the office of Planning
25 and Economic Development Department.

1 CHAIRMAN STUTO: Do we have a motion on this
2 Resolution?

3 MR. MION: I make the motion.

4 MR. AUSTIN: 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

14 (Whereas the proceeding was concluded at 9:05 p.m.)

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CERTIFICATION

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

NANCY STRANG-VANDEBOGART

Dated August 5, 2015

