

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 ALDI'S FOOD MARKET
1881 -1885 CENTRAL AVENUE
5 APPLICATION FOR SEQRA
DETERMINATION, DESIGN CODE
6 WAIVERS & FINAL SITE PLAN APPROVAL

7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY STRANG-VANDEBOGART, a Shorthand
9 Reporter, commencing on July 28, 2015 at 7:15 p.m.
at The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

10

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

15

16 ALSO PRESENT:

17 Rebekah Kennedy, Esq., Town Attorney's Office
18 Joe LaCivita, Director, Planning and Economic Development
19 Chris Boyea, PE, Bohler Engineering
20 Alana Moran, Creighton Manning Engineering
21 Patrick Paratore
22 Kevin Parisi
23 Bruno Lourenco, Aldi's

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1 CHAIRMAN STUTO: Next on the agenda is Aldi's Food
2 Market, 1885 Central Avenue. This is an application for
3 SEQRA determination, design waivers and final site plan
4 approval. The project is to raze the existing motel and
5 garage and construct a new 17,023 square foot
6 supermarket.

7 Joe, do you have any introductory remarks?

8 MR. LACIVITA: No. I think just to remind the
9 Board that we did see this a couple of weeks ago, giving
10 it concept. They are on a fast-track trying to get
11 Aldi's approved and turn the pad over to the applicant
12 by September. Maybe that timeframe has moved. I'm sure
13 that Kevin will enlighten us on that.

14 We also have pulled out the sanitary sewer
15 system on this in order to realign it and make the
16 site work a little bit better based on the alignment
17 of the two properties.

18 I'll turn it over to Chris.

19 MR. BOYEA: I'm Chris Boyea and I'm with Bohler
20 Engineering. I've got quite the team with me tonight.

21 We've got Kevin Parisi who is one of the owners
22 - the developers of the project. We have Bruno who
23 made the trip in from Aldi's Corporation. He had
24 that nice three hour drive, but he wanted to be here
25 to answer any questions or comments that the Board

1 may have about operations. We also have Mary Beth
2 Slevin who has been our legal counsel on this. We
3 also have Alana who is working with Wendy over at
4 Creighton Manning to help guide us with the traffic
5 and those portions. We have a great team here and
6 we have an exciting project that we have looked at
7 before with this Board. This is a great
8 redevelopment project on Central Avenue, right
9 across the street from the new Key Bank that was
10 built. We are proposing to remove the motel use
11 that is on this site and redevelop the whole site
12 with a brand new Aldi food store.

13 As Joe noted, we have been working on this for
14 some time. We have obtained the concept approval on
15 this general layout and we further developed the
16 plan sets and worked with DOT. We have worked with
17 Town staff and we have worked and met with neighbors
18 who are behind us. We have a residential
19 neighborhood that is behind us. We worked with
20 Barton and Loguidice to look at engineering comments
21 that they have provided. We have worked with the
22 Zoning Board. We have obtained a special permit to
23 allow for the layout as it's being presented here
24 with buffers and trash deliveries, buffering,
25 setbacks and those types of things. We have

1 obtained the approvals necessary from the Zoning
2 Board of Appeals to be here. This project has come
3 a long way since the Board first saw it.
4 Originally, this project had a property line that
5 would force an off-set intersection with the New
6 York State DOT. What the applicant has done is work
7 with the adjacent landowner to adjust the property
8 line so that we can actually have a lined-up, well
9 thought out intersection with New York State DOT.
10 So, that's taken place and we've worked with DOT on
11 that as well as the bus stops and CDTA and how they
12 all work together, so that this is a well thought
13 out cohesive project.

14 Then, as Joe noted, we worked with sanitary
15 sewer Pure Waters to relocate a sanitary main that
16 would allow this to happen. So, all of those things
17 came together so that we were able to move the
18 proposed Aldi's building further to the left and
19 provide a very clean intersection with four
20 conventional legs. It really worked out well.

21 The general layout shows a lot of greenspace
22 and we have met the criteria here. This allows us
23 some buffering in the rear. It also allows us to
24 have room for snow storage on the perimeter of the
25 lot so that melt can happen and then it can go into

1 improved stormwater treatment as well.

2 We have provided detailed plans that include
3 downward lighting that will be LED to prevent any
4 type of lighting that would be thrown off the
5 property. Outside shields will make sure that we're
6 not impacting the neighbors to the rear.

7 We talked at length at two meetings with the
8 Zoning Board regarding operations, deliveries and
9 making sure that this fits in well with the
10 community.

11 This is a smaller store, so it's not really
12 able to be compared to some of the bigger boys that
13 are out here with Hannaford and Price Chopper. This
14 is only a 17,000 square foot plus or minus location.
15 Deliveries were taken into consideration for the
16 special permit.

17 We have agreed to work with neighbors and have
18 put up a masonry wall behind the facility with a
19 loading dock. As you can see at the bottom of this
20 page, you will see some white vinyl fence up on top
21 of that to help soften the look so that when a truck
22 is backed into that, it's going to have a much
23 softer look. We have a masonry base with a vinyl
24 privacy fence on top of that. That is going to
25 help. We also agreed that we wouldn't have any

1 idling of trucks here. That was an important part
2 that we agreed to at the Zoning Board just because
3 we do abut the residential neighbors to the rear.

4 So, we have obtained a lot of comments and we
5 have worked through and responded to all the
6 comments to date. Just a couple of comments I would
7 like to pull out - we had no objections to any of
8 the comments that we received from any of the
9 departments.

10 I just wanted to talk through three or four of
11 the key points that we wanted to make sure was
12 brought it to the Board's attention.

13 One is that we did include this masonry/vinyl
14 fence behind to help the additional buffer to the
15 neighbors. We did this and also provided some
16 additional trees and modified our stormwater basin
17 to make it as small as possible. So, we have a
18 stormwater basin that is located behind the Aldi's
19 building. We agreed that if we could make it any
20 smaller, we absolutely would so that we could leave
21 more of the mature trees that were behind there.
22 So, we were able to achieve that and obtain another
23 five feet of mature trees that we will be leaving
24 there. So, between leaving the eight foot tall
25 fence back there plus our fence and masonry

1 enclosure behind the truck well, we are pretty
2 excited that we will be able to mitigate all of
3 those concerns.

4 We would agree, as requested, to post a no
5 idling sign back there for trucks to remind them, as
6 well as a sign for trash deliveries, to make sure
7 that they comply with the limitations on trash
8 delivery hours.

9 There was a comment and it kind of stretches
10 into future planning for this property over here
11 (Indicating). The property is currently vacant and
12 it is most likely going to come before this Board
13 when something arises, whether it's a new project, a
14 scrape and a rebuild or a renovation. We just don't
15 know what is going on there yet.

16 There was a comment about maybe adjusting
17 access to that property. We would just rather wait
18 until that property comes before the Board for
19 approvals because we just don't know anything that
20 is really happening here. It would be a little bit
21 over our reach to close that now. No doubt, there
22 will be something that is going to happen there.

23 This is exciting as far as redevelopment in
24 this area. We are getting rid of one property and
25 it's definitely going to play out. There will be

1 more interest in that site for sure.

2 Again, it was asked that we put an eight foot
3 wooden fence in the back - a privacy fence and we've
4 agreed to that. There is an existing eight foot
5 wooden fence on our property. We would allow the
6 neighbor to keep that on our property for the time
7 being and that comes way in here where the treeline
8 is. We have agreed to extend that wooden fence, the
9 whole length of our property, so that it matches
10 back there.

11 Two more items out of the list that was there.

12 We were asked to look at cart corrals.
13 Potentially, one would be out by the bus stop that
14 we are moving to the other side of the intersection.
15 The distance of travel for customers - this is a
16 small site. It's compact and it's right out in
17 front. The distance of travel is not great where a
18 cart corral would typically be required. However,
19 it gets better.

20 Aldi runs a really great operation. We didn't
21 include this in the application. Aldi is proposing
22 to have a 25 cent return for the carts. So, they
23 have implemented this and it's been a very
24 successful strategy to keep costs down and keep
25 labor rates down. When you return your cart, you

1 get the 25 cents back. It doesn't really matter who
2 returns the cart. Even if the owner left the cart
3 there, somebody waiting for the bus could return the
4 cart and get 25 cents. It really has worked out
5 well for them. It's something unique that they do.
6 Again, it's a smaller grocery store. Again, that
7 eliminates the need for a cart corral.

8 The last item was with regard to comments about
9 maybe continuing the drive aisle on the adjacent
10 lot. That might be great but we are not there at
11 the other lot yet. We would just not want to lose
12 parking that was over there until we have an
13 interested person that could come in with a proposal
14 for that development.

15 Tonight we are looking to further get comments
16 from the Board and thoughts and then hopeful to
17 answer any questions.

18 Like I said, we do have a representative of
19 Aldi here. We would need SEQRA and we'd need site
20 plan approval. We are here to just answer any
21 questions or comments that you may have.

22 MR. LACIVITA: Can you just address any of the
23 waivers that currently exist on the site? I don't know
24 if you went through that on your presentation - if there
25 are any.

1 MR. BOYEA: There are some waivers that have been
2 discussed. They were discussed at the other meeting.
3 Just re refresh the Board's memory - parking in the
4 front yard. We have some cross connections that we are
5 proposing and it's much better than back here. We don't
6 want to send the traffic back to where the neighbors
7 are. We want to keep the traffic to where it's at out
8 front. That really kind of dictates the layout that is
9 proposed here.

10 CHAIRMAN STUTO: Do we have a Waiver Resolution in
11 our packet?

12 MR. LACIVITA: We don't have one specifically for
13 this. I know that Chuck is going to walk us through the
14 waivers.

15 MR. VOSS: Yes, I'll walk the Board through those.

16 CHAIRMAN STUTO: I know that Barton and Loguidice
17 emailed around or Joe's staff emailed around a comment
18 letter from Barton and Loguidice, our Town Designated
19 Engineer. A hard copy would be good to have, too. I
20 don't know if we have that.

21 MR. LACIVITA: It should be in your packet, Peter.

22 MR. VOSS: It's about four pages in.

23 CHAIRMAN STUTO: If there are members of the public
24 that want to be heard on this, can you sign in on the
25 sheet over here on the table? We'll call you in that

1 order.

2 MR. VOSS: Peter, would you like me to go through
3 out July 2nd letter to the Board?

4 CHAIRMAN STUTO: Yes. I got emailed something on
5 the 24th.

6 MR. VOSS: I will discuss that as well.

7 CHAIRMAN STUTO: Whatever comments you think are
8 relevant.

9 MR. VOSS: What I wanted to do was quickly walk the
10 Board through where we were with the review. As Chris
11 mentioned we spent quite a bit of time working directly
12 with the applicant on this application. It's a
13 redevelopment site. It's a relatively flat site. There
14 was some prior construction there previously in the
15 past. So, we are looking at kind of a blank slate. All
16 the utilities are provided on site.

17 Just for the Board's memory, the applicants are
18 working directly with the Town on relocating the
19 sewer main that crosses through the site. That is a
20 mutual project between the Town and the applicant to
21 move that main. It's to both entities benefit to
22 relocate that so that will provide cleaner access on
23 the site. That is a separate issue that is
24 occurring, but we are pleased to say that they're
25 working with Chreit's office and they're very

1 pleased with the progress of that design and that's
2 moving forward very quickly. That will happen.
3 What that will do is enable a little bit easier
4 sewer access to this site off the rear of the
5 property line.

6 Water is provided on-site and we are
7 comfortable with how they have laid that out. I
8 mentioned to Chris earlier today that we've gotten a
9 few additional comments from Latham Water District
10 this afternoon as well as Pure Waters. We will
11 certainly provide those to the applicant. They are
12 specifically minor technical comments in terms of
13 sizing, location of valves and things like that. We
14 didn't see anything in there that was really
15 consequential or alter the overall site as proposed.

16 We did meet with Chris and his team last week.
17 We went over our July 2nd letter which you have a
18 copy of. That letter covered some minor technical
19 comments that we had. Specifically, we were focused
20 on at this point the stormwater management systems.
21 After talking to Chris and our engineers, we were
22 able to work out some additional alternatives for
23 the rear stormwater management system just to
24 provide a little bit of a better system that tends
25 to avoid some of the absorption issues and

1 infiltration issues that we were a little concerned
2 with. We also discussed the capacity issues and how
3 to handle some of that stormwater up front. Chris
4 and his team worked very diligently to address those
5 issues for us. We then issued a supplemental letter
6 on July 24th to Joe's office which basically
7 affirmed those issues with Chris and his team. I
8 think that we're very comfortable at this point with
9 what we are seeing. Again, the landscaping issues,
10 I think have all been resolved. The screening issue
11 off the back in terms of the fence, the applicants
12 have done a nice job at working with the residents
13 back there. I would imagine that we will probably
14 hear from those folks tonight. The parking issues
15 have certainly gone away from the initial early
16 application of circulation issues. We are
17 comfortable now with the internal circulation of the
18 site.

19 CHAIRMAN STUTO: Can you tell us what has changed
20 on that? That was something that I had raised.

21 MR. VOSS: If you look at the site, the center
22 spine median there was sliding in a different position
23 early on. The applicants have slid that over. The
24 benefit of that repositioning now is that median will
25 also be used for stormwater management activities

1 through the middle of the site, which certainly helps
2 overall into how the site is zoned for stormwater
3 management. Obviously, part of the site because it's so
4 flat - stormwater management facilities toward the rear
5 will handle half of the site from about mid-point of
6 that median back, and then there are new facilities up
7 front. That median helps to recirculate and redefine
8 the two uses that are out there between the restaurant
9 and the market. Again, I think that we concur with
10 Chris in terms of the interconnect access with the old
11 Sushi X property. We like the idea of the interconnect.
12 We would not certainly want to see that go away if
13 additional parking spaces were put there. I think that
14 everybody knows that access management on this section
15 of Central Avenue can be difficult sometimes.
16 Interconnecting those parcels has been something that
17 certainly the Town has been pressing for quite some
18 time.

19 The only other issue that we had - and I'm sure
20 that Chris can address this or maybe Mary Beth --
21 was the relocation of the bus shelter, as were
22 CDTA's comments.

23 Mary Beth or Chris, I think that you guys have
24 discussed that further with CDTA and come to some
25 conclusion.

1 MR. BOYEA: That's correct. Actually, we do have
2 our traffic professional here from Creighton Manning, as
3 well. They received correspondence back and forth from
4 both agencies that seem to indicate that they're both on
5 board with the bus stop relocation to the near side -
6 which would be this side of the intersection
7 (Indicating).

8 MR. VOSS: I know that there was some discussion
9 with DOT potentially moving it further west of their
10 access. CDTA seemed to be more comfortable keeping it
11 basically where it more abuts.

12 MR. MION: Are you going to keep the turn off for
13 the busses, or are they going to stop right at the curb?

14 MS. MORAN: My name is Alana Moran with Creighton
15 Manning Engineering. We completed the transportation
16 analysis for the site.

17 CDTA's preference is to have the near side stop
18 and have it be curb side rather than having a bus
19 pullout. The logic behind that is that on Central
20 Avenue - it's a high-volume roadway and when you
21 have more than 20,000 vehicles per day on a roadway
22 and you have the busses pull out, they have a
23 tendency to get trapped behind the thru vehicles.
24 So, with just a simple curbside stop, the busses sit
25 there for maybe 20 to 30 seconds and then they are

1 continuing along their way. That's CDTA's
2 preference.

3 MR. LANE: What about all the traffic behind?

4 MS. MORAN: The other part of this is that there
5 aren't any queuing concerns in that westbound direction
6 from this traffic signal back into new Karner. The
7 analysis that we have shows that in that westbound
8 direction, the vehicle operations are about at an A/B
9 level of service which is like five to 10 seconds on
10 average of delay, which is not long enough to start
11 causing a queue concern getting back into the adjacent
12 intersection.

13 MR. MION: I disagree with that. I have sat there
14 and I have watched it. There is a lot of traffic there.
15 You have a Busplus stop not more than one-tenth of a
16 mile behind there. If that bus is blocking traffic at
17 your bus stop, that Busplus stop, who is supposed to be
18 the express route, is going to get stuck in that
19 traffic. It's going to hold them up. It's more
20 important for that Busplus vehicle to get by them than
21 it is for the standard bus. I'm not saying that it isn't
22 important that they meet their schedule.

23 I see it down in the village, too. The village
24 has done the same thing. They have moved the
25 curbside at Locust Park and at Jupiter Lane. I've

1 seen the cars. It's a potential for an accident.
2 You're going to have impatient drivers sitting there
3 and God forbid we have any of those. They are going
4 to get impatient and they are going to pull out into
5 that left lane and sure as heck, we've made it so
6 there is an accident.

7 MS. MORAN: One of the ways that we would talk
8 about this is because like I said, the high-volume
9 roadway and the vehicles getting stuck. Also, at this
10 location we're only talking about a single bus stopping
11 twice during an hour. That's a maximum of stopping
12 twice during an hour. We're talking over a 60 minute
13 period and a bus could be sitting there for 60 seconds
14 at the most. And the Busplus situation - that's a
15 different animal, like you said, than the local stuff.
16 Those are the ones that have the queue jumps and they
17 have the messaging telling you when it's on time and
18 whatnot. For this instance, CDTA for those local
19 routes, definitely prefers to have the curbside. Part
20 of that is because of the preference that is being shown
21 for the mulimodes; being the bus, the pedestrians and
22 that type of thing and making sure that those uses also
23 have the opportunity for a preference.

24 MR. MION: What does DOT say?

25 MS. MORAN: DOT is good with nearside curbside

1 stop.

2 MR. MION: They spent an awful lot of money to
3 redesign that road with the turn-offs. That's a high
4 volume road between 7:00 and 8:30 in the morning and
5 between 4:00 to 5:30, and you're going to get traffic
6 and we have big issues there especially when the motels
7 were there with pedestrians getting hit. That's going
8 to happen.

9 MR. LACIVITA: Alana, I can respect Lou's concerns,
10 but this has been vetted by DOT and CDTA.

11 MS. MORAN: That's correct and they are both
12 preferring this location.

13 MR. LACIVITA: And they are directing the applicant
14 to design it a specific way?

15 MS. MORAN: Yes.

16 MR. LACIVITA: We will talk to DOT to make sure
17 Lou's concerns are being addressed, but this is the
18 preferred design?

19 CHAIRMAN STUTO: I don't know if she is saying that
20 DOT prefers it that way or they are going along with
21 CDTA's preference.

22 MS. MORAN: No, the two work in concert together
23 and they talked about this. Within New York State DOT
24 pedestrian safety study that has been done all along the
25 Route 5 corridor, this particular intersection had been

1 identified by four pedestrian safety implementations of
2 advanced features because of those concerns about
3 pedestrians through the corridor.

4 One of the things that is happening by DOT is
5 the installation of push buttons and countdown
6 timers on the Colonie Plaza approach to the
7 intersection. The other thing that is going to
8 happen as part of this project is it's going to
9 enhance safety for pedestrians at the intersection
10 having the crossing on the Aldi's side approach as
11 well as providing a crosswalk on that eastbound
12 approach to the intersection so that the entire
13 intersection is going to have fully controlled
14 crossings for pedestrians. That's going to include
15 what we call a lead pedestrian interval and what
16 that allows is that when a pedestrian pushes the
17 push button, there is a little light that comes on,
18 like when you push an elevator button, so that you
19 know that you have activated the button and then
20 everything goes red at the intersection for seven
21 seconds, allowing the pedestrian to get out into the
22 intersection. Many pedestrians can complete their
23 crossing in that initial seven seconds. It makes
24 the pedestrian more visible. It shows that it has
25 improved pedestrian safety. That's one of the

1 benefits of what this project is doing at the
2 intersection.

3 MR. MION: I hear what you are saying. I have an
4 issue with that and I have strong feelings with that
5 because it's going to block traffic and I know that's
6 one thing that we're very conscious of in all these
7 projects where the traffic gets generated. That's
8 already generating. You're not generating. It's
9 already stuff going from Albany to Schenectady. Not to
10 have a local bus pull off is going to block traffic.

11 MR. LACIVITA: I can appreciate this and we have
12 had these conversations. I think that one of the great
13 nuances of this whole component is that the applicant
14 does have ownership and the redevelopment is going to
15 happen with the Sushi X next door. If DOT and CDTA are
16 in concert right now and saying we'd like to see this,
17 there is a huge potential in the future that if we start
18 to see those concerns start to realize we can actually
19 look at some type of development in the front with doing
20 some type of work in the future next door and work to
21 get that improvement. You're asking for something that
22 they don't like if they pull off where their busses can
23 get entrapped and not moved. I know what you're saying,
24 but I know that we already have an answer by DOT and
25 CDTA, which I don't think that we should go against, but

1 on the same side, we do have an opportunity in the
2 future to maybe redirect something down the road.

3 CHAIRMAN STUTO: Where has DOT said that? Is there
4 anything in writing?

5 MR. VOSS: We had a meeting not too long ago with
6 Kevin Novak from DOT. The county was there and folks
7 from CDTA and CDTC were there. The discussion was
8 basically as DOT always does, if CDTA has a preference
9 for a certain design scenario at that intersection, DOT
10 will defer to CDTA.

11 CHAIRMAN STUTO: Okay, because there is a
12 difference between saying deferring and that's the
13 preferred choice. So, let's just get that on the table.

14 MR. VOSS: I would just say that based on my
15 opinion and my understanding -- Lou I certainly
16 understand your comments. I used to live not too far
17 from here and I would go through that intersection all
18 the time. There is a lot of volume on that road. From
19 a professional standpoint or view, Kevin Novak from DOT
20 is comfortable with CDTA's designs, so I don't have an
21 issue with it. From an access management standpoint -
22 as Joe said, we may see from an operational standpoint
23 down the road that it causes issues. CDTA may get lots
24 of complaints about that.

25 MR. LANE: So, how do we memorialize it going

1 forward where that other property gets developed that we
2 are sure that somebody, us or CDTA and DOT look at it
3 and say yes, this isn't working.

4 MR. VOSS: Tim, I think that you've just done that
5 because all your comments and concerns are on the
6 record. I think that certainly we'll have that
7 anecdotal history when the adjacent site comes online.
8 We'll make sure that we raise that issue. By then, we
9 may have a year or two's traffic analysis or study to
10 understand how that intersection is working.

11 Lou, I understand that sometimes you get caught
12 behind those busses. If CDTA and DOT are
13 comfortable with that, then we are not going to step
14 on their toes, per se. It's their roadway.

15 MS. MILSTEIN: Can we also make it conditional that
16 if we find a problem with the adjoining parcel, that
17 there will be adjustments?

18 MR. VOSS: You can do that. My only caution is
19 that parcel isn't under your consideration right now for
20 review. So, you can't necessarily encumber an adjacent
21 parcel. Although it's under common ownership and that
22 can change.

23 MS. MILSTEIN: But it would be a trigger to
24 reviewing it.

25 MR. LANE: That's what I was saying. If the

1 property gets developed then we want to make sure that
2 we're looking at it to ensure that -

3 MR. LACIVITA: And the ultimate design is on CDTA.
4 They have the ultimate design on it.

5 MS. MILSTEIN: My other concern is that who are we
6 more concerned with; CDTA and its busses as compared to
7 the traffic. The only thing that CDTA cares about is
8 that their busses keep moving.

9 MR. MION: Based on what I have heard, they would
10 prefer to do away with all the cutoffs on Central Avenue
11 and just have it like the regular city.

12 MR. VOSS: Lou, don't forget that DOT looks at it
13 as they want to move vehicles through the roadway. At
14 the same time - and Kevin has made the comment and I
15 won't quote him directly, but he has said that these are
16 sometimes effective traffic calming measures. If you
17 have a large obstruction in the road like a bus stop, it
18 tends to slow the traffic down, especially if they are
19 accelerating out of this one intersection. Between
20 this intersection and the next, it's a wide open stretch
21 of several miles along Central Avenue. People speed
22 through there.

23 MR. MION: Yes, but you have the issue of what is
24 behind it. You only have one-tenth of a mile. You can
25 fit a bunch of cars and tie up a lot of traffic there at

1 155.

2 MR. VOSS: That is certainly right. I think that
3 if you're comfortable, we can certainly put that in as a
4 condition.

5 MR. LANE: I appreciate it.

6 MS. DALTON: This may be moot, but people in cars
7 are protected by their car. People that ride the bus
8 are protected by the bus. What's to say that the people
9 in the bus stop -- is it to stop in the road and get on
10 a bus that is in the road or a carve out to get in when
11 the bus is protected?

12 MR. VOSS: That's a good question. I would ask the
13 transportation engineer.

14 MS. DALTON: People who are not in vehicles could
15 be at risk.

16 MS. MORAN: Right and it's really the same thing
17 because they are still getting on curbside. It's not
18 like you're stepping out into traffic to get on the bus.
19 You're still just getting onto the bus as it's pulled
20 over on the curb. So, it's a very similar situation.

21 MS. DALTON: I would conjecture that's not entirely
22 accurate because I would much rather get into a car that
23 is not sitting with another car that might hit it from
24 behind and it's off the road. I'm just saying.
25 Everybody has talked about everything related to CDTA

1 and in a rear ending situation then the pedestrians are
2 actually safer if there is a cut out.

3 CHAIRMAN STUTO: If you were about to step on the
4 bus and it moved suddenly -

5 MS. DALTON: Yes, and a whole bunch of things.

6 MR. VOSS: Other than that, Peter, we had no
7 additional technical comments. We're comfortable with
8 the project to move forward.

9 MR. PARISI: Can I just mention one thing regarding
10 the condition? There is common ownership. It's not the
11 same ownership. I want to be careful that we are not
12 tying in people that may not be involved in every
13 project to other things. I completely agree that when
14 this other project comes to be, it should be reviewed,
15 completely considered and looked at. Whatever the
16 decision is, I think that's a tough condition to ask. I
17 don't know if we could agree to that condition because
18 it's not the same people. It's not the same entity that
19 owns these properties. I'm just worried that could
20 encumber something that we don't have total control
21 over.

22 MR. LACIVITA: I think that what they are eluding
23 to is the fact that when the project comes in, Kevin, no
24 matter who the ownership might be at the time, it might
25 be a condition of this project but it would be a

1 condition of the project that comes before us at that
2 time. The concerns that are popping up and we have to
3 do some type of traffic improvement or the CDTA bus --

4 MR. PARISI: I guess that is a given. I just don't
5 want it to be tying one into the other. Obviously, if
6 there are issues, we will address them as we can, for
7 sure.

8 CHAIRMAN STUTO: Okay, I think that we are ready to
9 hear from the public.

10 Patrick Paratore.

11 MR. PARATORE: Good evening. My name is Patrick
12 Paratore. I'm a resident directly behind the proposed
13 Aldi's site.

14 I want to thank Kevin and Chris for doing such
15 an outstanding job in explaining how this whole
16 project is going to impact the community and in
17 particular me as a resident living directly behind,
18 who is obviously affected, with this project.

19 I just wanted to go on record in identifying a
20 conversation that Kevin and I had earlier before the
21 Board and explaining to you that Kevin and I will
22 meet together prior to them cutting down the trees
23 in the back so that we can stake out the area and
24 identify certain trees so that those areas are
25 maintained and that the trees are not cut beyond

1 that point. I just wanted to go on record and make
2 sure that is going to happen. That will meet my
3 concerns.

4 I also wanted to have Chris clarify a comment
5 that he made when he was up here. In particular, to
6 the fence which I own which is on their property
7 which they are being gracious enough to leave the
8 fence alone. He also made a statement that I just
9 wanted him to clarify in regard to at the time the
10 fence will stay as is. I just wanted to make sure
11 that it's not going to be torn down in the future.
12 If he could address that?

13 CHAIRMAN STUTO: Is that your only question?

14 MR. PARATORE: Yes.

15 CHAIRMAN STUTO: Okay, we'll ask the applicant to
16 clarify that.

17 MR. LANE: Glad to hear that they are working with
18 you.

19 MR. PARATORE: Yes. They are very nice and very
20 good people.

21 MR. BOYEA: Those are exactly the words that I used
22 and I could have probably used better words. The fence
23 is there today and it's going to remain there today.
24 There is no foreseeable change in that fence in the
25 future. If the fence was ever to change, we would work

1 with the neighbors to do it, but we have no reason to
2 change the fence. It is heavily on our property. We're
3 okay with it staying there. We are by no means granting
4 ownership of the land that's on the other side of the
5 fence but we are fine with it staying there. If it
6 changes, we would work with the applicant but there is
7 no proposal now, tomorrow or in the coming years to move
8 the fence. It can stay there. We don't need that land.
9 We're not being asked for that land. So, until such
10 times comes that the Town asks us to take ownership or
11 remove the fence or something, we would work with you at
12 that time. There is no reason, or it's not in our plans
13 right now to change that fence. We are going to work
14 with that fence.

15 CHAIRMAN STUTO: Any further questions?

16 Did you want to speak also? Are you Anna Marie?

17 MS. PARATORE: Yes, I do. I'm Patrick's wife and
18 we do reside behind the property. I have pictures of
19 the fence and a lot of you care to see it - I did
20 distributed it last time.

21 CHAIRMAN STUTO: Sure, we'll look at it again.

22 MS. PARATORE: Chris clarified the issue and now I
23 feel more comfortable about the fence. Mr. Parisi said
24 that he would walk the lot -- just so that no trees are
25 cut down by mistake. As you can see, they are quite

1 mature and they can't be replaced immediately. I do
2 have two concerns.

3 We do know that the garbage dumpster will be
4 removed to the other end of the property. We're all
5 for that and very happy. However, can we kind of
6 stay on top of the cleanliness of the current
7 dumpster? Today it was 91 degrees and it was quite
8 fragrant on my property. I did call TRG and they
9 were very gracious and they said that they would
10 address the issue. I don't want to feel like I have
11 to call all the time.

12 The only other issue I have is last time they
13 were granted some type of a 24/7 Aldi's permission
14 for operation. My question would be to Bruno who is
15 here from Aldi's. What is the likelihood of that
16 operation really coming to fruition, or is that a
17 cautionary as they mentioned last time?

18 MR. LOURENCO: We are currently opened from 9:00
19 to 8:00 Monday through Saturday and 9:00 to 7:00 on
20 Sundays. Those are our current hours. There are no
21 plans that I know of to change those hours.

22 MR. PARISI: Bruno, it's been that way for a long
23 time?

24 MR. LOURENCO: It has been that way for a long
25 time. We have experimented with our New York City

1 stores. They are opened a little bit longer and later
2 since it's the city. But those have been our typical
3 hours from the midwest go New England to New York.
4 That's Rensselaer, Clifton Park, Schenectady and the
5 vicinity of Albany.

6 MS. PARATORE: Okay, great. Well, that answers my
7 questions. We're welcoming Aldi's to the community. We
8 want to work with them and we're very happy they're
9 here.

10 MR. PARISI: Just to state a positive thing: As you
11 know we are relocating the dumpster, but on top of that
12 the new arrangement with that existing tenant is that we
13 are taking over all the maintenance of the property.
14 That will include the dumpster and we will be able to
15 ensure that there is an in-place contract and it's
16 timely dumped and picked up. It is unsightly and we are
17 trying to stay out of it, but we don't contract with the
18 mover today so we can't really control that. That will
19 change when this project is done. That will be a
20 positive as well.

21 CHAIRMAN STUTO: Any more comments or questions
22 from the Board?

23 MS. MILSTEIN: I have a question about the fence.
24 Since it's not your fence, if it comes in disrepair,
25 would you be replacing it, or would you be expecting

1 that -

2 MR. PARISI: No, we would be maintaining that
3 fence.

4 CHAIRMAN STUTO: Any other questions?

5 (There was no response.)

6 Okay, the environmental review? Is that the
7 next step? Who is going to walk us through that?

8 MR. VOSS: I will. You have a SEQRA recommendation
9 from Rebekah who is here. It's in your packet and I can
10 walk you through that very quickly.

11 The request and approval has an unlisted SEQRA
12 action and it says that on the attached EAF that the
13 Board determines that the action will not have a
14 significant effect on the environment.

15 That is then memorialized in a negative
16 declaration.

17 Peter, would you just like me to go through
18 that quickly?

19 CHAIRMAN STUTO: Yes, maybe Rebekah can help.

20 We have the notice of determination negative
21 declaration and we also have the Resolution of the
22 Town Board lead agency designation and preparation
23 and negative declaration. I'm not sure how they tie
24 in, but I think that was handed out.

25 MR. VOSS: Essentially, you can go through either

1 one.

2 CHAIRMAN STUTO: We see the negative declaration.
3 It's attached. Why don't you read the Resolution
4 because there is a reference to the attached neg dec.

5 MR. VOSS: Resolution of the Town of Colonie
6 Planning Board lead agency designation in preparation of
7 a negative declaration that Aldi's Food Market at 1881
8 through 1885 Central Avenue. Whereas J.K. 1881 Central,
9 LLC the applicant has submitted to the Town of Colonie
10 Planning Board the Aldi's Food Market project which is
11 known as the project located at 1881 to 1885 Central
12 Avenue, Colonie, New York, and

13 Whereas the project is an unlisted action under
14 SEQRA, and

15 Whereas the Planning Board has reviewed the
16 Environmental Assessment Form submitted by the
17 applicant and in Parts II and III of the EAF in
18 conjunction with the review of a significant number
19 of documents related to this project that are now
20 maintained in Town files, and

21 Now therefore be it resolved that the Planning
22 Board declares itself lead agency for the propose of
23 SEQRA review and resolved that based upon a thorough
24 review of the project by the Planning Board that
25 there will be no significant adverse environmental

1 impacts and no Environmental Impact Statement will
2 be required, and

3 Be it further resolved that the attached
4 negative declaration be adopted in accordance with
5 SEQRA part 617.12.

6 I will read the negative declaration.

7 To all interested agencies, groups and persons
8 in accordance with Article 8, the State
9 Environmental Quality Review, the Environmental
10 Conservation Law and the statewide regulations under
11 Act 6 NYCRR parts 617, regulations, the lead agency
12 has received an Environmental Assessment Form in
13 conjunction with the proposed action described below
14 and the lead agency has determined that said
15 proposed action will result in no major impacts and
16 therefore will not have a significant effect on the
17 environmental, and an Environmental Impact Statement
18 is not required to be prepared with respect to said
19 action. This notice is a negative declaration for
20 the purpose of the act. The lead agency is the Town
21 Planning Board. The person to contact is Rebekah
22 Nellis Kennedy at the Town Attorney's office and
23 reasons for determination of non significance.

24 The lead agency has reviewed the application,
25 site plans, project description and all supporting

1 documentation and conducted such further
2 investigation of the project and its environmental
3 effects as the lead agency has deemed appropriate.

4 Based on this review the lead agency has
5 determined that the action will have no significant
6 affects on the environment. An Environmental Impact
7 Statement is not required.

8 CHAIRMAN STUTO: Any discussion or questions?

9 (There was no response.)

10 Do we have a motion on the Resolution?

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

12 MS. DALTON: I'll second it.

13 CHAIRMAN STUTO: Any discussion?

14 (There was no response.)

15 All those in favor say aye.

16 (Ayes were recited.)

17 All those opposed, say nay.

18 (There were none opposed.)

19 The ayes have it.

20 Now there are waivers.

21 MR. VOSS: I can walk you through the waivers
22 quickly. There are two waivers associated with this
23 project. There was originally a third for pavement
24 being too close from the Sushi X site. That went away
25 when the water main issue was worked out with the

1 applicant. We have two waivers.

2 The first waiver is for failure to meet the
3 required maximum front yard setback in accordance
4 with Section 190-48.1(c). We concur that the
5 proposed setback will be consistent with nearby and
6 surrounding properties further it will allow the
7 connectivity between the project site and the
8 adjacent property thereby reducing unnecessary
9 movements to Central Avenue. We therefore recommend
10 the Board approve this waiver.

11 The second one is a waiver be required for the
12 proposed parking in the front yard which is
13 prohibited by Section 190-48.3(a) of the Town's
14 Zoning Code. Again, we concur that the proposed
15 parking in the front yard will be consistent with
16 nearby and surrounding properties and again, we
17 recommend that the Board approve this second wavier.

18 CHAIRMAN STUTO: We do we have motion for the
19 waivers for the reasons stated by our Town Designated
20 Engineer.

21 MS. DALTON: I'll make that motion.

22 MR. LANE: Second.

23 CHAIRMAN STUTO: 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 On the main question before the Board which is
6 the final site plan approval, subject to all of the
7 conditions as set forth by the Town departments and
8 by the Town Designated Engineer and the
9 consideration with the property to the west as
10 developed that the bus pull off status be studied
11 for safety and efficacy, etcetera.

12 MR. VOSS: Did you want to add two more, Peter?
13 One, that the applicant should be prepared to work with
14 the neighbors on selective tree cutting at the rear of
15 the property and the Zoning Board conditions of approval
16 shall remain in effect - the extensive list of
17 conditions.

18 CHAIRMAN STUTO: I think that's a given, but it
19 does hurt to put it back on.

20 Do we have a motion to that effect with those
21 three conditions?

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

23 MS. DALTON: Second.

24 CHAIRMAN STUTO: Discussion?

25 (There was no response.)

1 All those in favor say aye.

2 (Ayes were recited.)

3 All those opposed say nay.

4 (There were none opposed.)

5 The ayes have it.

6 Thank you.

7 MR. PARISI: Thank you, all.

8

9 (Whereas the above referenced proceeding was

10 concluded at 7:52 p.m.)

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CERTIFICATION

I, NANCY L. STRANG, 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 L. Strang

Dated _____

