

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****
4 ASIAN MARKET
5 CENTRAL AVENUE
6 REQUEST TO UN-BANK 16 PARKING SPACES
7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on July 14, 2015 at 7:10 p.m.
11 at The Public Operations Center, 347 Old Niskayuna
12 Road, Latham, New York

13 BOARD MEMBERS:
14 PETER STUTO, CHAIRMAN
15 LOU MION
16 TIMOTHY LANE
17 CRAIG SHAMLIAN
18 SUSAN MILSTEIN
19 TIMOTHY LANE

20 ALSO PRESENT:
21 Kathleen Marinelli, Esq., Counsel to the Planning Board
22 Joe LaCivita, Director, Planning and Economic Development
23 Phil Koziol, Laberge Engineering
24 Richard Calleri

25

1 CHAIRMAN STUTO: Next item on the agenda is Asian
2 Market, Central Avenue. This is to un-bank 16 parking
3 spaces. The prior approval allowed for banked parking.

4 MR. LACIVITA: I will walk you through this one.
5 This actually is Michael Tengler, and unfortunately he
6 got in a little bit of an accident on his way over here.
7 He just called me a couple of minutes ago.

8 What had happened is back in 2010 - the
9 applicant was here to un-bank the parking request
10 due to the overwhelming use of the Asian Market.
11 They never went forward and actually un-banked the
12 parking at that time, so the site has always been a
13 little constrained. They see now that they can go
14 forward.

15 They would like to un-bank those additional
16 parking spaces that are needed and the applicant is
17 here to talk about that.

18 MR. KOZIOL: Thank you, Joe, for that information.
19 As Joe says, we are proposing to un-bank 14 parking
20 spaces that were previously approved in 2008. The
21 project would involve removing an eight foot high
22 stockade fence and clearing and grading back there for
23 the parking.

24 CHAIRMAN STUTO: Can you show us on the drawing
25 where that is?

1 MR. KOZIOL: Right here is the un-banked parking
2 spaces (Indicating).

3 CHAIRMAN STUTO: And where you are moving the
4 fence?

5 MR. KOZIOL: That would be right here (Indicating).
6 There is an existing fence right now.

7 MR. LANE: So, you're shifting it back further.

8 MR. KOZIOL: There are no plans to move the fence,
9 but if that's something that the Board would like, I'm
10 sure that we could do that. There is quite a bit of
11 buffer back there.

12 Along with paving, we would be resetting a
13 couple of drainage structures there. We would be
14 resetting rims and striping the lot for the 14
15 spaces; 9 by 18 foot stalls and a 24 foot access
16 road. That's pretty much all we are here for.

17 CHAIRMAN STUTO: Any members of the public looking
18 to be heard on this project?

19 MR. CALLERI: My name is Richard Calleri and I live
20 at 12 McNutt Avenue which is right here (Indicating). I
21 sometimes go to the Asian Market and they do need the
22 extra parking spots for sure. I have a few concerns.

23 One of my concerns is that a little while ago
24 there was a large wind storm. The fence is an eight
25 foot high fence which is a vinyl fence which stops

1 the view of parking lot and I appreciate that. It
2 does not however, block the wind and it took a lot
3 of damage recently. I don't think that there is
4 enough structural -- the fence was put in every
5 third or fourth post which was cemented in. It's
6 kind of a weak giant wall. One of the sections
7 actually took damage and was blown through. I don't
8 know why, but only half of the things were replaced.
9 So, there is basically a six-foot section of this
10 gap and I can go through it. It's very expensive
11 fence and I don't know who is responsible for fixing
12 that six-foot hole. That's one of my issues there.

13 CHAIRMAN STUTO: Can you show us where you are
14 talking about? I understand where you live.

15 MR. CALLERI: My house is basically at that
16 intersection.

17 CHAIRMAN STUTO: Can you trace the fence?

18 MR. KOZIOL: I think that there is a fence right
19 here (Indicating).

20 MR. CALLERI: My property is the stockade and they
21 vinyl kind of end. Here is the giant hole (Indicating).

22 CHAIRMAN STUTO: Joe, do you know the condition of
23 the property? I know that Mike reviewed it.

24 MR. LACIVITA: Unfortunately, Peter, I do not
25 know the condition, but we can take a look at it to see.

1 CHAIRMAN STUTO: So, do you think that it makes
2 sense to repair the fence and round it off in the back,
3 as well - continue it and round it off? There is going
4 to be a gap.

5 MR. LACIVITA: Yes, I do think that we should take
6 a peek at it, Peter, and see if there is a gap in there
7 and try to fill it in.

8 Can you just for the Board's understanding, one
9 more time, show where the parking is going to be
10 un-banked and then show where the gap is and then
11 we'll take a peek at it?

12 MR. KOZIOL: This is Central Avenue right here and
13 McNutt is over here (Indicating). The Asian Market is
14 here in yellow. The existing parking and drive space is
15 in dark gray and the un-banked parking is in the light
16 gray. There is an existing fence right here that
17 separates the existing pavement and the undisturbed
18 areas (Indicating), if you will - back here where the
19 parking is going to go. I believe that's where you are
20 talking about the stockade fence and there would be a
21 gap here where the vinyl fence is broken?

22 MR. CALLERI: I have a decent sized back yard and
23 the back yard goes straight to the vinyl fence. Beyond
24 that is the parking lot.

25 MR. KOZIOL: I'm sure that the applicant will fix

1 any fence problems.

2 MR. LACIVITA: So, he does have the corner of his
3 property that looks like it's going to be a little bit
4 exposed there. So, we can take a look at that?

5 CHAIRMAN STUTO: I would extend the vinyl fence and
6 just to make it safe I would replace the stockade fence
7 with something, just to encircle the three sides of the
8 property.

9 MR. LACIVITA: Yes, put something in there to
10 stabilize it.

11 CHAIRMAN STUTO: Do you agree with that, Joe?

12 MR. LACIVITA: Yes, we should stabilize it.

13 CHAIRMAN STUTO: But also encircle the three sides.

14 MR. LACIVITA: Yes, we could do that. We could ask
15 for that.

16 CHAIRMAN STUTO: How does the applicant feel about
17 that?

18 MR. KOZIOL: Yes, we will do that.

19 CHAIRMAN STUTO: That will be a condition then.

20 MR. CALLERI: There is also a large tree located
21 here. With construction the roofs or whatever can be
22 damaged and if that large tree goes one way or the
23 other. I know that my property along with others along
24 with the parking lot could be in jeopardy if that tree's
25 health is compromised.

1 MR. LACIVITA: Would the tree actually come into
2 play on this one? I don't think that it will.

3 MR. KOZIOL: No, if your property is over here
4 somewhere (Indicating), we are working back here. The
5 project will not be anywhere near there.

6 MR. LACIVITA: It doesn't look like it's
7 encompassing the tree.

8 CHAIRMAN STUTO: I think that he's saying that if
9 you injure the roots, you may kill the tree.

10 MR. CALLERI: Yes, the roots right now pretty much
11 are on the unpaved section but if you clear within feet
12 of the tree -

13 MR. LACIVITA: They would have to do significant
14 grading in order to actually hinder that tree. We'll
15 take a look at that when we're out at the site, but I
16 would tend to think that it's not going to be in
17 jeopardy at this point.

18 MR. CALLERI: Yes, I'm not sure of the scale of
19 what you ou guys are doing.

20 CHAIRMAN STUTO: Are you an owner or renter?

21 MR. CALLERI: Owner.

22 CHAIRMAN STUTO: Is your last name Hunter?

23 MR. CALLERI: No.

24 CHAIRMAN STUTO: Did you buy it off the Hunters?

25 MR. CALLERI: No.

1 CHAIRMAN STUTO: That's what this map shows. How
2 long have you lived there?

3 MR. CALLERI: I think that it's been about five
4 years now.

5 CHAIRMAN STUTO: Okay, just why the map shows the
6 name Hunter.

7 MR. KOZIOL: This map is a copy of the 2008
8 approval plan.

9 MR. CALLERI: My last issue is that there is a
10 significant amount of garbage that blows around. I was
11 told that it's from the dumpster and that the crows are
12 opening up the dumpsters. That's what I was told.
13 There is a lot of plastic and shrinkwrap that's usually
14 wrapped around pallets and other grocery bags. I can't
15 tell, but it's various plastic and it gets scattered in
16 the tall trees all through my property and -

17 CHAIRMAN STUTO: You say that they are not closing
18 the dumpsters?

19 MR. CALLERI: From the crows? I don't know.

20 MR. LANE: The owners are responsible for policing
21 those things.

22 CHAIRMAN STUTO: You say that they are opening the
23 dumpsters.

24 MR. CALLERI: I couldn't see them. There is a lot
25 of debris and normally every year -- this is all wooded

1 and in the winter it all kind of died down. They used
2 to mow it and since they stopped mowing it, trees pop up
3 there. When the foliage dies down, you can truly see
4 the devastation. The whole ground is covered with the
5 constant barrage of garbage and pallets. There is just
6 a lot of garbage and it gets caught in my trees really
7 high up and I can't reach the bags and they get stuck
8 there forever.

9 CHAIRMAN STUTO: Joe, can you look at it with a
10 condition that the site needs to be cleaned up back
11 there?

12 It's been discussed to repair the fence and
13 make sure that it's still encircles the property.

14 Is the Board in agreement on that?

15 (All Board Members agreed.)

16 The department will look at the root situation
17 and they'll also look at whether that back site
18 needs to be cleaned up.

19 MR. CALLERI: I appreciate that. Thank you.

20 CHAIRMAN STUTO: Thank you.

21 Anybody else from the public want to speak on
22 this?

23 (There was no response.)

24 Anybody from the Board?

25 (There was no response.)

1 Do we have a motion to un-bank the parking,
2 based upon the conditions that we talked about here?

3 MR. LACIVITA: Peter, before we go to that motion,
4 you do have a Resolution there before the Board in your
5 packets. It does talk about the Asian Market at 1245
6 Central Avenue. The Planning Board findings to un-bank
7 the parking. It was the same approval and I think that
8 it's just updated now for the 2015 action. We can take
9 it through the be it resolves and add the conditions if
10 you like.

11 CHAIRMAN STUTO: Yes, why don't you do it, Joe?

12 MR. LACIVITA: Therefore be it resolved that the
13 Board hereby recognizes the granting of the request to
14 un-bank 14 parking spaces does not hinder the Town's
15 objectives to protect or the important natural
16 resources, conserve farmlands, create recreational or
17 wildlife trail corridors, the preservation of historic
18 resources and protect the viewsheds and the scenic
19 roadways and will not overload the school districts or
20 the hindrances on traffic conditions, and be it further
21 resolved that the Board hereby finds that un-banking of
22 the parking request safe and practical in order to allow
23 the reasonable development of the site and grants the
24 request to allow the un-banking of 14 parking spaces,
25 and be it further resolved that the waiver will be kept

1 in the project file in the office of Planning and
2 Economic Development with the following conditions being
3 added: The condition that we will look upon the fencing
4 encompassing the parking area, we will look into
5 consideration of the tree and what damage it may do with
6 the extension and we'll take a look at the way that the
7 site is kept.

8 CHAIRMAN STUTO: I will ask that the stenographer
9 put the entire Resolution in with the additions that Joe
10 just recited.

11 Do we have any comments or questions on that?

12 (There was no response.)

13 Do we have a motion, as recited by Joe?

14 MR. MION: I'll make the motion.

15 MR. LANE: Second.

16 CHAIRMAN STUTO: Any discussion?

17 (There was no response.)

18 All those in favor say aye.

19 (Ayes were recited.)

20 All those opposed say nay.

21 (There were none opposed.)

22 The ayes have it.

23

24 (Whereas the above referenced proceeding was
25 concluded at 7:19 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 23, 2014

