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PLANNING BOARD COUNTY OF ALBANY  
TOWN OF COLONIE

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DEPAULA ALFA ROMEO/MASERATI  
1101 CENTRAL AVENUE  
APPLICATION FOR CONCEPT ACCEPTANCE

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THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter, commencing on January 24, 2017 at 7:46 p.m. at The Public Operations Center, 347 Old Niskayuna Road, Latham, New York.

BOARD MEMBERS:  
PETER STUTO, CHAIRMAN  
LOU MION  
BRIAN AUSTIN  
TIMOTHY LANE  
KATHLEEN DALTON  
CRAIG SHAMLIAN  
SUSAN MILSTEIN

ALSO PRESENT:

Joseph LaCivita, Planning and Economic Development Department  
Michael Tengeler, Planning and Economic Development Department  
  
Philip Koziol, PE, LaBerge Group  
Dennis Rigosu, Rigosu Syvestsan Architects  
Kathy DeFelice  
Joseph Grasso, PE, CHA  
Michael Tengeler, Planning and Economic Development  
Ellen Rosano, Conservation Advisory Council

1                   CHAIRMAN STUTO: The next item is DePaula Alfa  
2                   Romeo/Maserati, 1101 Central Avenue, application for  
3                   concept acceptance, raze existing building, erect new  
4                   15,700 square foot auto dealership with accessory  
5                   vehicle prep, service space and car wash.

6                   Joe LaCivita?

7                   MR. LACIVITA: This will be the second time  
8                   that we've seen this project. We've seen it for  
9                   sketch plan review back in August 9, 2016 and again a  
10                  lot of comments that were made at that meeting - and a  
11                  lot of work was done to the project. So, we'll turn  
12                  it right over to the LaBerge Group so they can go  
13                  forward with the concept acceptance.

14                 MR. KOZIOL: Phil Koziol, professional engineer  
15                 with LaBerge Group representing Anthony DePaula, the  
16                 applicant.

17                 With me here tonight is Dennis Rigosu, Rigosu  
18                 Syvestsan Architects to speak to the building  
19                 architecture and operations.

20                 I'll talk about the site plan design and  
21                 layout. Let's walk through a couple of plans here and  
22                 present the project to you again.

23                 Again, this is the existing site area. You can  
24                 see the black outline which is the property limits.  
25                 The heavy dark green is the existing pervious areas in

1 the site right now.

2 The site is currently an auto dealership  
3 selling used cars and has a small wood structure  
4 building here as the sales room. Those are the  
5 existing conditions.

6 What I'm showing here on this plan is the  
7 outline again of the property and the pink. The green  
8 highlighted area is the limits of clearing proposed  
9 for the project.

10 One of the questions that was raised by the TDE  
11 was limits of fence removal. In the pink here you can  
12 see the limits of proposed existing fence to be  
13 removed. There is fence along the perimeter back here  
14 that will be kept in place. A small portion will be  
15 removed for access to Newton Street for the sanitary  
16 sewer connection that we are proposing.

17 CHAIRMAN STUTO: What was the greenspace  
18 analysis? Are we losing greenspace?

19 MR. KOZIOL: No, we're not. We're actually  
20 increasing it. So, here in the bright green is the  
21 pervious area, the greenspace and in the dark green is  
22 the existing greenspace that will remain. We are  
23 going from 30% greenspace to 47 greenspace. So, we  
24 are increasing greenspace.

25 The increase in greenspace along with run-off

1 reduction techniques that we have employed for the  
2 design and the green infrastructure -- it's going to  
3 reduce the stormwater run-off from the site by over  
4 50%. So, we're really going to improve the drainage  
5 situation here.

6 We have some issue right now with the bridge.  
7 What you're seeing here right now is the site layout  
8 (Indicating) main access into the site from Central  
9 Avenue.

10 We're setting the building back approximately  
11 90 feet from the right-of-way. There is a reason for  
12 that.

13 The site slopes pretty drastically from west to  
14 east and we need to get into the site with our car  
15 carrier. The grades are kind of restricting us to  
16 allow that car carrier in. We also pulled it back  
17 because of car display, which is key to this  
18 operation.

19 CHAIRMAN STUTO: Is there connectivity to the  
20 lot next to it -- which I think is a common owner,  
21 isn't it? It's the same owner.

22 MR. KOZIOL: Correct.

23 CHAIRMAN STUTO: Are we going to memorialize  
24 that connection with an easement? I would like to.

25 MR. RIGOSU: We talked to Tony DePaula about

1 that and he questioned what the reason for the  
2 easement would be.

3 CHAIRMAN STUTO: If he sells the other lot,  
4 that driveway is not going to mean anything.

5 MR. RIGOSU: If he sells, he can just abandon  
6 that road and just put greenspace in because he  
7 wouldn't want to connect his lot to an adjacent  
8 neighbor's.

9 CHAIRMAN STUTO: Joe, can you help me out? We  
10 like connectivity to the adjacent lots and if you're  
11 going to utilize it now -- our philosophy or at least  
12 mine would be not to lose that in the future.

13 MR. GRASSO: We always support these cross  
14 access connections between commercial properties  
15 unless based on the uses, it's not something that you  
16 would want from a circulation standpoint.

17 MR. RIGOSU: From Tony DePaula's position, the  
18 vehicles that he is storing on the lots - they're  
19 going to be \$140,000.00 vehicles. There is not going  
20 to be one or two. There is going to be a parking lot  
21 of them - between Alfa Romeo and Maserati. The  
22 inventory that he's going to have on the lot is going  
23 to be very expensive. Giving someone access to come  
24 behind his building -- say someone else owns this  
25 (Indicating) they could come behind this building at

1 night and do whatever they want back here and exit  
2 without going onto Central Avenue. So, if there is a  
3 benefit for this person to be able to come on this  
4 property, he's willing to listen to it, at the time  
5 neither one of us understood the reason.

6 MR. GRASSO: My understanding is that it was to  
7 protect the rights of the current property that is  
8 being redeveloped to be able to have the rights to  
9 cross that adjacent property in the future. That's my  
10 understanding of the benefit of the easement. If he  
11 controls that, then he could control it but if he  
12 doesn't control it in the future, an easement would  
13 protect that right.

14 MR. RIGOSU: I can relay that message to him.  
15 At the time, he didn't see the need for him to -

16 MR. GRASSO: He doesn't see it now but it's a  
17 Planning issue.

18 CHAIRMAN STUTO: That's still an open issue.

19 MR. LACIVITA: We'll make sure that we  
20 memorialize that.

21 CHAIRMAN STUTO: It's not resolved.

22 MR. GRASSO: I know that it's not resolved, but  
23 am I describing the concern correctly? It's to  
24 protect the right of this application to be able to  
25 cross the adjacent property?

1           CHAIRMAN STUTO: And it would be a benefit for  
2 the guy next door too, if he ever sells that. The  
3 connectivity goes both way. It is literally and  
4 figuratively a two-way street.

5           MR. GRASSO: That's where I would say that I  
6 wouldn't support that.

7           CHAIRMAN STUTO: You'd only make it one-way?

8           MR. GRASSO: Only one-way -- based on the way  
9 that this lot is being developed, I don't think that  
10 the adjacent property owner should have rights to  
11 cross behind this dealership.

12          CHAIRMAN STUTO: If that's what you recommend  
13 and I see what you're saying, maybe he wants to  
14 preserve it going forward so that he can always get  
15 access when he needs it.

16          MR. GRASSO: It's the access to the side street  
17 and not the access to Central Avenue.

18          MR. RIGOSU: That, we can agree to. We can put  
19 a fence up and if he needs to exit, he could have a  
20 gate on it and he could swing it out.

21          MR. GRASSO: That's where we stand on it.

22          MR. KOZIOL: The green is the new pervious area  
23 and you can see that there is a small pervious area  
24 going back toward Newton Street and that's for the  
25 sanitary sewer connection that we are proposing. We'll

1 take down fences and we'll put back trees. I think  
2 that there are two pine trees in the way and our  
3 landscaping will propose additional landscaping there.  
4 This drawing just illustrates that we can get our car  
5 carrier in and out of the site. You can see the  
6 turning path in dark gray here (Indicating). This is  
7 our utility drawing. You can see that it is rather  
8 busy, but all of our utilities are present either at  
9 Central Avenue or Newton Street where the sanitary  
10 sewer trench will be.

11 This is a photometric map of the proposed  
12 lighting. It's kind of hard to see but the bright pink  
13 is the property limits. The other pink with the zeros  
14 is the limit of 0 footcandles. In other words, the  
15 proposed lighting doesn't go beyond that line. So, we  
16 are keeping all of the lighting inside the property  
17 with house shields. Lastly, this is our proposed  
18 landscaping. We are proposing to add approximately 20  
19 to 22 deciduous trees and 23 or more evergreen trees.  
20 Again, where we made them break from the Newton Street  
21 sewer connection we are putting back two pine trees  
22 and adding to the buffer along the rear of the  
23 property to screen the residential properties.

24 CHAIRMAN STUTO: Is there a fence or anything?

25 MR. KOZIOL: Yes. The pink line and you can

1 see at the bottom is the proposed fencing. That is  
2 missionary.

3 CHAIRMAN STUTO: How about in the back? I am  
4 very sensitive to the residents in the back.

5 MR. KOZIOL: Yes, there is an existing fence  
6 back there that we will keep.

7 CHAIRMAN STUTO: Which is what kind of fence?

8 MR. KOZIOL: It's a chain-link. I think it is  
9 may be 8 feet tall.

10 CHAIRMAN STUTO: Joe, any comment on the  
11 screen?

12 MR. GRASSO: Yes. We had questioned in a loss  
13 of trees along the back and clearly as to which trees  
14 would be saved. It is to that comment about making  
15 sure that we had a quick buffer between the commercial  
16 use in the residences to the rear.

17 CHAIRMAN STUTO: We haven't discussed it yet?

18 MR. GRASSO: No, we identified it in our  
19 letter.

20 CHAIRMAN STUTO: That will be an issue that we  
21 will address.

22 MR. KOZIOL: I would just say that our concept  
23 submittal addressed all of the DCC comments and we  
24 just got your Town Engineers review and comments. We  
25 don't have any issues with those comments. We can

1 address all those comments in the next submission.

2 CHAIRMAN STUTO: So, you're done with your  
3 initial presentation.

4 MR. KOZIOL: Yes, unless you want to hear more  
5 about the building.

6 CHAIRMAN STUTO: We may as well.

7 MR. GRASSO: Yes, we should.

8 MR. RIGOSU: Because the site is challenged --  
9 typically with a car dealership, you have your sales  
10 in front of interest is in the back. Because the site  
11 is challenged, we don't have the depth to do that and  
12 get the circulation that we needed. So, we are going  
13 with a linear type building. So, this is our sales  
14 floor right here (Indicating). People have displays  
15 inside of the building. So, have Masarati on one side  
16 and Alfa Romeo on the other. The service area which is  
17 typically just a pre-engineered building - no windows  
18 or nothing - we are adding a canopy to it and were  
19 going to be displaying cars underneath it to give it  
20 some architectural presence looking out onto Central  
21 Avenue. The building materials are going to be metal  
22 panels and lots of glass in here.

23 CHAIRMAN STUTO: Joe, do you want to give your  
24 presentation or do you want hear from the residence  
25 first?

1 MR. GRASSO: No, I'll go through our comments.

2 CHAIRMAN STUTO: Any residents that would like  
3 to comment on this - could you sign in on that sheet  
4 over there?

5 MR. GRASSO: There is a comment letter December  
6 21 within your packets. I have a couple of  
7 introductory remarks. I think it's a really good  
8 redevelopment project, the ones that I think the town  
9 tries to encourage. Another noteworthy points is  
10 there is a substantial increase in green space, which  
11 I really commend the applicant for - for working hard  
12 with a really intricate site layout to try to  
13 accommodate their use and at the same time increasing  
14 the green space substantially is not something that we  
15 see in such an urbanized area.

16 We do think that the concept plan is well laid  
17 out and shows the building in the inventory well. It  
18 is a tight layout, but we think have shown that it  
19 works adequately and accommodates the car carrier  
20 which is really important for dealerships, especially  
21 on this relatively small site. Another noteworthy  
22 point is I think have done a really good job breaking  
23 up the parking lot throughout the site in different  
24 areas. Most of the time when you're looking at a car  
25 dealership, were looking at large expanses of parking

1 and that is not the sense that I get with this site  
2 plan. Like Phil said in his presentation, he did  
3 address the comments from the DCC meeting last spring.  
4 There are a couple waivers that are required with the  
5 site plan and these are consistent with things that  
6 the planning board has previously considered on sites  
7 like this. The two waivers is the 20 foot maximum  
8 setback from the front. The building is pushed back a  
9 little bit more than that; and parking located within  
10 the front yard setback. Because it is a dealership,  
11 obviously inventory visibility from the road frontage  
12 is important. That's why they kept the parking up  
13 front.

14 We did have some technical comments in our  
15 letter. I am going to touch on just a few of those.  
16 Comment number three was regarding the existing trees  
17 and whether or not any of those existing trees could  
18 remain in whether or not a buffer would be needed to  
19 further separate the uses - the commercial use with  
20 the residences in the back.

21 We are in favor of that cross access  
22 arrangement as we discussed. We did touch in our  
23 letter about the need for a cross access easement  
24 there.

25 We had a comment regarding the width of the

1 curb cut on Central Avenue, which appears to be  
2 excessive. The other thing is they are showing the  
3 pedestrian route within the access aisle. That is not  
4 a desirable feature and could cause a safety concern  
5 for any pedestrians within that walkway. That is  
6 something that should be addressed as the plans  
7 advance. There is an existing curb cut not to be used  
8 on Central Avenue that we think should be closed off  
9 with a new vertical curb.

10 Lastly, I just want to comment on the lighting.  
11 They are showing a sharp cut off down-light style  
12 fixtures without any light spillage onto the adjacent  
13 properties. Because the proximity of the lights as it  
14 relates to the residential district behind the lot, we  
15 would recommend some house side shields be placed to  
16 cut off the visibility of the luminaire, so you don't  
17 get the glare towards those fixtures to the  
18 residential properties.

19 Regarding SEQRA, it is an unlisted action  
20 pursuant to SEQRA so, they have provided a short EAF  
21 with the application materials which does do good job  
22 of describing the environmental setting of the  
23 project, as well as a description of the anticipated  
24 environmental impacts. At this time, because of the  
25 reasons I described of it being a redevelopment

1 project in increasing green space, we don't anticipate  
2 any significant environmental impacts associated with  
3 the project.

4 The other technical comments included in our  
5 letter are all things that would customarily be  
6 addressed as the plans advance to final.

7 CHAIRMAN STUTO: Do you want to address some of  
8 those?

9 MR. RIGOSU: I think Joe is talking about the  
10 curb cut that is down in this area (Indicating).

11 MR. GRASSO: The close of that existing curb  
12 cut and the width of the proposed one.

13 MR. RIGOSU: We eliminated the curb cut that  
14 was here that was right only. The width, we will  
15 narrow up. There is no issue there. We can make that  
16 35 feet and we will add a re-curb to close off that  
17 access there.

18 MR. GRASSO: And a pedestrian crosswalk?

19 MR. RIGOSU: A pedestrian crosswalk - we can  
20 move to the west side of that driveway. CDTA made that  
21 recommendation for the west side.

22 MR. GRASSO: And to get it out of the pavement.

23 MR. AUSTIN: But if you narrow the curb cut,  
24 will the car carrier still be able to make it in  
25 there?

1 MR. RIGOSU: It will.

2 MR. GRASSO: And that is something that we will  
3 check and I'm sure Phil will analyze it.

4 MR. RIGOSU: It works. I have already checked  
5 it.

6 MR. AUSTIN: The car carrier is coming from -

7 MR. RIGOSU: The car carriers coming from the  
8 east. That is probably the limiting turning movement.  
9 That's what we showed and that is what we checked.

10 CHAIRMAN STUTO: Anything else that needs to be  
11 addressed?

12 MR. GRASSO: No.

13 MR. RIGOSU: One of the things I wanted to  
14 bring to the attention of the Board is this is a  
15 routine style car dealership. Maseratis - they are  
16 projected to sell five a month.

17 The Alfa Romeos - right now there are only Alfa  
18 Romeos available in the US market. They're supposed to  
19 roll out one per year, up to six cars. They're  
20 averaging actually one per two years. So, when they  
21 actually have their six cars available, they are  
22 project to sell anywhere from 40 to 60 a month. This  
23 car dealership is probably going to be selling - don't  
24 quote me but 500 to 600 cars a year.

25 To gauge that to Tony Depaula's Chevrolet

1 dealership, he does almost 500 a month new and used.  
2 So, the volume is not going to be like a typical car  
3 dealership with people coming and going all day long.

4 CHAIRMAN STUTO: Ma'am, you wanted to say  
5 something?

6 MS. DEFELICE: Hi, my name is Kathy DeFelice.  
7 I have several concerns with this project. I live on  
8 the corner of Newton and Pierce.

9 CHAIRMAN STUTO: Can you show us where it is on  
10 the map?

11 MS. DEFELICE: Here (Indicating). I can see the  
12 dealership building from my house. My biggest concern  
13 is -

14 CHAIRMAN STUTO: Do you back up to it? You are  
15 not across the street, are you?

16 MS. DEFELICE: I'm right on the other side on  
17 the corner. My biggest concern after listening to is  
18 you mentioned -- is there going to be an entrance and  
19 exit on Newton Street?

20 MR. KOZIOL: No, not at all. Temporarily, we  
21 will take down two trees for the sanitary sewer. There  
22 is an existing sanitary sewer connection now. It  
23 comes up and around Newton Street.

24 CHAIRMAN STUTO: They are going to connect the  
25 sewer, but there's not going to be any driveway.

1                   MR. KOZIOL: We will replace the fences there.  
2 We will also replace the trees that we take down. Were  
3 actually going to add more buffer.

4                   MS. DEFELICE: That answers one of my concerns.  
5 One of my other concerns is that you were talking  
6 about lighting. The lighting right now is unbearable.  
7 They shine in everybody's windows. There are no shades  
8 on the lights at all. It is like somebody shining the  
9 car high beams into our windows. I know that it is  
10 worse for the people on the other side. I sit on my  
11 couch at night to watch TV -

12                   CHAIRMAN STUTO: I think that the lights are  
13 going to be improved. Can the engineers help me out  
14 on that?

15                   MR. RIGOSU: I don't know what the existing  
16 lighting is. I don't know if they are higher than 20  
17 feet, but if they are we are going to be at 20 foot  
18 max height. We will have house shields on them. That's  
19 actually what we presented here - the lighting ranges  
20 with the house shields. We are indicating no throwback  
21 towards Newton and Pierce.

22                   MS. DEFELICE: So, he's actually going to take  
23 into consideration that people have to live there -

24                   MR. RIGOSU: It's going to improve. You should  
25 not have that condition.

1 MS. DEFELICE: There was another concern. First  
2 of all, let me ask you went all of this construction  
3 is going to take place. Is it going to take place at  
4 night?

5 MR. RIGOSU: No, during the day.

6 MS. DEFELICE: My other concern was that there  
7 is a loudspeaker system. I have called and asked them  
8 to turn it down because my comment to him was it is  
9 like living in Kmart hearing the blue light special  
10 announced constantly. He thought it was funny and he  
11 asked me if they were any good deals and I told him I  
12 don't know because I drive Subaru. He said, well, I  
13 will turn it down a little bit. I never noticed a  
14 difference. It just goes constantly. So, if he's going  
15 to expand his dealership is there going to experience  
16 with the loudspeakers too?

17 CHAIRMAN STUTO: No, we may restrict that.

18 Can I get some help from Joe and Joe?

19 MR. RIGOSU: Yes, we can take care of that.  
20 Right now, with the used cars there he has salespeople  
21 all over and they are selling lots of used cars. So,  
22 the volume is going to come down drastically.

23 The number of employees there in the number of  
24 cars being sold is going to be cut drastically. It's a  
25 different operation altogether.

1 MS. DEFELICE: Thank you. When the RV places  
2 there I called them once and said please can you turn  
3 that loud speaker off its terrible. I never heard it  
4 again the whole rest of the time that they were there.  
5 When the dealership came in and I called -- like I  
6 said, it was funny because I didn't hear any  
7 difference in that loudspeaker. During the summer  
8 time, it is constantly. It was like when anyone got a  
9 phone call or anything like that. It is really  
10 annoying. We have to live there.

11 I know there are a lot of businesses. We're not  
12 Point of Woods or anything like that, but we have to  
13 live there. I have lived there for 31 years. I finally  
14 paid off my house, hallelujah. Now, I don't even want  
15 to be there with all the businesses on the Vatrano  
16 Road and everything else. Now there is this. What  
17 qualities like to we have with all of these businesses  
18 around us?

19 CHAIRMAN STUTO: I agree with you and I don't  
20 think they need a loudspeaker system. I think that  
21 this is going to be way toned down from the used car  
22 lot that is there now. That is what I see. I see a lot  
23 less volume in sales and a lot fewer cars. They are  
24 decreasing the pavement and increasing the green  
25 space. We are going to ask them to eliminate the

1           loudspeaker system.

2                   MS. DEFELICE: Thank you. I really appreciate  
3           that. I'm sure all of my neighbors will also. My  
4           neighbor across the street actually had a sheet up in  
5           her backyard on the close line that said turn  
6           loudspeaker off. I appreciate it and I appreciate  
7           your time in addressing my concerns. Hopefully, it  
8           will get better. Thank you very much.

9                   CHAIRMAN STUTO: You're welcome. Does anybody  
10          else from the public want to be heard on this one?

11                   MS. MILSTEIN: I just want to make a  
12          suggestion. Can you give this woman some ideas about  
13          the lights that you are talking about - other sites  
14          that have so that she can see what it would be like?  
15          Can you give that to her?

16                   MR. RIGOSU: I can't do it right now. I can  
17          come back with another presentation that shows -

18                   MS. MILSTEIN: Just give her some addresses  
19          just let her know where she can go look and see this.  
20          It would just give her an idea of what the lighting  
21          would look like.

22                   MR. RIGOSU: It has to be similar to what  
23          Carmax is using.

24                   MR. TENGELER: That's the village. They might  
25          have different regs.

1                   MR. RIGOSU: The site lighting is going to  
2 improve drastically. Those are the old-fashioned ones.  
3 There was no control over light pollution. Now, with  
4 the zoning codes the planning, we can't have that. We  
5 do have a photometric that shows at the property  
6 line -- it is zero at the property line. We are  
7 proposing zero splash back light at the property line.  
8 It is possible to go out there with the meter right  
9 now and take some readings and compare those to what  
10 we are proposing. I will take your name and address if  
11 you want I can try and find some other similar sites  
12 for you to look at which will be typical of what we  
13 are proposing.

14                   MS. DEFELICE: No, I'm going to take your word.  
15 You were telling me that it's not going to be those  
16 big tall lights that are shining in everybody's  
17 windows. There is such a glare and like I said I can  
18 only describe it -

19                   CHAIRMAN STUTO: Can you just go and take some  
20 pictures or whatever and then be prepared to discuss  
21 it at the next meeting?

22                   MR. AUSTIN: Maybe you could bring a couple  
23 diagrams of what these look like with the shields on  
24 them so they can see how the shield is.

25                   MR. RIGOSU: We do have a picture here, but it

1 doesn't really have a house shield on it. We will try  
2 to find some similar sites with similar lighting.  
3 That picture they are -- that is lighting that the  
4 town will not allow us to have any longer.

5 MS. DEFELICE: Well, if the Town doesn't allow  
6 you to do it, why is it up now?

7 MR. RIGOSU: It's pre-existing.

8 CHAIRMAN STUTO: It was before they changed the  
9 code - before they came up with the new technology.

10 MS. DEFELICE: I guess I basically want to be  
11 assured that the people that own the property --  
12 because they have not taken the neighbors into  
13 consideration. My neighbor told me that she actually  
14 called about those lights and they pretty much told  
15 her too bad. So, expanding his business and everything  
16 else -- I'm just hoping that they're going to take the  
17 residence in the area into consideration.

18 CHAIRMAN STUTO: It's really a retraction of  
19 the business because they are selling a higher end car  
20 and they're not going to have as many cars. They are  
21 decreasing the footprint of the pavement. They are  
22 going to have fewer cars on the lots and they are  
23 increasing the green space. We are making them  
24 modernize the lights -- the Town Code is making them  
25 modernize them.

1 MS. DEFELICE: Thank you. We appreciate that.

2 CHAIRMAN STUTO: Ellen?

3 MS. ROSANO: I am Ellen Rosano from the CAC.

4 You are going to be purchasing evergreens in  
5 the buffer area. Could you just get commercial grade  
6 ones so that they will last for the protection of the  
7 neighbors? Secondly, it was mentioned - porous  
8 pavement -- is that still in the plan? Porous  
9 pavement, where possible?

10 MR. KOZIOL: There is a small section of porous  
11 pavement in the design. The engineer's comments  
12 suggest that we look at alternative methods for that  
13 component for storm water treatment. So, before the  
14 next meeting, we will make that decision.

15 MR. RIGOSU: You mentioned a commercial grade  
16 evergreen. What makes it a commercial grade evergreen  
17 just so that we know.

18 MS. ROSANO: I don't think that it is something  
19 that you are going to find at Walmart or Lowe's. I  
20 think maybe you have to go to an upper end -

21 MR. KOZIOL: Our next submittal will have a  
22 schedule of plantings and specification for those.

23 MS. ROSANO: Thank you.

24 MR. MION: I have a question. I'm looking at  
25 the building on the west side. I'm looking at the

1 property line. It comes down and right through the  
2 middle of the backside of the dumpster -- who owns the  
3 dumpster? The people next door to you, or you?

4 MR. RIGOSU: The gas station. That's the gas  
5 station's dumpster.

6 MR. MION: Are they infringing on your  
7 property?

8 MR. RIGOSU: Yes.

9 MR. MION: You're okay with that?

10 MR. RIGOSU: It will probably get relocated  
11 when the purchase goes through between the buyer and  
12 seller.

13 CHAIRMAN STUTO: You don't own it yet?

14 MR. RIGOSU: No, he's working through that.  
15 It's all tipping on approvals.

16 MR. AUSTIN: My only concern -- or your concern  
17 more than me because you own all the cars - is  
18 security. Is there going to be fencing around there?  
19 You said a chain link fence. Are there any security  
20 cameras? The lighting will be better and focused on  
21 the cars around the lot, but what prevents somebody  
22 from jumping the fence?

23 MR. RIGOSU: Nothing. Presently at their  
24 dealership at DePaula Chevrolet they had cameras all  
25 over the place. They'll have to do the same thing

1 here.

2 MR. AUSTIN: Yes, because these are more  
3 expensive.

4 CHAIRMAN STUTO: We have an application here  
5 for concept acceptance. Do we have a motion?

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

7 MR. AUSTIN: I'll second.

8 CHAIRMAN STUTO: Any discussion?

9 (There was no response.) All those in favor, say aye.

10 (Ayes were recited.) All those opposed, say nay.

11 (There were none opposed.) The ayes have it.

12 MR. GRASSO: So, that will be conditioned on  
13 the restriction on the PA system; correct?

14 CHAIRMAN STUTO: Yes, and everything else that  
15 we talked about.

16 MR. GRASSO: That will be on the plans.

17 CHAIRMAN STUTO: I think that it's a great  
18 project. I just want to make sure that the neighbors  
19 are treated right in the back.

20 MR. RIGOSU: I think that at the end, it will  
21 be a huge improvement as opposed to what is there now.

22 CHAIRMAN STUTO: The landscaping and the lights  
23 and everything that we just discussed. Thank you.

24 MR. RIGOSU: Joe, that egress easement will be  
25 exit only.

1                   CHAIRMAN STUTO: You'll get another notice  
2 before final, so I suggest you come in for that one,  
3 as well.

4                   MS. DEFELICE: Thank you. We didn't get a  
5 notice for the first one. I know that there have been  
6 previous meetings.

7                   CHAIRMAN STUTO: Maybe because you're on the  
8 other side of the street.

9                   MR. GRASSO: Sketch Plan doesn't get notice.  
10 This was up for sketch before.

11

12                   (Whereas the above entitled proceeding was concluded  
13 at 8:10 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 \_\_\_\_\_

