

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

EXIT 5 AUTO

WATERVLIET SHAKER ROAD

WAIVER REQUEST

5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
7 matter by NANCY L. STRANG, a Shorthand Reporter,
8 commencing on September 13, 2016 at 7:01 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 SUSAN MILSTEIN
14 CRAIG SHAMLIAN
15 BRIAN AUSTIN
16 TIMOTHY LANE
17 KATHLEEN DALTON

18 ALSO PRESENT:

19

20 Kathleen Marinelli, Esq. Counsel to the Planning Board
21 Joseph LaCivita, Planning and Economic Development
22 Department
23 Michael Tengeler, Planning and Economic Development
24 Department
25 David Ingalls, PE, Ingalls and Associates
Kevin Allen
Rhonda Allen

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1 CHAIRMAN STUTO: Okay, the clock says 7:00.
2 Welcome to the Town of Colonie Planning Board. We
3 have several items on the agenda which we will get to
4 without much further ado.

5 Joe LaCivita, do you have any business items
6 that you'd like to discuss before we call up the
7 agenda?

8 MR. LACIVITA: Yes, two small items, Peter.
9 There has been a change. The meeting for the
10 Comprehensive Plan is next Wednesday as initially
11 booked but instead of a 6:00 start, it will be a 6:30
12 start. Notification has been on both of our Town
13 website and the Planning website. So, we do want to
14 make that one change.

15 CHAIRMAN STUTO: So, it's a half-hour change;
16 that's the only thing that changes.

17 MR. LACIVITA: That's the only thing that
18 changes.

19 CHAIRMAN STUTO: Okay, it will be at 6:30,
20 rather than 6:00.

21 MR. LACIVITA: Correct. You and I spoke the
22 other day about the potential of maybe adding a
23 meeting in November and/or December, based on the
24 volume that we are seeing. Currently as we are
25 booking our agendas, we have tentative schedules

1 already booked through November 15th. There is still
2 volume behind that work and the only meeting scheduled
3 for November is the 15th. I have three tentative
4 items on that night. We're looking at possibly adding
5 a November 1st meeting and/or December 6th. I don't
6 know if that poses a problem for anyone.

7 CHAIRMAN STUTO: What are the dates of our
8 current November meetings? We only have one meeting
9 in November?

10 MR. LACIVITA: Yes.

11 CHAIRMAN STUTO: And one in December, right?

12 MR. LACIVITA: Right.

13 CHAIRMAN STUTO: The second one is the week
14 after December 6th and I apologize. They would be
15 back to back weeks.

16 So, you want to talk about November?

17 MR. LACIVITA: November 1st - I would really
18 like to see if we could add that date.

19 CHAIRMAN STUTO: How does the Board feel about
20 that?

21 (The Board agreed on the November 1st date.)

22 Okay, well then we'll leave it at that for now.

23 MR. LACIVITA: Okay, and if volume tends to be
24 more as it comes forward, we'll talk about a potential
25 December one.

1 CHAIRMAN STUTO: Okay, is there a motion to
2 establish another Planning Board meeting on November
3 1st of this year?

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

5 MR. LANE: Second.

6 CHAIRMAN STUTO: Any discussion?

7 (There was no response.)

8 All those in favor, say aye.

9 (Ayes were recited.)

10 All those opposed, say nay.

11 (There were none opposed.)

12 The ayes have it.

13 Does the Town Board have to do anything?

14 MR. LACIVITA: No action. Typically these are
15 set by the Board, ourselves.

16 CHAIRMAN STUTO: Are you going to amend our
17 calendar?

18 MR. LACIVITA: I will amend it and put it up in
19 bold letters that we are adding the November 1st and
20 it would still be at 7:00 p.m.

21 CHAIRMAN STUTO: Okay, thank you.

22 MR. LACIVITA: Thank you.

23 CHAIRMAN STUTO: Any other business matters?

24 MR. LACIVITA: That is it.

25 CHAIRMAN STUTO: First item on the agenda is

1 Exit 5 Auto, Watervliet Shaker Road, waiver request.

2 Is Mike Tengeler handing this for the
3 department?

4 MR. TENGELER: Yes, absolutely.

5 Exit 5 Auto is at 625 Watervliet Shaker Road.
6 It's the former Namco Pool Supplies Building. Within
7 the last year ago or so, Exit 5 Auto came through an
8 administrative approval through our office for a
9 change in tenant.

10 The 625 Watervliet Shaker Road is in the
11 proximity of Bella Napoli and Philly's Bar and Grill.

12 It's in a COR zoning district on Watervliet
13 Shaker Road. They are here tonight because they are
14 proposing to increase their pavement about 9,500
15 square feet for additional vehicle inventory in the
16 front of the building. New pavement in front of a
17 building requires a waiver from the Planning Board.
18 This is an existing building that's been retrofitted
19 within the last year for Exit 5 Auto which is a retail
20 sale of cars.

21 Ingalls and Associates is here tonight and I'll
22 have them do a quick run-through of the proposal and
23 we can talk about the map.

24 CHAIRMAN STUTO: Please go right ahead.

25 MR. INGALLS: Thank you. I'm Dave Ingalls from

1 Ingalls and Associates representing the applicant,
2 Ultra Performance, LLC.

3 As Mike stated we are at 625 Watervliet Shaker
4 Road, the former Namco.

5 The proposal, as Mike described, is to increase
6 some vehicle inventory by adding some additional
7 pavement areas to the site; mainly in the front area
8 of the building here. This is the existing edge of
9 pavement. They are looking to increase some parking
10 spaces here. There is a slight existing pavement
11 encroachment on the easterly side line setback, as
12 Mike stated as well. That's the proposal. It's as
13 simple as that.

14 We did meet out on-site with Stormwater and we
15 have designed a small dry basin here in the north west
16 corner (Indicating) and that will pick up any of the
17 increase and run-off from the new pavement surface.
18 Everything is draining from south to north; from the
19 street to the back. It's a logical pick-up point
20 here. Again we met with Bob Higgins from Stormwater
21 and we sized up about a 6,000 square foot dry basin.
22 So, it's purely for storage and attenuation of
23 stormwater.

24 A couple key points on the site plan - we are
25 adding some low ground covers in the front of the

1 building to dress up some landscaping there. We've
2 been back and forth with the neighbor on the trees.
3 We're also looking at putting a few deciduous shade
4 trees - four of them along the westerly property
5 boundary with Mr. Brand.

6 MR. TENGELER: I have talked to the adjacent
7 neighbor and they preferred deciduous trees. We'll
8 work with the applicant to get an appropriate
9 substitute in there.

10 CHAIRMAN STUTO: So, how much pavement are you
11 adding, in terms of square footage?

12 MR. INGALLS: We have about 9,500 square feet
13 of pavement that we're making up for. I believe that
14 there was also a slight increase in the rear from the
15 previous proposal. Again, that's all been
16 accommodated for in that dry basin in the rear.

17 MR. MION: Where did you say that you were
18 going to put the trees?

19 MR. INGALLS: We're showing some low ground
20 covers right here; some boxwoods and winterberry and
21 low ground cover type vegetation.

22 MR. MION: Can we add some more ground cover up
23 front on the side of the fence so that we can keep
24 cars off of that greenspace?

25 MR. INGALLS: Sure. Where are you thinking

1 about?

2 MR. MION: Right in that area (Indicating).
3 Right along the green space area; some shrubbery so
4 that it doesn't interfere with sight.

5 MR. INGALLS: We can do a narrow landscaping.
6 Would that be appropriate?

7 MR. LACIVITA: I think that we'd probably want
8 to improve that by maybe making a little bit of a berm
9 and then putting it on top of that. That won't allow
10 any vehicles to go over that berm. That is a problem
11 on sites that they do park by the signage. If we put
12 a berm there, it will keep everything right off of the
13 greenspace.

14 MR. INGALLS: I think that will be fine. We
15 don't want to go too high in order to not obstruct
16 sight distance.

17 MR. LACIVITA: Right, if you're looking at low
18 shrubbery you can give it a nice little planting bed
19 to go in with a berm.

20 MR. INGALLS: Maybe put some perennials in
21 there and they could change them.

22 MR. TENGELER: We'll look to incorporate some
23 sort of berming, as Joe was suggesting, in the front.

24 MR. SHAMLIAN: The area that's in the back,
25 that's for vehicle storage?

1 MR. INGALLS: Yes, all of this would be for
2 vehicle inventory back through here (Indicating). We
3 do have some customer parking and employee parking
4 here. The other nine spaces would be directly in
5 front of the building.

6 MR. SHAMLIAN: The area that's 3.5 foot off the
7 property line is in the back, right?

8 MR. INGALLS: Actually, it's right here. It's
9 almost five feet.

10 MR. TENGELER: A lot of the pavement was
11 existing. In fact, it already encroached into that 10
12 feet. They tried the best that they could to not form
13 further encroachment for circulation purposes. They
14 encroach an extra foot in some areas and that brings
15 it close to 3.5 feet from the border.

16 MR. SHAMLIAN: If I'm understanding it
17 correctly, in the back where there is not currently
18 pavement, we're getting right up close to the property
19 line as well; correct?

20 MR. INGALLS: Actually, this is all existing in
21 the back. The only new pavement is here (Indicating).

22 CHAIRMAN STUTO: That's not how it reads on the
23 before and after drawing.

24 MR. INGALLS: I think that there were multiple
25 phases. On the prior site plan there was a slight

1 increase of pavement. What we are showing here, we
2 actually accounted for some previous pavement.

3 CHAIRMAN STUTO: Actually to Craig's point, the
4 aerial doesn't show pavement all the way -- the
5 section of pavement behind the building -- directly
6 behind the building all the way to the back does not
7 show to be currently existing.

8 MR. INGALLS: Okay, but it is there today,
9 though.

10 CHAIRMAN STUTO: It doesn't show on this aerial
11 either. I don't know how old this aerial photo is.

12 MR. INGALLS: We did an update on the survey a
13 couple of months ago and it was paved at that point.

14 MR. LACIVITA: I think that when Namco had it
15 -- did you take it off of the GEIS?

16 MR. TENGELER: You're seeing pools in front
17 there, Pete. It might be when the Namco business was
18 there.

19 CHAIRMAN STUTO: So, when was that pavement
20 added?

21 MR. TENGELER: Probably within the last couple
22 of years, I'm guessing.

23 CHAIRMAN STUTO: I think that we have at least
24 a couple of neighbors here that want to speak.

25 Kevin and Rhonda Allen; let's hear what they

1 have to say.

2 MR. ALLEN: Board Members and others, thank
3 you for the opportunity to speak. My name is Kevin
4 Allen and this is my wife Rhonda. We live, if I'm
5 right on the map, right behind this parking area at 9
6 Brookside Court. This Namco is directly in our
7 backyard. My concern - what I heard positive from
8 what this gentleman said is that some ground water
9 renovation and changing of the flow of water - because
10 we have a stream back there that nearly overflows when
11 it rains to any extent -- I'm not saying that's
12 attributable to this -

13 MR. LANE: Where is the stream?

14 MR. ALLEN: It's Brookside Court, which is
15 literally -- the brook runs right here. Right here is
16 Brookside Court (Indicating).

17 MS. ALLEN: It runs between our property and
18 Namco. We still call it Namco. It's halfway between
19 the property. It meanders and then it goes under the
20 road on Doorstone Drive. It heads toward the
21 Northway.

22 MR. ALLEN: So, our concern generally is that
23 I'm not quite sure what's existing and I guess some
24 confusion like some of the Board Members about what is
25 existing and what is proposed to be added. Any

1 expansion of this business is a concern of mine
2 because of noise.

3 I talked to the owner of Exit 5 Auto shortly
4 after he got in there and I was assured that I would
5 not hear any air tools from the three garages that
6 they added to the back of Namco on the lower level.
7 He was going to keep the garage closed when the
8 building was in use for mechanics. Lo and Behold I'm
9 hearing air tools. So, any expansion of business is a
10 concern of mine as far as increased mechanical
11 activity in the backyard, which again, is directly in
12 our backyard. That's a concern. If they dress up the
13 front of the building, great.

14 Expanding business is a concern.

15 MS. ALLEN: There is a fence along the Namco
16 property here. I'm just wondering - if they are
17 expanding the parking lot, what happens with that
18 fence? Are you going to that fence with the parking
19 that's happening back there - the additional parking
20 that you're trying to get? There is a fence along the
21 back of the property line. I'm wondering where that
22 parking is going.

23 CHAIRMAN STUTO: We'll get that question
24 answered. If you get out all your points, we'll try
25 to address them.

1 MS. ALLEN: Just the water flow -- because this
2 is a big parking area.

3 CHAIRMAN STUTO: I'll get the engineer to
4 address that. We'll follow up on that right now.

5 Would you mind answering her questions? Let's
6 go to the fence. That might be the easier one to
7 factually answer.

8 MR. INGALLS: Okay, the first point that we'd
9 like to clarify is that there is no proposed increase
10 in any pavement area in the rear of the building.
11 What pavement is there, is there. The fence that is
12 there will remain in place.

13 The only additional feature is that we're
14 putting, as we stated earlier, a small two or three
15 feet depressionable area to pick up and trap and store
16 and attenuate any run-off from the site.

17 CHAIRMAN STUTO: Which way does that water
18 flow?

19 MR. INGALLS: It would flow north into the
20 stream.

21 CHAIRMAN STUTO: Where would it be coming from?
22 Where will all the water that goes into there be
23 coming from?

24 MR. INGALLS: Water would essentially flow off
25 the back of the building.

1 CHAIRMAN STUTO: How does it behave now?

2 MR. INGALLS: We're pretty much maintaining all
3 the drainage patterns. We're just capturing -

4 CHAIRMAN STUTO: So, it will slow it down
5 leaving the property.

6 MR. INGALLS: Correct - to a predeveloped flow
7 rate or less.

8 CHAIRMAN STUTO: Do you understand that?

9 MR. ALLEN: Yes.

10 MR. INGALLS: That was worked out with Town
11 Stormwater.

12 CHAIRMAN STUTO: Do you understand their
13 question about the strain? I don't fully understand
14 it, but you're the engineer who studied the site.

15 MR. INGALLS: I think that they were just
16 making a statement that there was a stream there.
17 Again, we're not increasing any flow into the stream.

18 CHAIRMAN STUTO: You'd be slowing it down, if
19 any.

20 MR. INGALLS: Right; we would lessen the flow
21 off the property.

22 MS. ALLEN: At the beginning of your statement,
23 you said that you were going to expand the back of the
24 parking lot. So, you're not expanding the back of the
25 parking lot?

1 MR. INGALLS: No. We're just striping some
2 additional spacing in the back and rearranging it.

3 CHAIRMAN STUTO: You're not doing one more
4 square inch more of pavement in the back; is that what
5 you're saying?

6 MR. INGALLS: What is there in the back will
7 remain in place.

8 CHAIRMAN STUTO: And you're not removing any
9 fencing back there?

10 MR. INGALLS: We're not removing any fence.

11 CHAIRMAN STUTO: Can you speak to the noise?

12 MR. INGALLS: I can't really speak to the
13 noise. We're the site engineers. I do know that
14 there is no proposed expansion in the footprint of the
15 building. There is no real proposed expansion to the
16 operations. All the setback requirements are being
17 met for the COR district and will continue to be met.
18 I can make that statement.

19 MR. AUSTIN: I'm still confused. That diagram
20 shows the edge of the parking as being flushed with
21 that east side of the building and every area
22 overlooking that has a gap between -

23 MR. INGALLS: Yes, there was an intermediate
24 phase at some point where someone did add pavement,
25 basically right here (Indicating). We are taking that

1 into account in our stormwater management area to make
2 up for any pavement that was there previously. That's
3 there today and that's already paved and done. We are
4 not proposing to do that. The only increase in
5 pavement, again -- here is the edge of the pavement in
6 the front and this is where all the old pools were and
7 everything out front. It's somewhat green today and
8 we are looking to put these nine additional parking
9 spaces here and then some vehicle inventory right
10 there. That's it for the new part.

11 MS. DALTON: So, you're total greenspace comes
12 out to be what?

13 MR. INGALLS: We're about 38%.

14 MS. ALLEN: What kind of shrubbery are you
15 talking about out front? The cars have definitely
16 been parked on that greenspace.

17 CHAIRMAN STUTO: That's the next thing that I'm
18 going to address. We've talked about it a little bit.
19 I think that I've heard some concern about putting
20 some physical barriers or other types of dress-ups in
21 the front to prevent you from parking on the grassy
22 area. Can somebody summarize where we are now? Did
23 we agree to something already?

24 MR. LACIVITA: I should take you back to when
25 the project came in. It was a change in tenant. We

1 talked with the owner about putting in three-foot
2 fencing which we typically do along car dealerships.
3 They did not like the idea because it would hide the
4 inventory. It wasn't as big as a site like you would
5 see the Route 9 auto dealers. If they built that,
6 that would actually shrink down their visibility. I
7 think that internally we agreed with the caveat that
8 there would be no parking on the front lawn. It's
9 been a continued problem.

10 CHAIRMAN STUTO: We want a physical barrier.
11 That's what we want to talk about right now.

12 MR. LACIVITA: Now we want to go with bringing
13 up a berm and having some type of planting, whether it
14 be perennials or some type of mixture of shrubbery -

15 CHAIRMAN STUTO: How about some hard scaping
16 like block or something.

17 MR. LACIVITA: We could ask for sections like
18 we have done in other areas, too; three-foot sections,
19 hard scape and then landscaping on each side. That
20 will stop that.

21 MR. SHAMLIAN: Am I understanding that we went
22 along with the idea of not putting up a fence with
23 their understanding that they would have parked on the
24 grass and they have parked on the grass.

25 MR. LACIVITA: Correct.

1 MR. SHAMLIAN: Are we 100% certain that this
2 applicant didn't add this additional paving that was
3 done prior to them taking possession of the property
4 at some point?

5 MR. TENGELER: I can't say 100%, Craig, but
6 when we reviewed the project before, if memory serves,
7 the setbacks were the same. So, what happened when
8 these guys took ownership of the building or just
9 before they bought it -- we reviewed the last project
10 as such.

11 MR. LACIVITA: I believe that there were
12 millings there.

13 MR. TENGELER: There were millings on other
14 parts of the site as well. In the far left corner, I
15 know that they cleaned up a little bit. It was messy
16 back there. There was broken gravel and it was
17 storage.

18 MR. INGALLS: To further that point, we went
19 back to the historical aerials. We took into account
20 that there wasn't pavement in this north easterly
21 corner and we designed our stormwater to account for
22 that new pavement, regardless of how it got there. We
23 took into consideration for increased run-off that we
24 captured on site.

25 MR. SHAMLIAN: That's a stormwater issue. The

1 first issue is whether the paving should have been
2 there in the first place.

3 MR. LACIVITA: I think that there was some
4 millings and gravel and dumpsters were over there at
5 the time. There might have been an encroachment
6 unbeknownst to the Town.

7 MS. MILSTEIN: I have a question on the
8 stormwater. You said with the trough, the water is
9 going to flow into the trough and then it's going to
10 go into the stream; correct?

11 MR. INGALLS: Correct.

12 MS. MILSTEIN: You also said that there isn't
13 going to be any more water added to the stream. Isn't
14 that inconsistent?

15 MR. INGALLS: No, because water sheets off of
16 the pavement right now and goes into the stream.
17 We're actually going to put a small wing on the back
18 of this pavement and rather than letting it go off as
19 it does today directly sheet flowing it to the stream,
20 we're going to put it into this small basin which will
21 control that release. We're actually controlling the
22 release of stormwater from the site, whereas today it
23 just runs off.

24 CHAIRMAN STUTO: It will be the same flow, but
25 it will be slower. It will be over a longer period of

1 time, because you're going to capture it and let it
2 out slower.

3 MR. INGALLS: Correct. We control the
4 discharge rate.

5 MR. MION: Getting back to the front -- with
6 something that looks very much like the front over at
7 Fresh Market -- I think that would work. It would
8 keep it all the same - that whole area - and dress it
9 up nice.

10 MR. LACIVITA: We'll work internally with the
11 engineer. I know that there is a sign there that's
12 directly dead center of that green area. We'll work
13 out something effectively with fencing and
14 landscaping.

15 CHAIRMAN STUTO: Can you try to match the style
16 of that? I think that's what he is suggesting. The
17 scale could be a little bit lower.

18 MR. LACIVITA: That was the concern of Fresh
19 Market. They were concerned that you couldn't see in,
20 so we broke that up a little bit more so that we can
21 do the same.

22 CHAIRMAN STUTO: And just make sure that it's
23 physically impossible to park on the grass. Is that
24 okay with the Board?

25 MS. MILSTEIN: Or if they do park it, they're

1 going to have to make a solid fence afterwards.

2 MR. INGALLS: Is it possible that we could have
3 a berm solution that would work? We were thinking
4 more softscape versus hardscape.

5 MR. LACIVITA: I think that what I'm hearing
6 from the Board is that internally we softened our
7 first approach because we wanted the fence to be
8 consistent like all the other car dealerships. The
9 car owner knew exactly what we were doing and we
10 stepped back from that and asked for landscaping.
11 We've been in business like six, seven or eight months
12 and we've probably had cars parking on that greenspace
13 for six, seven or eight months. I think that the fact
14 that was warned in our recommendation back then, I'm
15 going with the recommendation that we make it a
16 hardscape.

17 MR. INGALLS: So, there really is no physical
18 barrier -

19 CHAIRMAN STUTO: No, but they didn't do what
20 they said they were going to do.

21 MS. DALTON: I think that the point is that we
22 made it clear that we didn't want it to happen. They
23 promised that it wouldn't happen, but it happened
24 anyway so we want something there now that will
25 require that it not happen. I don't believe that the

1 berm will meet that since they have already shown that
2 they're going to try to work around whatever is there.

3 MR. INGALLS: We actually just did it. We just
4 finished up another car dealership where they had a
5 display of vehicles and we actually did a stone apron
6 -- a wedge of stone maybe three feet wide -- with a
7 landscaped berm and that seemed to work out pretty
8 well.

9 CHAIRMAN STUTO: Without seeing it, it's hard
10 to make a decision. I'm happy to delegate it to Joe,
11 the department head, to make final decisions on that.
12 I'm envisioning a combination of some fencing and some
13 softscape, some hardscape like Fresh Market plaza -
14 that style and that look. It will be a smaller scale.
15 It's got to be impossible to drive on the grass.

16 MS. DALTON: We were also contacted by a
17 neighbor to you left, Rose Brand, with regard to
18 putting up landscaping between your property and he
19 property. I understand that there is an agreement. I
20 just want to make sure, while we are on the record,
21 you will be doing some landscaping there.

22 MR. INGALLS: Yes. We originally had fir trees
23 and they decided that they didn't want to potential to
24 have needles on the property. So, now we're back to
25 deciduous.

1 MR. TENGELER: I spoke with Rose Brand, Kathy,
2 and she confirmed with me that she'd rather have
3 deciduous rather than firs.

4 MS. DALTON: Right, and I saw that and I just
5 want it on the record.

6 MR. INGALLS: Okay.

7 MR. SHAMLIAN: Are there any trees behind the
8 parking area behind the building and the Brookside
9 properties? That greenspace that is showing -

10 MR. INGALLS: There are trees but they have
11 been thinned for different reasons.

12 MR. LACIVITA: There are not very big trees in
13 that way.

14 MR. AUSTIN: There are some big poplar trees.

15 MS. ALLEN: With regard to privacy for us, we
16 don't see the property in the summertime. Are any of
17 those trees coming down?

18 MR. INGALLS: We are not proposing to do any
19 tree clearing at the rear of the parking.

20 MR. ALLEN: I just want to re-iterate my point
21 that because of what they are doing in the front, they
22 are expanding their business potential here and I just
23 want it on the record that we are concerned about
24 noise. This owner has obviously made statements that
25 they haven't followed through on and my concern is

1 about noise and I don't know if you're making a
2 Resolution today - to ask if there can be some
3 stipulation about restriction of noise.

4 MR. LACIVITA: I think that to out point, what
5 we will do is in the approval letter that we send,
6 based upon what we are doing here this evening, there
7 has been identification of a noise impact on the
8 neighbors and that the garage doors must be closed
9 during the course of operation. If the Board is happy
10 with that, I think that's the stipulation to put in
11 there.

12 CHAIRMAN STUTO: I'm okay with that.

13 MS. ALLEN: That's what we were told was going
14 to happen.

15 MR. LACIVITA: How can guarantee that's going
16 to happen this time.

17 CHAIRMAN STUTO: Any other neighbors that want
18 to be heard on this?

19 (There was no response.)

20 Anything else from the Board?

21 (There was no response.)

22 I think that what we have discussed is
23 potentially granting the waiver if certain conditions
24 are met; one being that the last condition that the
25 doors be shut during business hours so that the

1 mechanical noise cannot be heard and also that the
2 landscaping will be approved by the head of the PEDD
3 department along the lines that we spoke about on the
4 record, trying to match the look of the Fresh Market
5 right down the road with a combination of fencing,
6 hardscape, berm and softscape.

7 MR. LANE: With the intent of preventing cars
8 from being place on the greenspace.

9 CHAIRMAN STUTO: Very well said.

10 MS. MILSTEIN: And that if it becomes
11 unsuccessful then it's going to have to be hard fence
12 to completely block.

13 CHAIRMAN STUTO: Do we have a motion to that
14 effect?

15 MR. LANE: I'll make a motion.

16 MR. MION: I'll second it.

17 CHAIRMAN STUTO: Let's hold that for one
18 second.

19 Do we have to act on SEQR?

20 MR. TENGELER: Not SEQR, but I do have a
21 Resolution that I'd more than happy to read into the
22 record or just give to out stenographer; whichever you
23 prefer.

24 CHAIRMAN STUTO: We'll give the whole thing to
25 the stenographer and if you could read the resolves --

1 we've already stated the extra conditions.

2 MR. TENGELER: Now therefore be it resolved the
3 Board hereby recognizes the granting of these waivers
4 to allow parking within the front yard building
5 setback and sideyard setback of 3.5 feet does not
6 hinder the Town's objectives to protect its important
7 natural resources, conserve farmland, create
8 recreational or wildlife trail corridors, the
9 preservation of historic resources or protected
10 viewshed or scenic roadways.

11 Be it further resolved the Board hereby finds
12 the waiver request reasonable to allow for a safe
13 development of the site and grants the waiver request
14 to allow parking within the front yard building
15 setback, and

16 Be it further resolved the Board hereby grants
17 the waiver to allow the sideyard setback of 3.5 feet,
18 and

19 Be it further resolved that these waiver
20 findings be kept in the project file of the office of
21 the Planning and Economic Development Department.

22 CHAIRMAN STUTO: Can we amend our motion to
23 include this Resolution and if there is no objection,
24 we will do that.

25 (There was no response.)

1 Okay, hearing no objection, we'll take a vote.

2 All those in favor, say aye.

3 (Ayes were recited.)

4 Those opposed?

5 (There were none opposed.)

6 The ayes have it. Thank you.

7

8 (Whereas the above entitled proceeding was
9 concluded at 7:29 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 _____

