

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

WADE DEVELOPMENT PLAZA

615 LOUDON ROAD

APPLICATION FOR CONCEPT ACCEPTANCE

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
7 Public Hearing by NANCY L. STRANG, a Shorthand
8 Reporter, commencing on May 10, 2016 at 9:15 p.m. at
The Public Operations Center, 347 Old Niskayuna Road,
Latham, New York.

9

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

14

15 ALSO PRESENT:

16 Michael C. Magguilli, Esq. Town Attorney and Counsel to
17 the Planning Board
18 Joseph LaCivita, Planning and Economic Development
19 Department
20 Nick Costa, PE, Advance Engineering
21 Chuck Voss, PE, Barton and Loguidice
22 Alan Goldstein
23 Don Allard, Conservation Advisory Council
24 Lloyd Litt
25 Devan Vembar
Madhavi Vembar

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1 CHAIRMAN STUTO: We'll call up the next item on
2 the agenda. Wade Development Plaza, 615 Loudon Road,
3 application for concept acceptance. Raze existing
4 structures and replace with a 5,050 square foot
5 restaurant; 5050 square foot retail building and 3,150
6 square foot drive-thru restaurant.

7 Joe LaCivita, do you have any preliminary
8 comments before we start?

9 MR. LACIVITA: No, I think that you summarized
10 it. We did get a letter just before the Planning
11 Board meeting started tonight. This is from Mary Ann
12 Fazzino, one of the abutting neighbors. So, I just
13 want to hand that to you as well. We'll address that
14 as the project goes forward.

15 I'll turn that over to Nick Costa.

16 MR. COSTA: Thank you. My name is Nick Costa
17 and with Advance Engineering and we prepared the
18 concept plans that is in front of you tonight. This
19 is a redevelopment of an existing site. It's the
20 A-Frame Imperial Pool site that is located - just as a
21 reference point, across from the Bellini's and the
22 Burger 21 that's on the west side of Route 9. The site
23 is located at 615 and it's 3.01 acres of land. It's
24 currently occupied by building and pavement and some
25 slate areas for pools.

1 The site is again fully developed. It is zoned
2 COR. The single family residential zoning is back
3 here and there are residential homes over in this area
4 on the south side of the Goldstein Auto Dealership.
5 The site will be completely razed and demolished and
6 redeveloped with the buildings and parking areas that
7 are shown on this plan.

8 This plan generally follows the current land
9 use plan where the building is shifted to the front
10 and the parking is to the rear. There is an existing
11 curb cut that was built during the time of the
12 reconstruction of Route 9 that will eventually have a
13 light at this location, which is right opposite the
14 entrance to the Bellini and Burger 21 complex. This
15 is going to be the main entrance (Indicating) where
16 the traffic movement will be moving in whatever
17 direction it needs to move; east to the south and west
18 and across the road.

19 The site as shown on this plan, the greenspace
20 on the site will be substantially increased. Right
21 now it's about 20% green. We're going to be looking
22 at 47% green. So, there won't be a reduction in the
23 imperious area.

24 The site topography generally slopes from the
25 northeast down to the southwest out to a drainage

1 system that is located along the easterly side of
2 Route 9 that picks up all the drainage from the old
3 commercial developed area that exists.

4 Again, there is sufficient parking here to
5 support the post development. We have had the comment
6 that we need to bank the parking spaces so that in the
7 future there will be shown in the future when we do
8 the drawings, we'll be banking some spaces.

9 That's pretty much the bulk of the story about
10 the site.

11 I do have the renderings of the proposed
12 buildings developed on the site. As you can see, the
13 proposed development does include the designing
14 requirements that the Town has - the multiple
15 materials in the building. There is an outdoor dining
16 area facing Route 9. That is here (Indicating).

17 There is sanitary sewer water on the site.
18 They are already servicing the site and we're going to
19 be connecting to that existing infrastructure.

20 The driveway down on the southerly side of the
21 parcel will be controlled by an right-out only.

22 The extensive landscaping that will be done on
23 the site will be quite a few trees back here to screen
24 the neighbors. Some of the things that we have
25 already looked at is the grading. That's why we are

1 showing the clearing and grading line. This site will
2 be dropped about four feet in this area (Indicating).
3 We will certainly have some additional mitigation as
4 far as the visual is concerned.

5 That's pretty much all I had. If there are any
6 questions, I'd be more than happy to answer them.

7 CHAIRMAN STUTO: We'll get a presentation from
8 our TDE. I have questions.

9 MR. VOSS: The Board has our letter dated April
10 29th. We did a concept review for this project. We
11 touched upon most of the highlights that Nick
12 mentioned but I just wanted to go through some
13 additional ones.

14 As we know, the project is in the COR district
15 where the proposed uses are allowed. The project is
16 obviously along a state route so the 239 referral to
17 the County is required.

18 We were curious to know about the potential
19 uses and hours of operations and those kinds of things
20 which we understand will probably go along as the
21 project develops.

22 As Nick mentioned, we did make comment about
23 potentially banking some of those parking spaces. We
24 will have Nick decide which ones will be the best but
25 the more that we can bank, the better.

1 The proposed retail space on the south end of
2 the site, the drive-thru - the only concern that we
3 have is that the front entryway is oriented toward the
4 rear of the parcel instead of towards the front. It's
5 required, so you'd probably have to seek out a waiver
6 from the Board for that.

7 MR. COSTA: I also wanted to mention that is
8 going to be addressed. This building will be made to
9 look like it's a front. It's not going to look like
10 the back. It will be matching the architectural.

11 CHAIRMAN STUTO: Where is the drive-thru? Can
12 you show us on that?

13 MR. COSTA: Here (Indicating).

14 CHAIRMAN STUTO: Oh, on the side; okay.

15 MS. DALTON: I remember the last time that you
16 came, we encouraged you to maybe not put a drive-thru
17 in with all the traffic concerns. Did you look at
18 that and why is there still a drive-thru?

19 MR. COSTA: There is some interest of somebody
20 going in there and they need a drive-thru. We did
21 look at the traffic pattern and we think that it
22 functions. The people that are going to be going
23 north are going to be able to exit that but the other
24 people have to go back out and go south by the light.

25 MS. DALTON: Can you trace what that would look

1 like?

2 MR. COSTA: Yes, they can go right there and
3 this way (Indicating).

4 MS. DALTON: But essentially they're be driving
5 through a parking lot.

6 MR. COSTA: Yes, if you're heading south, there
7 is no avoiding that.

8 MS. DALTON: I'm not happy about that either
9 because you got a restaurant and you've got people
10 walking back and forth without a clear dedicated
11 travel route that I've seen.

12 MR. COSTA: We can certainly delineate a route.

13 MS. DALTON: It's a drive-thru so if it's
14 successful, you're going to have significant traffic
15 leaving and probably a portion of them, half or
16 whatever, going south. They're going to have to
17 transverse that parking lot to get to the light. I
18 want it to be really clear that we don't want them
19 zooming through a parking lot and that there is a
20 methodology for them to get there and probably the
21 best method would be the back.

22 MR. COSTA: Right, and we can certainly
23 encourage that.

24 MS. DALTON: Because that's the safest but I'd
25 like to see that on the plan.

1 MR. LACIVITA: Kathy, if I may, one of the
2 things that we were talking to Nick about is the
3 potential to actually have this driveway here shift.
4 As Route 9 gets here (Indicating), and DOT is looking
5 at access for corridor management, shutting down curb
6 cuts along the way, as this parcel here starts to
7 develop - getting rid of a curb cut here and shifting
8 this a little - actually from a visual standpoint, it
9 gives the capability for this to shift this way to
10 make this a little bit more open to -

11 MS. DALTON: Right and that would work much
12 better.

13 MR. LACIVITA: That's why we're going to have
14 to encourage the applicant to take a look at -- not to
15 slow down the process of this, but at least to shift
16 this a little bit where the two sites could be merged
17 -- not merged together but actually work together.
18 That's one of the things that we have been talking
19 about recently.

20 MR. SHAMLIAN: To that point, I have no problem
21 with the drive-thru. I do agree with Kathy that it
22 needs to be better controlled through the site. As
23 it's currently proposed, I'm not in favor of the
24 southern right in and right out. I think that all the
25 traffic to the site needs to go through the controlled

1 intersection. I think that it's important along that
2 stretch that when we have an opportunity to eliminate
3 a curb cut -- and if something gets worked out in the
4 property next to it, that's great. A combined
5 southerly entrance if you will then becomes plausible
6 but this site, in and of itself, in my opinion, should
7 not have that curb cut.

8 MR. COSTA: The thing that I want to point out
9 and I think that the Board mentioned it to us when we
10 were in here after the DCC meeting - is the connection
11 to the adjacent parcel - so that they can use the
12 light. We did leave that corridor here (Indicating)
13 so that there is a connection so that they could get
14 to the light better.

15 CHAIRMAN STUTO: Are you amenable to talking to
16 this other neighbor?

17 MR. COSTA: I think that we can have some
18 discussions.

19 CHAIRMAN STUTO: Is that amenable to Mr.
20 Goldstein.

21 MR. GOLDSTEIN: I think that it works well.

22 Just a point on elevations, we should get
23 together. It drains this way on us, but you mentioned
24 dropping it a little bit. If we have a common roadway
25 for people coming down through your yard and our yard,

1 then we should watch the elevations.

2 MR. COSTA: I think that there is enough room
3 to do that with a gentle grade. If we were trying to
4 do it right here (Indicating), it's different because
5 four feet is quite a bit.

6 MR. SHAMLIAN: The other question I had is:
7 Where on the site are you planning to deal with
8 stormwater?

9 MR. COSTA: That's a good question. Chuck has
10 responded to it and it's in his comment letter.

11 What we are doing is redevelopment. If it's
12 redevelopment, we can go to Chapter 9 and if we are
13 able to show that we're increasing the greenspace to
14 25% or greater, that gives us credit if we had a
15 stormwater management system on the site, that's
16 really how we are approaching it.

17 Chuck also had the question with regard to
18 maybe there are some good Colonie sands in here. If
19 there is, we'll certainly willing to look at that and
20 maybe have it run out into those sands and it can
21 recharge. The majority of the flow is still going to
22 go to where it currently goes. That will be reduced.

23 MR. VOSS: It's a very similar system that was
24 put in Latham Farms. The stormwater management system
25 in the state right of way handles most of the corridor

1 stormwater management up through there. That's true
2 even down here. Nick was alluding to the fact that
3 stormwater now for most of those commercial sites does
4 not attenuate on-site for the most part. It's tucked
5 right into the state draining system.

6 CHAIRMAN STUTO: Were you going to continue
7 with your letter?

8 MR. VOSS: Sure.

9 We pointed out in our letter that the applicant
10 was requesting a waiver for not meeting the maximum
11 building setback of 20 feet for this area. There is
12 an existing 20-foot sanitary sewer easement along the
13 front of the property. Obviously they need to stay
14 away from that and push the buildings back a little
15 bit further than the 20 feet. We think that is
16 probably fine. We don't have an issue with that. In
17 talking with Pure Waters, they obviously want you to
18 avoid those kinds of things. What that will
19 effectively do is push the buildings a little bit
20 further back from the road, maybe as originally
21 proposed.

22 CHAIRMAN STUTO: I do want to ask a question on
23 that point. Across the street which is where all the
24 other development is - Bellini's and so forth - I've
25 had some comments in the community that it's too close

1 to the road. I don't know if it's the scale of the
2 building or because it's so continuous without any
3 breaks. Do you know the area, Chuck?

4 MR. VOSS: Yes.

5 CHAIRMAN STUTO: This building doesn't seem to
6 be as tall and it's pushed back five more feet, I
7 guess. Maybe it's not as long, either. What do you
8 think the impact is going to be visually as you drive
9 through that corridor?

10 MR. VOSS: I think that it's going to be more
11 pleasant. I think that when you're looking at the
12 pedestrian corridor and the business for the building.
13 I think that it's going to look good. That's also
14 going to be paved.

15 CHAIRMAN STUTO: I don't want to get too closed
16 in when you go down that corridor.

17 MR. COSTA: That building is actually 43 feet
18 from the property line.

19 CHAIRMAN STUTO: Okay.

20 MR. SHAMLIAN: I agree with your point. I don't
21 know what the distance is from the property line to
22 the Bellini's building.

23 MR. VOSS: It's tight. It's 20 feet, give or
24 take.

25 CHAIRMAN STUTO: So this is twice as far back

1 from the property line.

2 MR. LACIVITA: That side of the street - the
3 Bellini's and Marini's and all that was closer to the
4 Code requirement. If you remember what we did with
5 Stewarts, that one went back as well. What you see
6 from Latham Beverage going north, north, north, even
7 into Bayberry Square -- this is complementary to
8 Bayberry Square. I think that you're going to find
9 that same look.

10 CHAIRMAN STUTO: Thank you.

11 MR. VOSS: I was going to say, the building
12 masking for this proposed site is much different from
13 what you see across the road. It's a lot different
14 scale. The buildings are lower. The relief to these
15 buildings along to the edge -- from what you see on
16 the other side.

17 CHAIRMAN STUTO: And I think that they are
18 attractive.

19 MR. VOSS: Other than that, Peter, the site can
20 certainly be served by existing stormwater management,
21 sewer and water. I think that we concur the concern
22 and DOT's initial comments of Kevin Novak about that
23 southern access point. It was a concern by DOT. That
24 should become a shared access between the two parcels
25 or be eliminated.

1 CHAIRMAN STUTO: I know that we have some
2 neighbors.

3 MR. ALLARD: CAC does have some comments on
4 this.

5 CAC just wanted to bring to the attention of
6 the Planning Board the retention wall located right
7 here (Indicating). Currently, if you look at the
8 property, as is, there are existing trees in this area
9 right here (Indicating). It looks like this hill is
10 going to be cut into and a retaining wall is going to
11 be built right here (Indicating). I just want to
12 bring that to your attention.

13 We would recommend that if you do retain that
14 plan, that trees be planted at the top of the
15 retaining wall as the developer will be cutting into
16 that hill. Is there any alternative to the retaining
17 wall?

18 CHAIRMAN STUTO: We'll let the applicant
19 respond to that.

20 MR. VOSS: Yes, we are showing a retaining wall
21 back here. We are also showing a buffer to remain at
22 the property line to the retaining wall. That's not
23 going to be get disturbed. This area here
24 (Indicating) will be cleared and a retaining wall
25 built. Mainly what is driving that retaining wall is

1 that we have this entrance. We have to get everybody
2 into the site. As we are doing the grading that we
3 are doing, we need to create the retaining wall or
4 keep clearing right up to the property line and put
5 the retaining wall at the property line. That's not
6 what we are doing. We're actually putting the
7 retaining wall less than midway of where all those
8 trees are. We have taken that into account by not
9 going right up to the property line and putting the
10 retaining wall there.

11 I think that some of the sites that you look
12 further north of here, their retaining walls are right
13 up to the property line.

14 MR. SHAMLIAN: How high is the retaining wall
15 at the highest point? I know that you haven't done
16 everything yet.

17 MR. COSTA: I don't think that it's going to be
18 a 10-foot high wall. I think that maybe six at the
19 highest. It would start out being two feet on the end
20 and six feet at the highest.

21 MR. SHAMLIAN: To follow-up on CAC, there will
22 be an area on the top of the wall where you've
23 cleared.

24 MR. COSTA: From the top of the wall to the
25 transition, to the existing grade, there will be.

1 There will also be some existing vegetation that is
2 going to remain there.

3 CHAIRMAN STUTO: Maryann Fazzone.

4 We do have a letter in front of us from you.

5 MS. FAZZONE: Thank you for your time. My name
6 is Maryann Fazzone and I'm a State Farm agent. I own
7 the building north of the proposed property at 619.
8 This is lovely. I got the letter from the Board and I
9 didn't have any knowledge that this plan was in the
10 works. I do have a number of concerns.

11 One of the things that I am concerned with is
12 the land behind my building. You said that you're
13 going to be cutting into some of that land - the
14 retaining wall. My building is only about four or
15 five feet from the huge hill of land that would be
16 involved with them taking some of it down. On top of
17 that hill is the parking lot for 623. I have a
18 retaining wall that was put in before I bought the
19 property, but what is the impact to my building if
20 they start taking down some of that hill? I have a
21 concern with that - earth movement -- how safe is that
22 going to be? Has anyone addressed that?

23 CHAIRMAN STUTO: If you get all your questions
24 out, we'll get them all answered.

25 MS. FAZZONE: Okay, another concern that I have

1 is the impact of the new buildings. How will they
2 affect the signage that I have in front of my
3 building. Now my building is pretty much going to be
4 obscured, I believe, where the new buildings are going
5 to be located. I'm not sure if your buildings are
6 going to be blocking my sign.

7 I wanted to find out what type of landscaping
8 do you have planned? Will it impact and block the
9 visibility of my sign and my business?

10 Also, what will the hours of operation be for
11 the restaurant? What type of light is going to be
12 involved.

13 The big concern is the increase in traffic. I
14 know that they mentioned that at peak hours maybe 94
15 cars going by. That doesn't include all the increase
16 of traffic that we are now handling with across the
17 street from Bellini's. I have a lot of middle-aged
18 and elderly clients that come in. They have had a lot
19 of trouble making a left out of my building. Part of
20 that is the cars in the median. I know that there is
21 going to be a traffic light, but how will that address
22 all the cars sitting on the road? I think that can
23 really impact my business.

24 I have been an agent for 30 years in Latham.

25 Again, I'm concerned about the earth movement

1 and how that will be addressed for my building. If
2 there is a retaining wall, again, you don't know how
3 high it's going to be.

4 MR. LACIVITA: I believe it was six feet.

5 MS. FAZZONE: Okay, I thought that it was going
6 to be a lot higher.

7 Those are my main concerns. I don't know if
8 all the increased need for water and sewer impact --
9 my sewer system on my building and my location. The
10 traffic and how tall with the buildings be?

11 MR. COSTA: They will be 26 feet.

12 MS. FAZZONE: Do you know if they're going to
13 be -

14 CHAIRMAN STUTO: Ma'am, you have to address the
15 Board. If you want to leave him with a copy of your
16 letter, we can go through it. I have a copy that I
17 can give him, too.

18 MS. FAZZONE: I want to find out - are the
19 buildings going to be in front of my building or is it
20 going to be back?

21 CHAIRMAN STUTO: They're 43 feet from the
22 property line.

23 MS. FAZZONE: So, those are my main concerns.

24 CHAIRMAN STUTO: Do you have an extra copy?

25 MS. FAZZONE: I don't have another one, but I

1 can mail one.

2 MR. LACIVITA: Just for the record, is your
3 address 619 as it says by your card?

4 MS. FAZZONE: Yes.

5 MR. LACIVITA: Because I noticed that there was
6 a certified mail that went out on April 22nd from 816
7 to 619 Loudon Road.

8 MS. FAZZONE: Right, that was my first notice
9 of it.

10 MR. LACIVITA: Back in April, okay.

11 MS. FAZZONE: Yes, in April. I was away that
12 week but when I got back, it was there.

13 CHAIRMAN STUTO: That's how the notices go out.

14 MS. FAZZONE: Sure. I mean, there were no
15 notices prior to this, right? This was the first?

16 MR. LACIVITA: No. I know that when it was
17 here for sketch plan - that's when an applicant can
18 come before the Planning Board undisclosed to any
19 other comments from neighbors or anything like that to
20 see its feasibility, moving forward. The first time
21 that you're noticed is when the Planning Board takes
22 an action. Tonight is an action for concept
23 acceptance. That's why you were notified back in
24 April.

25 MS. FAZZONE: One other question that I had is

1 there a possible impact to the structure that I have.
2 It is framed building with heavy equipment going
3 through.

4 CHAIRMAN STUTO: Thank you.

5 MR. COSTA: Just so that everyone knows, Ms.
6 Fazzone's building is right here (Indicating). Our
7 retaining wall stops short of her property. We're not
8 doing a lot of grading at the extension of her
9 property. We don't believe that there would be any
10 issues with moving earth with any of the neighbors.
11 It would be just a normal lot.

12 CHAIRMAN STUTO: She's concerned that it may
13 disturb her foundation.

14 MR. COSTA: I think that there is a lot of
15 separation from her property. What I'm saying is that
16 there is plenty of distance between where the
17 earthwork is going to be going on and her foundation.
18 Her foundation is just a slab on grad.

19 Do you have a basement?

20 MS. FAZZONE: No.

21 MR. COSTA: So that shouldn't be an issue.

22 CHAIRMAN STUTO: How about the heavy equipment
23 though?

24 MS. FAZZONE: What about the construction with
25 the heavy equipment coming in?

1 MR. COSTA: There is plenty of distance between
2 your building and where the heavy equipment is going
3 to be. That's mostly in this area (Indicating).

4 MS. FAZZONE: Just so you know, when they built
5 Bellini's there was a couple of days where my building
6 was shaking. That was across the street.

7 Also, you don't think that there will be any
8 impact with the hill? That hill is an adjoining hill
9 for both of us.

10 MR. COSTA: We're not doing anything to the
11 hill. Our limit of disturbance is down here
12 (Indicating). We're leaving a portion of that hill
13 here and then we're going to build a retaining wall to
14 transition. We're not chasing the hill all the way up
15 the hill. We're not grading all the way up to the top
16 of the hill. We're not disturbing anybody else's
17 property. Even on our property, we're not disturbing
18 our property. We're stopping short.

19 With regards to traffic, I think that the DOT
20 has done studies in that area. There is going to be a
21 traffic light installed at that location. I think
22 that they've anticipated the type of traffic that we
23 are talking about. So, the mitigation is the traffic
24 light, when it eventually gets to the point of so many
25 buildings being built on the Bellini side.

1 CHAIRMAN STUTO: How is that going to impact
2 her ingress and egress?

3 MR. COSTA: It will have to work along with the
4 light. The customers won't be able to leave when it's
5 green moving north. They're going to have to wait.

6 CHAIRMAN STUTO: When it's red, it should help
7 her.

8 MR. COSTA: Right.

9 CHAIRMAN STUTO: Do you know what they are
10 saying? There is going to be a traffic light there
11 eventually. So, for your customers to take a left
12 when the light is red going north and south, they will
13 more easily be able to get out to the lane and take a
14 left.

15 MS. FAZZONE: My building is right next door
16 but I'm not going to be at the light.

17 CHAIRMAN STUTO: Correct, you're going to be
18 north of the light.

19 MS. FAZZONE: They're going to have to get into
20 the median.

21 MR. SHAMLIAN: At least they'll be stopped now
22 when that happens, as opposed to now that it never
23 stops.

24 MR. COSTA: Once the light goes in, it will
25 help the entire traffic pattern.

1 With regards to how it impacts the view of her
2 site - I think that the buildings are sitting far
3 enough back where somebody traveling on Route 9 going
4 north will have a view of her building and her
5 signage.

6 CHAIRMAN STUTO: Can you put one finger where a
7 car would be on Route 9 and show that there is a
8 straight line to her -

9 MR. COSTA: Sure. That's the outdoor dining
10 right there (Indicating).

11 CHAIRMAN STUTO: So, when they are so far back,
12 at that point they'll be able to see your building.
13 That's what he's saying.

14 MR. COSTA: I don't have the buildings plotted.
15 The existing buildings are also in this general area.
16 The screening will be about the same.

17 MR. SHAMLIAN: Yes, but they are much further
18 south. Do you have a scale, Nick?

19 MR. COSTA: Yes.

20 MR. SHAMLIAN: Approximately how far from the
21 property line is her building in front of that?
22 Looking at it, it looks like it's probably between 50
23 and 60 feet. Not to the property line, there. I mean
24 to Route 9.

25 MR. COSTA: That's about 50 feet.

1 MR. SHAMLIAN: So, this building is going to be
2 about seven feet closer to Route 9. It's not a lot
3 closer.

4 MS. FAZZONE: And there is going to be outdoor
5 dining? Will they be having music? I'm running an
6 insurance agency and I have appointments all day with
7 clients. What will the outside dining consist of?

8 MR. COSTA: It will be a deck that will have
9 tables on it.

10 MR. MAGGILLI: Your question is: Is there
11 going to be music and noise and outdoor entertainment?

12 MR. COSTA: I don't know if there will be
13 outdoor entertainment.

14 MR. SHAMLIAN: Is it more like Rafferty's or is
15 it more like Bellini's?

16 MR. COSTA: More like Bellini's. We see this
17 as a sit down style restaurant.

18 MR. LACIVITA: Maybe through the landscaping
19 plan we'll talk about a hedgerow going down that side
20 of the road to block that and to screen it, when it
21 comes to that time.

22 MR. COSTA: Sure.

23 The A-frame building that sticks out is about
24 the same point line as this (Indicating). The setback
25 is about the same. It's about 50 feet from the right

1 land.

2 CHAIRMAN STUTO: Lloyd Litt.

3 MR. LITT: Good evening. My name is Lloyd Litt
4 and I live at 24 Skyline Drive which is adjacent to
5 the project property. My house is right here
6 (Indicating). My deck is right here (Indicating) and
7 I can see right over into the A-Frame property.

8 I submitted a letter to Supervisor Mahan. Joe
9 got a copy of it and communicated with me. The reason
10 that I sent the letter was because I received a letter
11 from a East Latham Homeowners Association, which I
12 never even knew existed until I got the letter.
13 Apparently they found out about this project and
14 wanted to warn the neighboring properties. I found it
15 a little disturbing that was the way that I heard
16 about it. What I just heard was that is the standard
17 process.

18 As an aside, I think that should change. I
19 think that the adjoining property owners should hear
20 as soon as possible. Ideally from the developer,
21 actually.

22 We had heard nothing from the developer at all
23 about this. After getting this letter, I went online

24 -

25 CHAIRMAN STUTO: Did you ever get a mailed

1 notice?

2 MR. LITT: I got a mailed notice for this
3 meeting; yes.

4 CHAIRMAN STUTO: Just to show you that we think
5 our process is fair, it's not even an application
6 before that point. It's a thought or however you want
7 to say it. I don't know if I agree with that or not.

8 MR. LITT: Okay, well, I gave you my
9 perspective.

10 CHAIRMAN STUTO: I mean, you're here now and we
11 haven't made any decision.

12 MR. LITT: I'm here now because I happen to be
13 available now. I often travel frequently so I might
14 not have been able to be here if things were
15 different.

16 CHAIRMAN STUTO: I'm not going to argue with
17 you about it. Everybody can't be at every meeting, I
18 suppose.

19 MR. LITT: Understood, but it does kind of
20 create some implied adversarial relationship where
21 there doesn't need to be one.

22 I heard the presentations earlier today from
23 the Shaker site project and it certainly sounded like
24 they were working together really well. I think that
25 would be much better if the neighbors and the

1 developers started working together directly instead
2 of -

3 MR. LANE: We requested them to.

4 MR. LITT: I met them.

5 CHAIRMAN STUTO: I think that it's good when
6 the developer speaks to you, too. I agree with you.

7 MR. LITT: I wrote this letter based on what
8 was available on your Internet site which at the time
9 was this engineering report that apparently you wrote.
10 I don't know if you saw my letter; probably not. You
11 all have this letter, I believe, now.

12 So, I went through the engineering report and
13 there were some things in there that concerned me.
14 Some statements in there that I didn't think were
15 backed up by actual facts. One of the key issues that
16 I have is first how is this going to affect me
17 enjoying my home. Right now, the property is A-Frame
18 Pools. A-Frame Pools is a quiet business. They have
19 very few customers coming in and out. I hear nothing
20 from them. I see nothing from them. It's not the
21 prettiest building from what I can see of it. I don't
22 hear anything. They closed down early and did not
23 open long hours on the weekends. It was quiet.

24 This design has parking in the front of A-Frame
25 Pools and it's only 25 spaces total. So, any cars

1 going in and out and by the way, the only time that
2 I've seen cars there, I think that I've seen four at a
3 time. It's a very low volume business. There is not
4 a lot of high-volume sales for pools.

5 This new design is quite different, as you can
6 see. The report claims that the project will not have
7 any impact on the adjoining properties for noise. So,
8 given the fact that the type of businesses are
9 significantly different - we have a restaurant or two,
10 a drive-thru with cars maybe driving around the lot.
11 We have parking that is now very close to the back of
12 the property and my property where there was none
13 before. This area now is either pool display, pool
14 storage and there is some overflow cars from Goldstein
15 that park there. They don't move very much. They
16 just sit there quiet and they're nice.

17 There are some other things that I think that
18 Mr. Goldstein and I should talk about later, but we'll
19 leave that for later, if he has the time for me.

20 So, the traffic and parking noise, people
21 walking from their cars - it's going to be
22 significantly increased from what we had previously
23 with A-Frame Pools.

24 In addition, you've got a restaurant with
25 outdoor dining. I like outdoor dining as much as the

1 next guy, but it can be noisy. As a matter of fact,
2 the Bellini's and the other restaurants across the
3 street - I can hear them from my house now. I was not
4 involved with the approval of that. I was not invited
5 and didn't know that it was going to affect me. A
6 couple times a year they'll do a concert kind of thing
7 - outdoor music and I hear beautifully. Fortunately,
8 they do stop at 10:00. I think that's when they cut
9 it off. It's not too bad for me and my wife.

10 Also, in the engineering report there was
11 nothing mentioned about light pollution and how the
12 lighting was going to be controlled. Right now I have
13 a little bit of an issue with the Goldstein property.
14 There is a lot of light. Fortunately there are some
15 trees there that block most of it so it's not too bad.

16 The A-Frame Pools has almost no lighting on it
17 right now and I'm afraid that once you put in this
18 parking facility, you're going to get a lot more
19 light. I'm really hoping that you'll be able to
20 mitigate the amount of light that leaks over into my
21 property and affects me.

22 There is also talk about solid waste and
23 pesticides and things being spread out here. I'm also
24 concerned about salt being used in the parking area.
25 As I mentioned, the A-Frame Pools - there is no

1 parking back here so there is no worry of things
2 leaching over onto my property.

3 A particular area of concern that I had is I
4 have a shed right here (Indicating) and I discovered
5 once that I moved in that there is a small pipe. I
6 guess about a four inch or five inch diameter pipe
7 that comes from this property somewhere under my shed
8 and exits right here (Indicating). So, it's not a lot
9 of flow of water. Occasionally there is some. I'm
10 not exactly sure where it's coming from. It basically
11 wets this area of my lawn which makes it tough to cut
12 the grass when that happens. I think that it goes down
13 through to a storm drain here.

14 I didn't worry too much about it. It was more
15 of an annoyance - the wetness, but now if you're going
16 to start spreading all sorts of de-icer and things on
17 this parking lot, if this were maintained - and I
18 don't know if it has to be, it would probably kill my
19 lawn. I'm a little concerned about that. I'm hoping
20 that part of the engineering is that we don't need it
21 and we'll fill it with concrete and be done with it.
22 I wanted to put that out there.

23 The biggest issue I think is just the privacy.
24 The way that this particular plan shows it, it shows
25 just a bunch of these coniferous type trees, I guess,

1 that are going to be planted there. Right now there
2 are some natural trees in a very thin line that kind
3 of come in through here that act -- not as good as I
4 would like, but a fairly good barrier between my
5 property and the A-Frame Pool property. So, trees
6 seem to be the word of the day. I'm going to use that
7 four-letter word again; tree. I would really strongly
8 like to maintain those trees there. I would like to
9 have additional trees planted as well to beef up the
10 separation between my property and this project. I
11 noticed that the plan that was on the website showed
12 the existing trees still there. I'm a little disturbed
13 to see this plan, which is more recent, does not have
14 that little squiggly line that I had hoped would
15 indicate that those trees would be maintained. So, I
16 think that's probably one of the key issues that I
17 have is maintaining the separation for the noise.

18 There is actually one other issue -- I know
19 that it's late.

20 When I moved into my property, all I worried
21 about really was noise, lights and those kinds of
22 issues. I didn't worry about smells so much. Now,
23 since we've started to have a bunch of restaurants
24 open in this corridor, when I'm outside, I smell
25 wonderful things. I smell steaks, burgers and all

1 sorts of things. It's wonderful in moderation. But
2 if you get too much of it all the time, it becomes a
3 nuisance. I'm afraid that I'm going to be dealing
4 with a little bit more of that - maybe a lot more of
5 that if these one or two additional -- if that is a
6 restaurant drive-thru -- I don't know what it's going
7 to end up being.

8 CHAIRMAN STUTO: Those are good comments. I'll
9 turn it over to the applicant to address them.

10 Can you start with screening and lighting?

11 MR. COSTA: Well the lighting - Chuck has
12 mentioned it in his comment letter. It will be a
13 typical Town of Colonie requirement of 18 foot -
14 height, max - downcast. We have a cut-off and that's
15 how we are going to mitigate the spread of the
16 lighting. We will be preparing a lighting plan that
17 is going to show how far it will be projected and it
18 will not be projected onto the property line. It will
19 probably be just over the edge of the pavement, all
20 around the site.

21 With regards to screening, the squiggly line is
22 still in here. If you look close enough, it's still
23 there. We wanted to represent that greenspace. The
24 trees that we are planting - those are going to be
25 supplemental trees to what is already there. Our

1 limit of grading is right here (Indicating). So, we
2 are not intending on doing anything. So, I think that
3 the existing trees are going to remain there. We're
4 going to supplement those.

5 MR. LITT: I'm concerned because the people who
6 use power tools and something gets in the way that
7 causes them to take more time, they often don't
8 necessarily follow directions.

9 MR. COSTA: We also have gotten to an age where
10 these limits are controlled. There can be fencing put
11 in there to limit the invasion of the area that is not
12 supposed to be disturbed. This area right here
13 (Indicating) is not intended to be disturbed. We're
14 going to supplement the plantings here.

15 MR. VOSS: Nick, could you take a look at that
16 back corner. He mentioned that there might be a
17 drainage pipe in there. Did you pick up anything on
18 your survey?

19 MR. COSTA: There is a low point in this area.
20 This back here (Indicating) kind of changes. It does
21 flow towards the neighborhood. We're not intending to
22 change the grade in there. Like I said, we're
23 dropping that about four feet. So, this area is going
24 to be lower by four feet. This is definitely going to
25 run out -

1 MR. VOSS: I was thinking maybe there would be
2 an opportunity to pick up that pipe and see what it is
3 and maybe see if there is a way to mitigate it.

4 MR. COSTA: Chuck, there is a big parking lot
5 in the area here and that may be where there is a
6 run-off to that area. We are eliminating the parking
7 area and we are changing that flow pattern to this
8 side, as much as we can.

9 MR. SHAMLIAN: Nick, when you drop the
10 elevation, that area is low that is downgrade toward
11 the neighbors - is that now going to drain toward
12 Route 9? I don't know what the elevations are.

13 MR. COSTA: We didn't really want to grade in
14 this area. We wanted to add some top soil and seed it
15 and have grass grow in this area instead of gravel
16 that is there. That was our intent. That's why we
17 showed the grading that is going on here. We can look
18 at that. We will definitely take a look at it.

19 CHAIRMAN STUTO: We've talked about the flow of
20 the water in case there is salt or anything used on
21 the parking lot.

22 MR. COSTA: Yes, they'll all be captured and
23 out to Route 9. There is a substantial elevation that
24 is between here and here (Indicating).

25 CHAIRMAN STUTO: Noise and smell - I don't know

1 if you can address any of that.

2 MR. COSTA: Some of the screening, we are
3 hoping that will help mitigate some of the noise.

4 MR. LANE: Are you going to have HVACs on the
5 tops of the buildings?

6 MR. COSTA: I don't believe so. It all depends
7 on the tenant.

8 MR. LANE: They create noise as well but that
9 needs to be considered too.

10 MR. COSTA: As we move through the process,
11 we'll get more details of the building and be able to
12 look at that.

13 CHAIRMAN STUTO: We'll work with you. They're
14 going to be back. This is not the last meeting.

15 MR. COSTA: I want to apologize. We are
16 certainly willing to meet with you. That's not a
17 problem.

18 CHAIRMAN STUTO: We have Mr. and Mrs. Vembar.
19 They are the other property next door. I see your
20 letter in front of us. Do you want to speak or do you
21 want me to read your letter?

22 MR. VEMBAR: We'd like to speak.

23 We live on 25 Skyline Drive in Latham, next to
24 our friend who just now talked about the property and
25 the problems.

1 CHAIRMAN STUTO: Can you point to where your
2 house is?

3 MR. VEMBAR: Our house is right here
4 (Indicating).

5 The A-Frame Pool company is adjoining to my
6 property. We are requesting that there should be four
7 or five foot high trees to be planted here
8 (Indicating).

9 CHAIRMAN STUTO: I think that you are further
10 up.

11 MS. VEMBAR: We are near the dead-end circle.

12 MR. VEMBAR: That would allow us some privacy
13 and we have been there for the past 35 years. We are
14 concerned about our privacy.

15 CHAIRMAN STUTO: I will turn it over to the
16 applicant to respond. The letter specifically asks
17 for a four foot high berm and five foot evergreen
18 planted on it, spaced four feet apart to be built
19 between our home and the new plaza to act as a buffer.

20 I'm going to give my opinion which is that some
21 of these things you can't do a lot about. This is one
22 of the things that you can do something about.

23 MR. COSTA: We can certainly look at it.
24 Again, we're not proposing to do any disturbance in
25 this area. We're leaving all the trees there. We're

1 leaving the topography the way that it is. The
2 topography here is a little different than here
3 (Indicating).

4 MR. MION: You're going to leave the fence
5 there, also?

6 MR. COSTA: Everything is going to remain the
7 way that it is.

8 CHAIRMAN STUTO: He's asking you to beef it up.

9 MS. VEMBAR: That's the thing. It's very thin
10 so there is no privacy.

11 MR. COSTA: We're proposing some fill trees.
12 What I'm saying is that this is a slope. To build a
13 berm on a slope is very very difficult because all of
14 the drainage is coming down towards here (Indicating).

15 That's how I responded to their letter. We
16 didn't know the grades back in January, Nick, when we
17 were responding.

18 CHAIRMAN STUTO: Are you saying that it creates
19 a stormwater problem? He's saying that it's going to
20 create a dam so the water that normally flows from
21 their property to their property would get blocked.
22 So, you'd have ponding on your property.

23 MR. COSTA: When a slope is like this
24 (Indicating), you're never going to be building a berm
25 and put trees on it.

1 MS. VEMBAR: What ideas do you have to help the
2 privacy? We are just really close.

3 MR. COSTA: We are going to be planting more
4 trees. The tree line right here (Indicating) is going
5 like this. We'll supplement this.

6 CHAIRMAN STUTO: Could you plant some on their
7 property or a fence?

8 MR. COSTA: There is an existing fence there.
9 If we have to extend the existing fence, yes, we can
10 look at that.

11 CHAIRMAN STUTO: Describe the fence that is
12 there.

13 MR. COSTA: There is a vinyl fence.

14 MS. VEMBAR: That is ours.

15 MR. COSTA: And then it cuts across where the.
16 Tree line is.

17 MR. LACIVITA: You can see the vinyl fencing in
18 the aerial photos that I've supplied to you guys.

19 MR. COSTA: And we have chainlink fence on the
20 other side. The chainlink fence, as far as
21 construction, we're not disturbing that area. We'll
22 probably take out the chainlink fence because it's not
23 aesthetically looking good. That fence, we'll
24 probably take out.

25 MS. VEMBAR: That does not belong to us.

1 MR. COSTA: No, that's on our property; that's
2 correct.

3 MR. MION: You also have fabric on that fence,
4 too.

5 MR. COSTA: Yes.

6 MR. SHAMLIAN: I think that obviously the
7 neighbors want you to take hard look and so do we and
8 do plantings along that line.

9 MS. VEMBAR: We are the dead-end circle so we
10 are just next to that. Anything to beef up the
11 privacy -- otherwise we don't have any.

12 MR. COSTA: This is a concept drawing. At
13 concept plan, the idea is to show that we're
14 supplementing the plantings that already exist. We're
15 not clearing anything down here. We're supplementing
16 it. The detailed landscaping plan that Chuck will
17 review will certainly take a look at that.

18 MS. VEMBAR: Also, the lighting --

19 MR. COSTA: The lighting will stop at the edge
20 of the pavement. That's as far as the lighting will
21 project. There will be 18 feet high poles. That's the
22 maximum that they allow. They have to be down-case
23 light. They are not lights that can tilt. They are
24 referred to as shoeboxes that throw the light down.
25 They don't throw the light out.

1 MR. LACIVITA: Additionally, they will provide
2 us a drawing or schematic that is going to show the
3 light and how far that light will project out and then
4 we'll see what the areas of disturbances are and then
5 we can plan ahead.

6 MR. COSTA: Or if we have to put shields.
7 We've done that before for the light. There are
8 shields that are available to keep the light from
9 going off-site.

10 MS. VEMBAR: As this man said, we did not know
11 anything about this until the neighborhood association
12 told us.

13 MR. COSTA: We are willing to meet with you.

14 MS. VEMBAR: We would appreciate that.

15 CHAIRMAN STUTO: So, you'll give your cards
16 out?

17 MR. COSTA: Sure.

18 MS. VEMBAR: Thank you.

19 CHAIRMAN STUTO: Any other comments or
20 questions from the Board?

21 (There was no response.)

22 I think that you've heard all of our comments
23 and we have an application now for concept acceptance.

24 Do we have a motion?

25 MR. MION: I'll make a motion.

1 CHAIRMAN STUTO: Second?

2 MS. DALTON: I'll second.

3 CHAIRMAN STUTO: All those in favor say aye.

4 (Ayes were recited.)

5 All those opposed say nay.

6 (There were none opposed.)

7 The ayes have it.

8 MR. COSTA: Thank you.

9 CHAIRMAN STUTO: Thank you.

10

11 (Whereas the above entitled proceeding was

12 concluded at 9:56 p.m.)

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CERTIFICATION

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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 _____

