

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 RESTAURANT & RETAIL BUILDING
5 109 WOLF ROAD
6 APPLICATION FOR CONCEPT ACCEPTANCE

6 *****

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8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY L. STRANG, a Shorthand Reporter,
10 commencing on March 7, 2017 at 7:10 p.m. at The Public
11 Operations Center, 347 Old Niskayuna Road, Latham, New
12 York.

10

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

15

16

17 ALSO PRESENT:

18

19 Joseph LaCivita, Planning and Economic Development
20 Department
21 Michael Tengeler, Planning and Economic Development
22 Department
23 Michael C. Magguilli, Esq., Special Counsel to the
24 Planning Board
25 Daniel Hershberg, PE, Hershberg & Hershberg
Michael Brennan, Conservation Advisory Committee
Aimee McKane
Sharon Coy

24

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1 CHAIRMAN STUTO: Next on the agenda is
2 restaurant and retail building, 109 Wolf Road,
3 application for concept acceptance, 2,800 square foot
4 restaurant and 4,450 square foot retail building.

5 Joe LaCivita, do you have anything on this
6 before we start?

7 MR. LACIVITA: Yes. This is actually a
8 redevelopment site. Mr. Hirschberg will take us to the
9 site itself, but it was before this Board for a sketch
10 plan on June 23, 2015.

11 Dan, I will turn it over to you.

12 MR. HERSHBERG: Thank you, Joe. My name is
13 Daniel Hershberg from the firm of Hershberg and
14 Hershberg. With me today is Kevin Parisi who is the
15 developer of this project site, and Bill Mafrici who
16 is the principal designer from my office.

17 The existing building is the old Tri-State
18 Laundry building that sits right about here
19 (Indicating). There is pavement that is primarily
20 broken pavement and gravel and miscellaneous asphalt
21 that occupies a significant portion of the site. This
22 site immediately adjoins 111 Wolf Road. As part of
23 this redevelopment site, the applicant proposes to
24 provide additional parking which 111 Wolf Road
25 requires and exceed the number of parking spots

1 required by Code for 109 Wolf Road. The rationale
2 there is that for the shared parking arrangement this
3 should relieve the parking 111 Wolf Road it should
4 provide for a good parking arrangement for 109.

5 We do require some waivers. One waiver is this
6 line, in order to have the parking shared between
7 these two sites, we have to have 10 feet separation
8 from the property line for our parking. We would ask
9 for that waiver.

10 There is a second waiver based upon the area of
11 the islands. We are reproducing the islands here
12 (Indicating). They are shifted slightly for the
13 driving capability there.

14 The third one is -- we are more than 25% over
15 the required number of parking spots here. The parking
16 spots are 40 and we are providing 96 parking spots.
17 So, we will request those few waivers.

18 Some other comments that came up during the DCC
19 meeting and other meetings was the need to provide
20 screening to the back of the lot. The existing tree
21 line is about here (Indicating). We will be removing
22 some trees back there. We propose to plant a dense row
23 of white fire. That is the same tree that I showed you
24 last week which does a good job of screening. And
25 also, put in a vinyl fence there to provide some

1 additional screening.

2 The storm water management facility here was a
3 little difficult, primarily due to a high groundwater
4 table and some soil that was left over from the
5 previous construction here. What we propose to do is
6 add some dry swales around the site and in these
7 islands. Use porous pavement to collect the storm
8 water with an underdrain and then we release it out to
9 this drainage course - the drainage pipe out onto Wolf
10 Road at a lesser level. It's all the way up to
11 100-year storm and we are exceeding the requirements
12 under Chapter 9 of a redevelopment site.

13 There were some questions about building views.
14 I think that we submitted a black and white of what we
15 have. It looks a lot better in color. This is the view
16 from Wolf Road. There are two different tenants. There
17 is a main entrance here (Indicating). This shows the
18 materials here. There is a variety of screening to
19 make it a little more interesting between the two
20 tenants. There will be some rooftop facilities
21 required. We show awnings and a metal band around
22 there and we proposed to do the kind of building that
23 we have been doing in the past with the fence with
24 posts. These are going to be brick or stone, depending
25 on what we come in with for the final analysis with

1 aluminum fence between it and landscaping. Obviously,
2 we think that it's an improvement over the existing
3 site. We also provided some views of the site from
4 Wolf Road and from the rear of the site. The parking
5 lot will have a repeat - primarily the front. The
6 treatment goes all the way around the building.
7 Awnings are used on the side to make it a little more
8 interesting so you're not looking at a blank side of a
9 building. We think that it's going to be an attractive
10 building.

11 Getting back to the site plan, we have heard
12 from Albany County and we've heard from CDTA. We are
13 really required to go through the approvals that we
14 knew that we needed. New York State DOT - we only have
15 a single curb cut into the site here and right now
16 there is a very much wider curb cut there.

17 The stormwater management is also mentioned by
18 Albany County and FAA approval. Obviously, the
19 building will not be tall enough to have any problems
20 with the FAA approval.

21 CDTA mentioned a couple of issues there.
22 Obviously, they want less parking. CDTA always wants
23 less parking so people who use public transportation -
24 we think providing less parking here would be somewhat
25 of a disaster because this area has a parking

1 deficiency when 111 Wolf Road is busy. We think that
2 this parking would be required.

3 CHAIRMAN STUTO: Are they common owners?

4 MR. HERSHBERG: Yes.

5 They also talked about the situation with the
6 sidewalk.

7 I'll just digress briefly.

8 What they asked us to do is have the sidewalk
9 continuous through the driveway and then ramp up to it
10 so it favors the pedestrian. Unfortunately, up and
11 down Wolf Road - this is the only driveway that did it
12 that way. If it is the desire of this Board to ask
13 that we do it, we can certainly do it. It's a
14 treatment that's used sometimes primarily in urban
15 areas. This is like a main street of Colonie so it
16 couldn't work here. It's so different than the other
17 treatments here that we propose not to show it. If the
18 Board thinks differently we can certainly do it.

19 We do provide an easement for an eventual
20 connection with the adjoining property. If the owner
21 wants to us to implement it, we can implement it as
22 part of our plan or give them an easement to do at a
23 later date.

24 Other than that, there aren't many other
25 technical issues regarding the approval. I'm prepared

1 to answer any questions which the Board may have.

2 CHAIRMAN STUTO: The first obvious thing that
3 jumps out to me -- we'll turn it over to the Town
4 Designated Engineer in a minute -- that you have
5 considerably more parking than you need. Now, you just
6 partially explained it. You're also removing trees and
7 greenspace in order to accommodate that. You've also
8 mentioned that there is a common owner next door. I'm
9 not sure if that should be a permanent fix - or if
10 you're saying shared parking or not. If you could
11 address that and I want to leave that open as a
12 question.

13 MR. HERSHBERG: Again, the intention is to
14 share parking between them. Even though they are
15 common ownership, quite often when you finance the
16 project - financing with this building would be
17 separate from this building here so that we prefer to
18 leave them as two separate parcels. It makes it easier
19 to do the financing on one parcel rather than the
20 other. The joint agreement can be executed so that it
21 essentially will be a forever easement agreement back
22 and forth.

23 CHAIRMAN STUTO: For parking?

24 MR. HERSHBERG: Yes. So, even if this building
25 should get sold for some reason, the easement goes with

1 the property - a permanent easement for the shared
2 parking will continue to exist.

3 CHAIRMAN STUTO: Are you sure that you need
4 spaces?

5 MR. HERSHBERG: I have been informed that we do
6 because of Wolf's 111. Obviously, if we didn't need
7 them we would not want to build them. It is a cost to
8 build them.

9 Also, we are paying a significant incentive
10 fee. I did not mention that. At 25.3% and the final
11 plan might be about 25% as we finalize everything
12 else, the incentive fee is \$77,000 - \$85,000 worth of
13 incentive fees. I don't think the applicant would be
14 doing it except for the fact that he thinks the
15 project demands and I think essentially he is probably
16 correct.

17 CHAIRMAN STUTO: Okay. I'm going to keep that
18 open is an issue for myself.

19 This has been reviewed by a Town Designated
20 Engineer, CHA, Joe Grasso who is representing them
21 tonight.

22 Joe, do you want to give us your comments?

23 MR. GRASSO: Sure. We have a comment letter
24 dated February 23 and I think you have a copy in your
25 packets. I passed out another copy because I'm not

1 sure if you all received page 2 of our letter. You can
2 refer to the new copy as I go.

3 It is up for concept site plan review and we
4 commend the applicant for proceeding with another
5 redevelopment project along the Wolf Road corridor.
6 The conversion of the sites use from an industrial
7 cleaning facility to a restaurant and retail use is
8 much more in keeping with the Wolf Road corridor and
9 one that can take advantage of the strong highway
10 access and pedestrian and mass transit facilities and
11 other commercial uses along the corridor.

12 Most of the comments from the DCC review last
13 spring have been addressed in the current submission.

14 The plan would require three waivers and I will
15 go through those.

16 What is a minimum of 20 square feet of
17 landscaped island to be included in the interior
18 parking area for each stall.

19 The second is parking lot pavement within 10
20 feet of the side property lines because of the shared
21 parking arrangement.

22 The last one is a parking waiver of 46 spaces
23 to allow over the 25% maximum.

24 One of the most desirable features of the plan
25 is the reconfiguration and expansion of the parking

1 for both the project site and the adjacent Wolfs 111
2 site. The narrative that they provided provides
3 justification for the waivers. The big justification
4 is to meet the parking needs of the adjacent Wolf's
5 111site. We agree that the need for additional parking
6 has been adequately demonstrated. If those waivers are
7 generally acceptable to the Planning Board, we would
8 work on preparing a draft resolution for consideration
9 by the board during final site plan review.

10 As Dan had mentioned, the site is in the
11 airport area GIS study area and as such, mitigation of
12 cumulative impacts are required in accordance with the
13 findings statement. Because of the former use, some
14 credits may be given due to the discontinuation of the
15 former use. Dan's office will provide us information
16 as part of the preliminary site plan application to
17 support the credit calculations.

18 CHAIRMAN STUTO: Joe, before you go on, can I
19 go back for a second? It's the same basic question
20 that I asked.

21 They are taking out trees and there are
22 residential neighbors in the back. I guess that is the
23 focus of the concern. They are taking out deciduous
24 trees in the back to accommodate the extra parking. Do
25 you think the screening is adequate as proposed?

1 MR. GRASSO: Well, we are asking for
2 additional information. There is substantial screening
3 that is going to be left but there our utilities back
4 there through that 50 foot strip that is going to
5 lessen the ability of that natural buffer to provide
6 appropriate screening.

7 Comment number 10 in our letter does touch on
8 that. One of the comments that was raised previously
9 was the use of a solid fence or berm and additional
10 landscaping along the rear property line that is
11 abutting those residences. The response letter
12 indicated that existing vegetation would provide a
13 more suitable buffer than the berm and fence. So, we
14 had recommended additional analysis of the existing
15 vegetation to remain so that we can make an
16 appropriate determination regarding the buffer. The 50
17 feet that is there should be enough room to provide
18 appropriate screening, whether or not it is retention
19 of existing vegetation, adding new landscaping or
20 adding a berm and fencing. So, we do think adequate
21 area remains back there to do that.

22 Another comment was regarding the green space.
23 Dan touched on the reduction of green space from 35%
24 down to 25% and taking advantage of the incentive
25 zoning provisions. Given the site's location and the

1 layout we support the use of the incentive zoning
2 provisions in the monetary value of that reduction in
3 greenspace is approximately \$78,000. Those funds would
4 be available to the Town for other open space green
5 space improvement projects throughout the Town.

6 Because this project not only develops the
7 project site but impacts the Wolf's 111 site, we are
8 asking for separate green space parking calculations
9 to cover both.

10 Regarding the parking - the plan proposes 96
11 parking spaces whereas only 40 are required per Code.
12 We support the increase in parking because of the
13 proposed uses in the shared parking with the adjacent
14 Wolf's 111.

15 From an access standpoint we strongly support
16 the elimination of one of the curb cuts on Wolf Road
17 and also the reorganization of the cross access
18 arrangements between the properties and a shared
19 relocated access onto Wolf Road that is something that
20 is not only supported by us but was strongly supported
21 by the Town's Planning Department as well as New York
22 State DOT.

23 CHAIRMAN STUTO: The access on the northern
24 part, is that a right out only?

25 MR. GRASSO: It is a right out only and that

1 will remain.

2 CHAIRMAN STUTO: So, the main access is full
3 access?

4 MR. HERSHBERG: Were taking this access here
5 (Indicating) and we are sliding it down here so we are
6 eliminating one curb cut. The site has another curb
7 cut that we are also going to relocate.

8 CHAIRMAN STUTO: So, we are going from three to
9 two.

10 MR. GRASSO: Yes, that's correct. There will be
11 one full and one restricted to rights out only.

12 MR. SHAMLIAN: Are they picking up some
13 additional parking spaces when they do that? Are you
14 picking up some good and parking spaces when you do
15 that?

16 MR. HERSHBERG: We reconfigured us and these
17 are not dead and parking spots. They all circulate
18 out.

19 MR. SHAMLIAN: But you are picking up some
20 additional parking.

21 MR. GRASSO: There is additional parking there,
22 yes.

23 MR. HERSHBERG: By reconfiguring these islands
24 - we slid islands around a little bit and by taking
25 advantage of our 10 foot area down here, this area has

1 parallel parking and we can confirm that two right
2 angle parking and increase the number of parking
3 spaces.

4 MR. SHAMLIAN: How many parking spaces are on
5 111 right now?

6 CHAIRMAN STUTO: It says 179.

7 MR. HERSHBERG: That is the new one. I hazard
8 to guess that it was probably 30 parking spots less we
9 had at one time. Again, we added some parking spots
10 here (Indicating) and we added one over here. We
11 probably gained about 30 parking spots.

12 MR. GRASSO: Those are some good comments.

13 We had some comments regarding the cross access
14 easements. It is important that these easements be
15 continuous all the way through the project site as
16 well as the Wolf's 111 site and it is important that
17 they align with likely connection points within the
18 adjacent properties, both to the north and the south.
19 You will see the one to the south doesn't connect into
20 the adjacent - I think it's the 99 Restaurant parcel.
21 That is the long-term and 10 is to think of these
22 commercial properties.

23 Just to speak to them, the Planning comments
24 requested there be cross access connections to be
25 built right up to the property line and that the

1 applicant will reach out to the adjacent owners to see
2 if those connections could be built at this time. That
3 is something that we could request that the applicant
4 to, but we cannot force it upon them. Obviously, there
5 are no cross access arrangements or easements in place
6 on either of those adjacent properties.

7 Regarding utilities, this project is going to
8 connect to both municipal water and sewer. The site is
9 tributary to the Wolf Road pump station which is
10 currently at a limited capacity. In working with the
11 Pure Waters Department, we know that they are working
12 on upgrades to that facility such that there will be
13 capacity available for this project by the time this
14 project comes online.

15 I just wanted to touch on one other comment
16 from the Planning Department regarding your question
17 about the landscaping. they had recommend that a solid
18 sense with conifer tree planting on both sides the
19 identified within the 50 foot buffer to the
20 residential properties on Kenlyn Drive.

21 So, that is basically where we are at with our
22 review.

23 Just in terms of SEQRA, the Town Attorney's
24 Office will make a SEQRA classification and if SEQRA
25 is applicable we would expect that the Planning Board

1 would be the lead agent.

2 CHAIRMAN STUTO: Thank you.

3 Are there any comments from the Board?

4 MR. MION: I have a question. As per Code,
5 how many parking spaces should one 111 have?

6 MR. HERSHBERG: I don't have that answer. The
7 square-foot of the building is 18,000. Probably, they
8 require about 90.

9 MR. MION: So, by doing this -- currently they
10 are supposed to have 90. They have 50 more than what
11 is authorized by Code, plus were going to give them
12 another 30. Then, we are going to turn around and
13 give them another 40.

14 MR. HERSHBERG: Actually, 46. The Code is 40
15 and you are allowed to 25% more. We are asking for
16 waiver or 46 parking spots.

17 MR. MION: And we are absolutely certain that
18 we are going to need all that asphalt?

19 MR. HERSHBERG: Unfortunately, yes.

20 MR. GRASSO: I think the situation that we see
21 right now is cars continue to park on the adjacent
22 properties where there are no rights of cross parking
23 arrangements. So, that is one of the most beneficial
24 aspects of the plan is that we are linking up to
25 properties in the will share the parking. I can

1 substantiate the need for the parking which is
2 proposed on the plan.

3 CHAIRMAN STUTO: Tim?

4 MR. LANE: I don't have any questions. I just
5 want to be sure that the buffer remains to screen
6 those residents.

7 MR. GRASSO: And we will take a close look at
8 that. That is a valid comment.

9 The other thing is that if you look at the plan
10 for 109 they are looking to build a storm water
11 management area off the backside of the parking lot
12 and that cuts into that 50 foot buffer. So, we will
13 have to take a close look at that.

14 CHAIRMAN STUTO: Susan?

15 MS. MILSTEIN: I have a concern. You're
16 knocking down the trees. I don't have a question right
17 now.

18 CHAIRMAN STUTO: Craig?

19 MR. SHAMLIAN: I asked several questions
20 earlier.

21 Behind 111 - is the buffer behind 111 adequate
22 as it exists today?

23 MR. GRASSO: It needs to get looked at, I
24 think. There are existing woods back here, but there
25 is a sewer line that goes through and opens up. I

1 would assume it is a limited. I think we have a unique
2 opportunity here to look at both sides together and
3 take a look at that buffer as well. Whatever we apply
4 to one, we will be applying to both sites.

5 CHAIRMAN STUTO: We have a member of the public
6 who signed up.

7 MS. MCKANE: My first question is: The
8 residential properties that border this - Kenlyn
9 Drive - were they notified? Is there anybody here
10 from Kenlyn? Okay, good.

11 If I was the neighbor with the pool was going
12 to lose all their screening, I guess I wouldn't be
13 real thrilled about it.

14 I wanted to draw the Planning Board's attention
15 to page 8 of the narrative to the aerial shot of the
16 properties that could only exist. I know we had a
17 little discussion about the adequacy and the barrier
18 behind 111. It has quite a few trees behind it
19 currently. There are quite a few trees behind the
20 property on the other side - 99 Restaurant and Pub.
21 The proposal here is to rip all the trees out. There
22 are mature deciduous trees and the proposal is to take
23 them all out for this.

24 MR. HERSHBERG: Property so we can have a
25 surface parking spaces.

1 several waivers that are being requested, it would
2 seem to me that there are some potential trade-offs
3 here to at least protect the neighborhood behind the
4 property.

5 The other question I have is I hear that it is
6 \$77,000 but I also know the schedule for incentive
7 zoning has not been updated since 2009. I'm wondering
8 if the town is really getting full value for giving up
9 so much green space. Those are really my questions.

10 CHAIRMAN STUTO: I have taken notes.

11 Mike, do you want to give your comments and
12 then we'll answer the questions together?

13 MR. BRENNAN: I am Michael Brennan of the
14 Colonie Conservation Committee.

15 Most of the issues have already been addressed.
16 the primary issue that I still have is: The committee
17 recommended - this greenspace - there was a
18 possibility to extend it. I know there was talk about
19 trying to connect these properties, however, by
20 looking at this there is going to be one great big
21 parking lot behind here. It doesn't look like this
22 lien is needed here for these cars to exit. However,
23 this is a big parking lot and this is going to be a
24 big parking (Indicating). If there was some way to
25 fit into here -- somehow, extending this island

1 knowing that you want to connect these two parking
2 lots somehow -- but to allow some green space to break
3 it up instead of having one big mass of pavement back
4 here (Indicating).

5 Also, we've recommended saving any mature trees
6 in the back of the project, which was already
7 addressed.

8 A question we had was also -- was the whole
9 parking lot going to be porous pavement?

10 CHAIRMAN STUTO: Go ahead, Dan.

11 MR. HERSHBERG: All of the new pavement placed
12 on 109 is going to be porous asphalt.

13 MR. BRENNAN: Okay, that was all of our
14 questions.

15 CHAIRMAN STUTO: Thank you. Dan has a superb
16 memory. He was referred to as His Excellency. I have
17 notes here, but if you could take a crack at it and
18 will let you know if you're missing anything.

19 MR. HERSHBERG: The principal concerns were
20 issues regarding this area back here (Indicating).
21 There are some mature trees back there and we're
22 willing to go out and survey and give you those sizes
23 of the mature trees and species, as well as an
24 evaluation of their quality. That would be worthwhile
25 for us to do. Our goal was to save this. We do have an

1 eight-foot strip at the edge that we do want to put a
2 dry swale on. A dry swale is something that can carry
3 smaller vegetation, but you normally don't allow trees
4 and it because it interferes with the roots.

5 In this area here (Indicating) we intend to
6 save the trees. we do not intend to clear-cut. The
7 trees back here - we do not intend to impact at all
8 except if after we review the landscaping with the
9 town designated engineer and it is determined that
10 they want infill landscaping down there -- infill
11 landscaping - you have to trade-off with taking out
12 something to and sell it because that's fairly dense
13 right now. If the feeling is that they want to get
14 more coniferous trees back there, it is primarily a
15 deciduous buffer. We could go back in there and put in
16 some coniferous trees to certainly make it a better
17 screen. Given the comments here, we can talk about
18 implementing additional landscaping behind 111 - even
19 though that's a fairly significant buffer now, we can
20 talk about fencing and landscaping. That is a given.
21 We knew we wanted to protect the back of the homes.

22 The question about whether or not we could
23 extend this island down here (Indicating) -- that
24 would really break up the pattern there. We do have
25 these for green islands. We do have an extra six

1 islands here which can be re-vegetated. The question
2 here is how much is enough? We are asking for a
3 waiver. If the Board says they need more landscaping
4 islands, we can certainly address that. It is a
5 significant mass of parking. it is because the parking
6 demand is so high.

7 We had taken a look at a whole bunch of parcels
8 up and down Wolf Road. They have significant parking
9 areas. Unfortunately, a lot of them are in front. In
10 this case here, at least they are in back which is
11 more in keeping with your current Code. By screening
12 this parking lot in the rear, I think we are getting
13 the best of both worlds. There's expanded parking in
14 the rear of the building and we are able to screen it.

15 CHAIRMAN STUTO: The other had to do with the
16 schedule. That will be more appropriate down the
17 road.

18 MR. HERSHBERG: The incentive schedule is not a
19 small amount of money. It's \$80,000 to get 10% less
20 greenspace is not an insignificant amount in addition
21 to we will have to deal with the airport GIS fees
22 which will, again, be based upon traffic generation
23 compared to the past use. Those also will not be
24 insignificant.

25 CHAIRMAN STUTO: Joe Grasso, our Town

1 Designated Engineer, what is your reaction to those
2 issues?

3 MR. GRASSO: Those answers are relatively
4 consistent with what we had talked about before.

5 Just in terms of understanding the trees that
6 are going to be left there, I think that it would be
7 important to survey the trees that are there. I would
8 take the full 50 feet and then go into your last
9 parking row, which is 18 feet. Sometimes you can lose
10 one space and save a significant tree and then I would
11 ask that survey cover both sites. We'll go out there
12 and take a look at it as well.

13 Regarding the incentive zoning schedule - I
14 thought that was a great comment. Our office had done
15 an independent review of the incentive zoning
16 provisions in the Town Code last year when we were
17 looking at creating some incentive zoning provisions
18 for building density. At the same time we looked at
19 the values given for greenspace and felt like they
20 were still reflective of the current market
21 conditions. I think that the value, if you applied it
22 by a major basis, I think that the Town would be
23 getting over \$400,000 or \$500,000 an acre which
24 obviously goes a long way. This project is 7,000
25 square feet and I think that they are paying about

1 \$80,000 for the greenspace reduction.

2 CHAIRMAN STUTO: Internal islands and
3 greenspace inside?

4 MR. GRASSO: We will look at it. One of the
5 really important features of the plan is the
6 efficiency of parking and by keeping an efficient
7 layout and not having too many interior islands means
8 that you can get more parking without pushing the
9 development closer to the residences, whereas if you
10 build more space within a parking lot you're either
11 going to lose parking or you're going to have to push
12 the development towards the residences and I wouldn't
13 think that's the direction that we want to go. I would
14 rather put the effort into substantial screening
15 across the back rather than breaking up the parking
16 lots. If it is substantially screened from the back,
17 the only other places this is going to be visible from
18 is the adjacent office building parking lot or the 99
19 Restaurant lot.

20 CHAIRMAN STUTO: Okay, back to the Board. What
21 do you think?

22 MR. SHAMLIAN: The troubling thing is that
23 buffer. It is a redevelopment site so you want to be
24 mindful of that. It's been an eyesore on Wolf Road for
25 a very long time. It is a lot of parking. If it was

1 not a redevelopment site, I would not be in favor of
2 giving the extra parking. It is a redevelopment site
3 and there is parking problem next door that is
4 impacting the adjacent property owners.

5 CHAIRMAN STUTO: My feeling is that the
6 screening to the back is one of the most important
7 issues because there are residential neighbors there.
8 I would like to re-examine that before we vote on
9 concept. That's how strongly I feel about it. I don't
10 know how the rest of the Board feels.

11 MS. MILSTEIN: There is reason why we have Code
12 because there is a certain amount of greenspace that's
13 required. Maybe you might have to give up the parallel
14 parking spots in the back. You might not want to.

15 CHAIRMAN STUTO: You also mentioned that there
16 were stormwater issues back there, right?

17 MR. GRASSO: He is proposing a stormwater
18 management area back there. He describes it as being
19 only eight feet wide but I would want to take a close
20 look at any encroachment into that 50 feet.

21 CHAIRMAN STUTO: On the back part of 109 there
22 are 16 spaces. We can at least look there and see. I
23 would like you, Joe, as our Town Designated Engineer
24 and Joe LaCivita to take a hard look to see if it's
25 adequate.

1 MR. GRASSO: I think that part of the concern
2 of the Planning Board is really the validation for as
3 much parking. I think that we can get additional
4 information to either support it or contest it. We
5 don't like to see sites over parked especially at the
6 loss of open space and wooded areas. I know that the
7 Wolf's 111 site is substantially under parked right
8 now, based on the current uses of its own success.
9 It's a big building and it holds a lot of people and
10 they need a place to park and I know that the other
11 owners have issues with the illegal parking on their
12 lots. Not building adequate parking won't make the
13 restaurant any less successful. You can't force them
14 to be unsuccessful. They're just going to continue to
15 park on the adjacent lots.

16 CHAIRMAN STUTO: There is a thing that you
17 taught me called self-mitigation. You know all the
18 tricks. So, you'll take another look at it?

19 MR. GRASSO: We will.

20 CHAIRMAN STUTO: I think that it's a favorable
21 project but we just want to give it a good look.

22 MR. HERSHBERG: Mr. Chairman, we certainly
23 identify that and we can certainly go through and do
24 it and again, we will work on landscaping. I, quite
25 honestly, always favor doing a landscaping job because

1 it helps so many projects that we have worked on in
2 the past. I know that your thought was that you want
3 to wait until we resolve the landscaping buffer to
4 gain concept acceptance.

5 CHAIRMAN STUTO: We'll try to get you back on
6 quickly. I know that Joe is backed up a little bit.

7 MR. HERSHBERG: If concept acceptance was
8 granted now, would it make it any less likely that
9 we're going to do the best landscaping job we can do
10 back there?

11 CHAIRMAN STUTO: I think that it puts a little
12 more pressure on you to do that.

13 Ma'am, your one of the residents that would
14 like to speak?

15 MS. COY: Yes. My name is Sharon Coy and I live
16 at 12 Kenlyn Drive, which is pretty much directly
17 behind this. I know that my neighbors that are here
18 will agree with me. When you come around - we would
19 love for you to come and see what we are talking
20 about. These are not substantial trees. I use the term
21 loosely when you talk substantial. We have already had
22 one of these trees go through our shed in a storm.
23 They are terrible. They are high and towering. They
24 lean toward our properties. If we get a bad enough
25 storm, we're going to lose property. They are

1 bug-eaten all the time. The leaves that come off of
2 them constantly are full of holes.

3 CHAIRMAN STUTO: What I am hearing from the
4 applicant is that they will re-work it to your liking.

5 MS. COY: When you're talking fencing and
6 you're talking nice trees, I think that myself and my
7 neighbors would be more than happy that if you want to
8 come out to the site and you would like to talk with
9 us, we are very receptive to try to work out
10 something. These trees are horrible.

11 CHAIRMAN STUTO: Ma'am, would you mind being
12 the liaison with the engineer?

13 MS. COY: Absolutely not. I would more than do
14 that. I would be happy to do that.

15 MR. LACIVITA: Where you are - I know that when
16 Texas Roadhouse came there was a white vinyl fencing
17 that was installed and then it stopped.

18 MS. COY: Those were my neighbors. They are a
19 little bit further down.

20 MR. LACIVITA: Would the preference be - as we
21 work toward the landscaping plan - fencing being first
22 and trees being behind it?

23 MS. COY: Yes.

24 MR. LACIVITA: So, that would leave a solid
25 buffer on either side?

1 MS. COY: Yes.

2 The lighting that would be in the parking lot -
3 that lighting wouldn't be toward our houses, would it?

4 CHAIRMAN STUTO: That's a good question. Do you
5 have any other questions?

6 MS. COY: No. We're here talking about these
7 trees and I can tell you from living in my house for
8 11 years and my neighbors will tell you too -- these
9 trees are far from substantial.

10 CHAIRMAN STUTO: I think that they are willing
11 to replant in the area.

12 MS. COY: That would be fantastic.

13 CHAIRMAN STUTO: Dan, can you address this as
14 well?

15 MR. HERSHBERG: Yes. I'm giving her my card.

16 MS. COY: That would be fantastic. And you guys
17 will come out and meet with us?

18 MR. HERSHBERG: Yes.

19 CHAIRMAN STUTO: Thank you, ma'am.

20 MR. HERSHBERG: The lighting here will be all
21 dark skies which is essentially downlighting. LED
22 lighting is the way to go because of energy efficiency
23 and also it's easier to control the spread from it.
24 Again, these will all be down-lighting and we'll
25 provide a photometric plan shows that it won't spread

1 any lighting off-site.

2 MR. MAGGUILLI: Dan, could you explain what you
3 mean by down-lighting?

4 MR. HERSHBERG: Yes. Down-lighting is a method
5 where in the good old days you used to have things
6 that looked like wide lights - things that spread
7 their light all over the parking lot. They also spread
8 the light beyond the parking lot. They were at an
9 angle and they shot out light. Currently - we call
10 them dark skies light because that's the terminology
11 that the lighting industry uses. It means,
12 essentially, it's in the bulb or the LED elements are
13 up. For the sake of an argument, we used to call them
14 shoebox type but we've gotten much more dramatic with
15 how we designed it. They're not all shoeboxes. If you
16 visualize a shoe box and you put your light bulb up
17 inside that shoebox, the size of the shoebox prevents
18 it from spreading. The light has to go down. That's
19 the down-lighting theory. So, we have a much greater
20 knowledge of lighting availability. The LED lighting
21 is a new product that is very available. It gives you
22 the capability of fine tuning your lighting to put it
23 where you need it and not to go where you don't want
24 it.

25 CHAIRMAN STUTO: Okay, I think that we're going

1 to table this and you're going to meet with the
2 neighbors and we're going to come back.

3 MR. HERSHBERG: Okay.

4 CHAIRMAN STUTO: Thank you.

5

6 (Whereas the above entitled proceeding was
7 concluded at 7:58 p.m.)

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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter and
Notary Public in and for the State of New York, hereby
CERTIFY that the record taken by me at the time and
place noted in the heading hereof is a true and
accurate transcript of same, to the best of my ability
and belief.

NANCY L. STRANG

Dated _____

