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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

RETAIL STORAGE BUILDING
2069 CENTRAL AVENUE

APPLICATION FOR CONCEPT ACCEPTANCE

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter Commencing
on August 22, 2017 at 7:12 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- LOU MION
- BRIAN AUSTIN
- CRAIG SHAMLIAN
- STEVEN HEIDER
- KATHLEEN DALTON
- SUSAN MILSTEIN

ALSO PRESENT:

- Michael C. Magguilli, Esq. Town Attorney's Office
- Michael Tengeler, PEDD
- Nick Costa, PE, Advance Engineering and Surveying
- Charles Voss, PE, Barton & Loguidice
- Maureen DelGiaccio
- Jaad R. Khan
- Adam Leonardo

1 CHAIRMAN STUTO: Next on the agenda is Retail
2 Storage Building, 2069 Central Avenue, application for
3 concept acceptance, raze existing structures and replace
4 with a 6,755 square foot retail storage building.

5 Mike Tengeler, do you have any introductory
6 remarks for this?

7 MR. TENGELER: There's not too much. Nick Costa
8 is setting up.

9 It is an acceptable use for the zoning
10 district. The Board has seen different projects with the
11 same application in this part of Town.

12 Nick Costa is here tonight to present tonight
13 for concept acceptance.

14 I will turn it right over to Nick to start his
15 presentation.

16 MR. COSTA: Thank you, Mike.

17 Good evening, my name is Nick Costa and I am
18 with Advance Engineering and Surveying. We have been in
19 front of the Board and have reviewed this project
20 previously at the sketch plan level. We are now requesting
21 concept acceptance.

22 The project has added some of the features that
23 the Board requested since the last time we were here.
24 There is an existing structure that is located here
25 (Indicating). Also, there is an existing structure in

1 this area. The existing driveway comes in and follows what
2 was formerly Earle Avenue. Then, it opens up to a green
3 area that has a variety of materials back here.

4 What the applicant is proposing to do is remove
5 the existing building and construct a one-story building
6 that is about 6,755 square feet along with related parking
7 and utility extensions.

8 The utilities already are located in the former
9 Earle Avenue sanitary sewer. The water is also out on
10 Central Avenue. That infrastructure will be extended and
11 brought into the site to service the new building.

12 The new building, as you can see, will have a
13 brand new driveway that will be shared with the
14 development that is proposed at 2071, which is a minimart
15 with gasoline pumps. A new driveway will be extended and
16 will serve the building along with an expanded storm water
17 system that will take care of mitigating the additional
18 impervious areas that are being developed.

19 Additionally, there is some landscaping and
20 some fencing that was discussed at the previous Board
21 Meetings. That is all along the northerly property line
22 with the neighbors from Lisha Kill Road and also along
23 Aurora Street and the neighboring properties that are off
24 of New Shaker Road.

25 This is an overall plan that shows New Shaker

1 Road. It also shows the adjacent building at Atwood Avenue
2 which is parallel to the former Earle Avenue. That also
3 provides some circulation for the building at Atwood,
4 which will connect to this new driveway. You can see the
5 entire area is being proposed to be developed.

6 If there are any questions, I would be more
7 than happy to answer them.

8 CHAIRMAN STUTO: This has been reviewed by
9 Barton and Loguidice, our Town Designated Engineer.

10 Chuck, can you give us your comments on this
11 project?

12 MR. VOSS: Sure, Peter.

13 The Board should have in their packet a copy of
14 our concept review letter dated August 14, 2017 and I'll
15 just go through some of the highlights. Again, this was
16 concept level review so we didn't get into any of the
17 heavy details of the project. They just haven't been
18 developed yet. From a concept standpoint there are just a
19 couple of things to note for the Board.

20 The site is located within the Lisha Kill GEIS
21 study area. So, mitigation of punitive impacts will be
22 required for the project as they move forward. It will
23 also be determined by CDTC and the Town Planning Office.

24 The site is located within the
25 Niskayuna/Schenectady sole source aquifer. So, separation

1 of ground water should be considered and Nick is aware of
2 that.

3 There are a couple of waivers associated with
4 the project. Initially, there were three waivers
5 identified by Planning; the building exceeded the 20 foot
6 maximum front yard setback from Central Avenue. The second
7 waiver is parking lot pavement within 10 feet of both side
8 yard property lines. Then, there was also a potential
9 waiver for parking of six spaces to allow over the 25%
10 maximum. That might change with your layout.

11 CHAIRMAN STUTO: He is not going to need that
12 third one?

13 MR. COSTA: I'm not sure we need the 10 foot
14 side yard setbacks. Our parking is only over in this area
15 (Indicating).

16 CHAIRMAN STUTO: I think they're talking about
17 the driveway that comes in.

18 MR. COSTA: So, it's not just parking.

19 CHAIRMAN STUTO: He said the side yard
20 setbacks.

21 MR. VOSS: It is basically for that driveway -
22 the southern side. So, we will look at that as the
23 project evolves.

24 Also, according to the US Fish and Wildlife
25 Service, the site may contain habitat conducive to the

1 long eared bat. This is a threatened or endangered
2 species so we would tentatively recommend there be a
3 threatened or rare species evaluation. That can go into
4 your short form. The site is already a developed site, so
5 the potential for finding habitat would probably be very
6 low. We just wanted to point that out.

7 Also, the site is proposing greater than an
8 acre of disturbance so a full SWPPP will be required.

9 We would like to see the limits of clearing for
10 your final grading plan. I think the key thing there is to
11 identify any trees to remain. Some trees in there in the
12 back behind the house, along the be northern and western
13 property lines -- there are some that we would like to
14 save, obviously.

15 MR. COSTA: Once we do the detailed grading of
16 the site, certainly we will do that.

17 MR. VOSS: Additionally, pedestrian
18 accommodations must be made to Central Avenue. So, we
19 would be looking for a sidewalk or something along the
20 driveway to connect out to Central.

21 Also, the Board requested the last time a
22 circulation plan - an internal circulation plan showing
23 the interconnections between adjacent parcels, how
24 vehicles might potentially move in and out of the site. In
25 particular, how truck traffic might move within the site.

1 MR. COSTA: We don't anticipate having a lot of
2 truck traffic. We will do the truck maneuvering and the
3 traffic maneuvering.

4 MR. VOSS: Peter, other than that the site can
5 be accessed by all utilities - directly accessed on
6 Central Avenue. Other than that, we just don't have any
7 more detailed comments at this time.

8 CHAIRMAN STUTO: Would the Board like to hear
9 from the residents?

10 MS. DALTON: Sure.

11 CHAIRMAN STUTO: Maureen DelGiaccio.

12 MS. DELGIACCO: I live at 29 Lisha Kill.

13 CHAIRMAN STUTO: Can you point to where that is
14 on the map?

15 MR. MAGGUILLI: Maureen, would you please spell
16 your name for our stenographer?

17 MS. DELGIACCO: Yes; D-E-L-G-I-A-C-C-O.

18 First of all, it's going to be a major change
19 to my lifestyle. I don't like it, but I like the project
20 because it's going to increase my property value if
21 certain contingencies are met.

22 One of them would be: Where is a security
23 fence? Did you plan for that back there?

24 MR. COSTA: We are going to be installing a
25 fence all along through here (Indicating). We are going to

1 be extending the existing fence - the vinyl fence.

2 MS. DELGIACCO: There is a chain-link fence
3 there now. You're taking that down and putting up a vinyl
4 fence?

5 MR. COSTA: Yes.

6 MS. DELGIACCO: How high would that be?

7 MR. COSTA: Six feet. There is already vinyl
8 fencing there. It comes all the way down to here
9 (Indicating). We would be extending that. The Board
10 requested that.

11 MS. DELGIACCO: It's going to go all the way
12 down and around?

13 MR. COSTA: Yes.

14 MS. DELGIACCO: The other question is: How do
15 we keep our greenery? I see trees here.

16 I didn't hear about any of this so I'm just
17 trying to acclimate to this.

18 What kind of trees are you going to put around
19 that fence?

20 MR. COSTA: We are planning and doing a mix of
21 deciduous trees.

22 MS. DELGIACCO: How high do they get?

23 MR. COSTA: They will vary. When we plant them
24 they will be 4 to 6 feet high.

25 MS. DELGIACCO: Your taking down a lot of

1 natural beauty from back there. I realize there are downed
2 trees and everything, but Lisha Kill has its own beauty
3 and its own privacy. I think that we need to keep some of
4 that. So, if you could put some really nice trees around
5 that would cover the visibility of what is going on there
6 because honestly coming down here tonight, I thought it
7 was a really good idea and then I saw a big warehouse down
8 the road with a house next to it. There is no privacy. It
9 has taken over.

10 CHAIRMAN STUTO: Can you show us where on the
11 drawing you are referring to?

12 MS. DELGIACCO: Well, let me finish my thought.

13 I am telling you that putting something that
14 size next to little bitty houses is going to take away a
15 lot of the charm of Lisha Kill Road. I am asking that some
16 kind of compensation be given to us for hiding that
17 building size from on us, and the sound and the lights in
18 the noise for commercialization that is going to go in
19 there.

20 Have you thought about that, sir?

21 CHAIRMAN STUTO: Ma'am, you have to direct your
22 questions to us and then we will get them answered. Thank
23 you.

24 MS. DELGIACCO: Has he directed that to you?

25 CHAIRMAN STUTO: We will ask him that question

1 when you're done.

2 MS. DELGIACCO: I'm asking you. Ask him.

3 CHAIRMAN STUTO: We will when you are done. I'm
4 asking you which area of the drawing you are referring to
5 in terms of -- we are trying to help you, ma'am.

6 MS. DELGIACCO: Yes, I know. It is all along
7 the vinyl fence.

8 CHAIRMAN STUTO: Can you show me on the
9 drawing?

10 MS. DELGIACCO: It's right here (indicating).

11 So, if he has a six-foot fence - I am 5'3" so
12 it's going to be up here (Indicating). We are used to
13 looking out and hearing birds. There are thousands of
14 birds back there. There are all kinds of wildlife. We had
15 a deer with a rack on his head out by my garden on the
16 side of the house. Let us keep some of that beauty. Put
17 nice big trees back there that will embellish what Lisha
18 Kill represents.

19 CHAIRMAN STUTO: Okay, do you have other
20 comments or questions?

21 MS. DELGIACCO: I want to know about the
22 lighting and how the trucks will come in and out. Will it
23 keep us up at night? I want to know things like that.

24 CHAIRMAN STUTO: Okay.

25 MS. DELGIACCO: And also, there is going to be

1 a lot more traffic in that area because of the minimart.
2 Will they have a gate to keep people out of that back part
3 or not?

4 CHAIRMAN STUTO: Which back part?

5 MS. DELGIACCO: Well, the coming in from the
6 minimart -- there will be more people coming into our area
7 - thousands of more people stopping and going and stopping
8 and going. At night we just had to chase people out of
9 there. They were house sitters back there because it is
10 dark. So, I am asking the building that they are going to
11 be building on that road - will they have a fence to keep
12 us safe from people that they are going to be generating
13 in that area coming back to our area?

14 CHAIRMAN STUTO: Okay, we will try to get
15 responses for you.

16 MS. DELGIACCO: Okay, thank you sir.

17 CHAIRMAN STUTO: Can you talk about traffic
18 from the minimart first? I think I understand your
19 question. I think she's talking about the property to the
20 east of your entranceway, if I'm not mistaken.

21 MR. COSTA: This is the entrance to the
22 proposed minimart - the main entrance (Indicating). They
23 can go out this way, this way or to Lisha Kill. That is
24 the traffic movement for the minimart.

25 CHAIRMAN STUTO: Could they theoretically go

1 back into your property?

2 MR. COSTA: Well, they could but it would be a
3 dead end. There would be no place else to go.

4 MR. SHAMLIAN: That is part of her concern.
5 People at like 11 o'clock, 12 o'clock or 1 o'clock at
6 night are going to go back in there. Because they had just
7 come out of a minimart and then go back into an area where
8 they can do things that maybe they shouldn't be doing.

9 MR. COSTA: There is going to be lighting back
10 there. It's not going to be totally dark. Actually, the
11 existing driveway and the existing house -- the rest of
12 the structures are there and those are in poor condition.
13 Somebody can go back there and not be visible.

14 MR. SHAMLIAN: I think one of her specific
15 questions is whether or not you were considering putting a
16 gate to prevent people from going back there during
17 non-business hours.

18 MR. COSTA: We can look into that. I can't say
19 that we were planning on doing that, but we can certainly
20 look at that.

21 MS. DELGIACCO: Just to expand a little bit
22 further - that area right now is a bad area. There is a
23 big marble place where they cut marble on the other side
24 of where they want to put that road -- the road to build
25 this facility. On the other side there is nothing. They

1 have some lights there and yet you have drug people that
2 are all along that area of Central Avenue from those
3 hotels down there. They have come up and asked me to mow
4 my lawn. Again, had to call the police to come and have
5 people taken out of there that were in the house. What is
6 to stop them from going down that totally blank road at
7 night and then you're putting them into a residential
8 area; fence or no fence. We should have some protection.

9 CHAIRMAN STUTO: Okay, we will think about
10 that.

11 Can you talk about expected traffic, lighting,
12 deliveries, noise?

13 MR. COSTA: The type of use that this is
14 proposed for only generates about four trips per day
15 during the peak time.

16 CHAIRMAN STUTO: What's the use of the property
17 going to be?

18 MR. COSTA: It's going to be a small area for
19 retail and then for storage.

20 MR. MION: What type of retail?

21 MR. COSTA: We don't know that yet. There is
22 not a tenant.

23 CHAIRMAN STUTO: Be set for trips a day?

24 MR. COSTA: That's all, yes.

25 CHAIRMAN STUTO: They're not going to be in

1 business very long in retail if they only get four trips a
2 day.

3 MR. COSTA: It could be a car detailing.

4 MR. MAGGUILLI: Without knowing your tenant,
5 how can you make that prediction?

6 MR. COSTA: Because of the use that we have
7 here.

8 MR. MAGGUILLI: But you don't know what type of
9 tenant that you're going to have. So, how can you predict
10 that there will be four?

11 MR. COSTA: We have isolated the square footage
12 of the building. That's what you come up with the number
13 of trips.

14 MS. MILSTEIN: Are you willing to limit it to
15 four trips for whoever that may be?

16 MR. COSTA: That's a possibility. If we find
17 someone who is a detailer, that may be that's all they
18 would have over there.

19 MR. SHAMLIAN: Let's start with the big part of
20 the building. What is going on with the big part of the
21 building - the majority of the building - 6,700 square
22 feet?

23 MR. COSTA: Storage.

24 MR. SHAMLIAN: So storage - and for whom?

25 MR. COSTA: It could be storage for the folks

1 that are here (Indicating). If they are operating out of
2 this building, they have storage. It could be storage that
3 they take up.

4 CHAIRMAN STUTO: What is the nature of their
5 business? Is that the same owner?

6 MR. COSTA: Yes, this is the same owner.

7 CHAIRMAN STUTO: Is it storage for third
8 parties, or is it storage for his own business?

9 MR. COSTA: No, they are tenants in here.

10 CHAIRMAN STUTO: What kind of tenants are they?
11 What are they storing there?

12 MR. COSTA: Over here, it's marble. It is the
13 marble facility.

14 CHAIRMAN STUTO: Which part of the building is
15 retail? I see four overhead doors.

16 MR. COSTA: It would just be an area right in
17 this area (Indicating), and this corner between the last
18 door and the man door that will be on the side.

19 CHAIRMAN STUTO: There is no man door on this
20 picture.

21 MR. COSTA: No, it would be on the side. That
22 is just a front view.

23 CHAIRMAN STUTO: How many square feet is in
24 that - the retail?

25 MR. COSTA: It's less than 1,000 square feet.

1 It could be an office.

2 CHAIRMAN STUTO: Can you talk about lighting?

3 MR. COSTA: We would install the maximum height
4 of lighting, as per the Town. The requirements are 18
5 feet. So, we would install lighting along here and back
6 here (Indicating). It would be downcast lightbulbs to just
7 illuminate the pavement area.

8 CHAIRMAN STUTO: Okay, I want to get into the
9 green space thing, but there is also a letter in the file
10 from Adam Leonardo from Mike Tengeler who is the
11 representative here from the department.

12 The Planning and Economic Development
13 Department has received an application in regards to the
14 above referenced site. The site plan submitted does not
15 indicate the current proposed state of the site. Also, the
16 application does not indicate the green space statistics
17 and number of parking spaces that are required to be
18 disclosed. This information is required in order for the
19 office to facilitate the review for proposed tenant
20 expansion of the above referenced property. Please address
21 these conditions in a timely manner so that we may
22 facilitate the required review.

23 Mike, can you give us the background of this
24 and why this letter was generated?

25 MR. COSTA: That's for Atwood.

1 MR. TENGELER: There was a change in tenant
2 application for the Atwood property.

3 CHAIRMAN STUTO: Owned by the common owner,
4 right?

5 MR. COSTA: Yes.

6 MR. TENGELER: At that time the site plan that
7 we received didn't match what was on the site at the time.
8 In other words, there was approval for a specific parking
9 outline for that parcel. It has been altered. In the copy
10 of the plans that I got - I received, it wasn't the same
11 as what was there in real life.

12 CHAIRMAN STUTO: So, that was a minor
13 application?

14 MR. TENGELER: Yes, it has been on hold and we
15 have not reviewed it because we don't have a valid
16 application.

17 CHAIRMAN STUTO: Are you contending that the
18 owner altered the site without permission? Is that what
19 it appears?

20 MR. TENGELER: It appears that way; whether it
21 was the owner or whoever. The site is not in conformance.

22 CHAIRMAN STUTO: I'm just trying to get the
23 right story because this letter is in the file.

24 Green space -- the woman mentioned that. Is
25 there any way we can do a better job of preserving some

1 of -- what are the green space statistics first of all?

2 MS. DALTON: I just want to note that we did
3 get a letter from another neighbor who is asking that you
4 retain some of the mature trees in the back.

5 MR. COSTA: Obviously, we're going to try to
6 save as many trees as we can all around the common
7 property. Also, along the side and also this side
8 (Indicating). All of this is staying the way it is
9 (Indicating). There are a lot of mature trees in this
10 area.

11 CHAIRMAN STUTO: Okay, we got the response but
12 we are going to keep considering this and see how we can
13 improve it. We will hear from the other people, presumably
14 in the neighborhood or people that have an interest.

15 Jaad R. Khan.

16 MR. KHAN: My name is Jaad Khan and I actually
17 own the property - adjacent property at 2067 Central
18 Avenue.

19 CHAIRMAN STUTO: Can you point to where that
20 is?

21 MR. KHAN: It's right here (Indicating).

22 My concerns are -- because they are trying to
23 put a drive in to the property at 20 Atwood, which is
24 right behind my property. The outlet that is being
25 presented here - that is not how the site is currently.

1 So, there were some unauthorized changes made to that side
2 which has not been rectified and I know that I have
3 brought this to the Board's attention before. It has been
4 going on for over a year and a half or almost two years.
5 Now, with more traffic being put through that drive then
6 there is really no room for that traffic to flow through
7 for this building. There is already a parking lot for that
8 side. The parking lot is not even being used the way it
9 is supposed to be used. That's one of my concerns.

10 CHAIRMAN STUTO: I'm not sure that I
11 specifically understand the point that you are making.

12 MR. KHAN: The point that I am making is they
13 are going to get the driving through here (Indicating)
14 which is the front of the 20 Atwood Avenue.

15 Do you see that there?

16 CHAIRMAN STUTO: Well, I'm looking at an aerial
17 photo. I know there is a main driveway coming in off the
18 street.

19 MR. KHAN: That is Central Avenue. I am not
20 concerned about that. The second drive that would be
21 connected and then joining the 20 Atwood Avenue -

22 CHAIRMAN STUTO: So, it is a cross connection.
23 Is that from your lot?

24 MR. KHAN: The way that it is being
25 presented -- is the back of my lot and they don't have

1 enough space there where they're trying to cut the curb.

2 CHAIRMAN STUTO: Okay, I'm going to ask our
3 department.

4 Chuck, have you been on the site?

5 Mike, can you help us with this?

6 MR. VOSS: Peter, I think if you look at the
7 rear of the site we have a partial configuration on the
8 site plan of where the lot lines are. It appears on the
9 lot layout concept plan that the parking lot that 20
10 Atwood is using now has been expanded and encroaches on
11 the back of his parcel.

12 I know Mike has done some research on that as
13 well. It would appear that the parking lots for 20
14 encroach. When cars access 20 Atwood and then try to come
15 up to the new Earl Avenue - shall we call it - driveway
16 for this new project, it may be encroaching too close on
17 his property line.

18 MR. KHAN: They already are encroaching on my
19 property line.

20 MR. VOSS: The current access drive probably
21 encroaches right now on your property. According to the
22 plan, we would want to see some more details as to how
23 that works. If you look at the site plan, Peter -

24 CHAIRMAN STUTO: To our knowledge does he have
25 a legal right to have cross access there?

1 MR. VOSS: That, I do not know.

2 CHAIRMAN STUTO: Anybody want to give their
3 opinion on that?

4 (There was no response.)

5 Can you respond to that particular thing?

6 MR. VOSS: No, I can't. There are some
7 agreements between the two properties, but I can't tell
8 you -

9 CHAIRMAN STUTO: So, you are worried that their
10 patrons are going to cross through your property to access
11 the other property.

12 MR. KHAN: That's what it looks like here. That
13 is what is not acceptable.

14 This property does not exist the way you are
15 presenting it.

16 MR. LEONARDO: We have an easement through that
17 property.

18 MR. KHAN: So, right here, the way that they
19 are presenting this is that this parking lot - there is no
20 approval for this here. So, the easement that they
21 have -- it doesn't exist there because this lot was only
22 17 parking and now they have 30 on this line and 17 on
23 this line, which they have expanded without any permission
24 from the Town or from me.

25 This one here does not exist anymore. This was

1 moved by them. This curb does not exist anymore. That was
2 moved by them. These trees were moved by them. There were
3 five trees right here in front of my property. They were
4 moved by them. I have been asking them to rectify those
5 issues for almost two years and nothing has been done yet.

6 Now, they are presenting here -- it doesn't
7 even correspond with how the site is laid out right now.

8 I don't see how they are going to bring the
9 drive-in through this way.

10 MR. LEONARDO: The parking layout has nothing
11 to do with that cross -

12 MR. KHAN: It does because you already have
13 this parking over into my property without any
14 authorization.

15 The easement that you guys have is - when the
16 existing parking -- 17 spots here and seven spots here -
17 you can just use the parking. You had no authorization to
18 change the parking lot or to make any other changes like
19 removing the curbs and trees or making the outlet the way
20 that you wanted to.

21 Those are my concerns.

22 CHAIRMAN STUTO: Do you have other concerns or
23 no?

24 MR. KHAN: Well, the other concerns that I have
25 - I don't know if it's related to this or not because my

1 CO is being held up because of the changes that they done.

2 CHAIRMAN STUTO: You don't have a CO now?

3 MR. KHAN: No, I don't.

4 CHAIRMAN STUTO: I don't know if Mike or Chuck
5 can add anything to this to better understand it -

6 MR. VOSS: I think maybe we should be asking
7 Mike's department to research this and see where the
8 easements are and actually have the applicant provide an
9 easement so that we can look at those.

10 MR. LEONARDO: We have provided this. Mike is
11 very well aware of the issue that is going on between us
12 and -

13 CHAIRMAN STUTO: It seems like he is saying
14 that you only have a parking easement. You only have a
15 right of way.

16 MR. LEONARDO: Where that cut through is - it's
17 not on his property. It's not in the easement. It's on our
18 property.

19 CHAIRMAN STUTO: Where the cross-connection is
20 going to be?

21 MR. COSTA: Yes.

22 MR. KHAN: I have a picture of what it looks
23 like right now. I don't know if you want to see that.

24 MS. DALTON: Yes.

25 CHAIRMAN STUTO: We'll take a look at that.

1 Who did the alterations? We don't know. Let's
2 get everyone on the record. If you have more questions,
3 after the other people are done, you can come back.

4 Don Allard.

5 MR. ALLARD: I'm Don Allard, 92 New Shaker
6 Road. I am also on the Conservation Advisory Council, for
7 the record.

8 My property is right here and it angles back
9 right into here (Indicating).

10 I have spoken to most of my neighbors on Lisha
11 Kill and New Shaker regarding this project. Many of the
12 neighbors are multi-generation. The reason I moved there
13 30 years ago was because of the wooded rural nature of the
14 area. I am concerned that we're going to be looking at a
15 warehouse now instead of a 90-foot grove of trees. The
16 trees that I am referring to are right through here
17 (Indicating)

18 CHAIRMAN STUTO: Is that on Aurora?

19 MR. ALLARD: Well, Aurora is a paper street.
20 This is the marble building -

21 CHAIRMAN STUTO: Presumably he is not going to
22 remove trees off his property.

23 MR. ALLARD: Bear with me one second, okay?

24 I was back here the other day with one of my
25 neighbors and we did a sight line to this building here

1 (Indicating). This is heavily wooded here. This is where
2 the 90-foot - mostly maple trees are.

3 I was at the sketch hearing as well and it's
4 kind of like, we'll try not to remove the trees. They are
5 already gone with the way that he's got it laid out here
6 with the parking.

7 There are many deer that visit us. There are
8 bats in the area. There are shagbark hickories which are
9 homes for bats.

10 Mr. Rosetti probably has a nice project here. I
11 don't begrudge him wanting to take advantage of the land
12 that he has. Would he please leave this grove of trees and
13 leave the rural nature -

14 CHAIRMAN STUTO: Chuck, have you been back
15 there to look at the trees?

16 MR. VOSS: We have been back there, but not
17 specifically to look at the heavy dense population of
18 trees. It's heavily wooded back there.

19 MR. MAGGUILLI: Are they mature trees, Chuck?

20 MR. VOSS: Most of them are. That led to our
21 comment to actually -

22 MS. DELGIACCO: I have a video that I took.

23 MR. ALLARD: I believe that I sent some
24 pictures to Joe and hopefully they were forwarded onto the
25 Planning Board.

1 CHAIRMAN STUTO: What does the Board think?

2 MS. DALTON: Given the questions here, since we
3 have the ability to ask for a tree study, I think that's
4 in order. In addition, there was a note in our record in
5 regard to the bat as an environmentally threatened
6 species. So, I was going to make sure that was something
7 that you looked into. It seems to me that you could take
8 care of both of those things.

9 MR. ALLARD: Thank you.

10 CHAIRMAN STUTO: It seems to me that the two
11 major issues right now are trees and vegetation. Maybe the
12 applicant can look at that again. I think that Kathy
13 suggested the tree survey which is one of the things that
14 we have been asking for more and more, at least so the
15 Board and the public can understand where the lot line
16 limits are and what the current conditions are and to the
17 extent that can all be ascertained.

18 MR. COSTA: As far as the boundaries, what is
19 shown on the plans is accurate. Those are not going to
20 change from what is shown on here.

21 As far as the trees, we have shown to replace
22 some trees if we get into this area and do any clearing.
23 If we don't get into it and do any clearing, we are not
24 obviously going to need to plant additional trees. That's
25 what the idea is.

1 CHAIRMAN STUTO: Can the building be
2 repositioned?

3 MR. COSTA: Not necessarily. This is our
4 stormwater management area (Indicating). So, we can't
5 really go that way too much more. If we did, then we would
6 need this area (Indicating) for stormwater management. We
7 just can't do anything more with the building location. I
8 don't believe that we can do too much more with the
9 building location. The building location is not that far
10 off from where the existing home is. In actuality, there
11 are existing services that go to the existing home and
12 we're going to be utilizing some of those services.

13 MR. SHAMLIAN: The stormwater management is for
14 which properties?

15 MR. COSTA: Well, it will be a combined - a
16 shared system.

17 MR. SHAMLIAN: What addresses?

18 MR. COSTA: I'm sorry; 2071 and 2069.

19 MR. SHAMLIAN: It very well may be that what
20 you guys are trying to do is just too much for the
21 property.

22 The existing property is 76% greener, and you
23 guys are taking it down to 38%. It's within Code, but
24 it's a pretty big change.

25 MR. LEONARDO: Can I just point something out?

1 Yes, this is heavily treed, but so is all of
2 this between these houses (Indicating).

3 MS. DELGIACCO: No, sir, it's not. I cleaned
4 that up.

5 MR. LEONARDO: There is 300 feet between -
6 well, the furthest one. They are not right on top of the
7 property.

8 MR. HEIDER: You say that there is only going
9 to be four trips a day for a commercial building of 7,000
10 square feet. There are more trips out of the house on
11 Sunday morning. That concerns me - what you are alluding
12 to here.

13 The other thing is that you have almost 30,000
14 square foot of pavement for a building that is only going
15 to generate four trips per day. That just doesn't seem
16 right to me.

17 MR. COSTA: The majority of the pavement that's
18 being created is for maneuvering purposes.

19 MR. HEIDER: If you only have four trips a day,
20 it could take a little longer to maneuver.

21 MR. COSTA: But you would still need the
22 maneuvering space. There is no way around needing that.

23 MR. HEIDER: How big a truck are we talking
24 about?

25 MR. COSTA: The biggest one would be a box

1 truck. We're not talking about tractor trailers.

2 MR. HEIDER: But you're also exposing to the
3 pavement of the building next door; correct?

4 MR. COSTA: Yes, we are.

5 MS. DALTON: So, if you moved the building east
6 - can you move it east? You already have pavement there
7 with the other property and that gives you the maneuvering
8 room that you would need. You might even turn it in the
9 other direction so that you have it long way so that
10 somebody could just come in, pull this vehicle in the
11 driveway and back into -

12 MR. COSTA: That's going to get too close to
13 the maneuvering that is necessary for this area. Moving it
14 this way (Indicating) there may be some room -

15 MR. MION: Even when you do that, moving it
16 toward New Shaker and bring some of that parking around
17 the other side.

18 MR. COSTA: Yes, flip the parking.

19 MR. MION: And bring it down and back.

20 MR. COSTA: The only issue with that is that
21 there is a septic line between the zoning. The zoning is
22 residential and COR. We have to maintain 100 foot - that
23 what places the building where it is.

24 MR. MION: Right now you're 75.5, right?

25 MR. COSTA: No, we're 100 from the centerline

1 of Aurora Street.

2 MR. MION: So, you're 125 feet so you could
3 move it back 25 feet.

4 MR. COSTA: No, right now this is showing 100
5 feet from the center line.

6 MR. MION: Okay.

7 MR. VOSS: Nick, if you put the building 90
8 degrees off the access point - that corner, you could
9 maybe get where Kathy is going. You can still maintain
10 your 100-foot setback requirement for the rear property
11 line. In other words, if you're facing Central Avenue, you
12 could move your parking from the back to the front
13 utilizing some of the greenspace between the proposed
14 stormwater management there now and the new front of the
15 building would be higher -

16 MR. MION: What I'm saying is that it blocks
17 the visibility of that area - the loading area that's
18 here.

19 MS. DALTON: Doesn't the loading area go
20 towards Central Avenue?

21 MR. COSTA: Yes, for this building it does
22 (Indicating).

23 CHAIRMAN STUTO: My sense of the Board is that
24 we're not ready to act right now. I think we'd like you to
25 go back and think about those issues that we talked about.

1 I think that I'm hearing consensus for a tree survey.

2 Also, what is the point on the bats?

3 MS. DALTON: That they are endangered.

4 CHAIRMAN STUTO: How does the rest of the Board
5 feel about that?

6 (All Board Members agreed.)

7 MS. MILSTEIN: You have to get straightened out
8 what is going on between the two properties. Is there
9 encroachment? Are they in violation? What is really going
10 on?

11 MR. COSTA: This alignment right here would
12 bring the driveway onto this property - onto 20 Atwood.
13 This does resolve the issue of the driveway. I think that
14 the driveway right now is encroaching. It's crossing in
15 this area (Indicating). That's going to be done away with
16 and brought onto the property. This is the property line
17 right here (Indicating) at 20 Atwood.

18 MS. MILSTEIN: I would like to have our
19 department look into this, based on what was raised today.

20 MR. VOSS: Nick, I would say that if you guys
21 would provide the department with any easements -

22 MR. LEONARDO: We've done that. The response
23 that we get is the Town isn't going to police the
24 easements. It's between us to deal with that. We are
25 currently in a lawsuit with the neighbor. So, he is in

1 violation of his site plan, also because he is only
2 allowed to have a certain number of cars on his lot and
3 there is consistently 50 or 60 cars there. I think that he
4 is allowed 30 cars. We send pictures to the Town on a
5 daily basis - the lot full of cars parked in the easement.
6 We have been told that it's not the Town's responsibility
7 to police and who is dealing with the easement. So, it's
8 not being ignored. It's in the courts right now. So,
9 that's why it's kind of sitting. The other site is a total
10 different parcel.

11 MR. MION: Just as a matter of record, I
12 understand that he has some issues on his property. Also,
13 have you replaced the island that you removed? Have you
14 replaced the trees?

15 MR. LEONARD: Yes, we replaced the island.

16 MR. MION: The island is as per the Town
17 standards?

18 MR. LEONARDO: Mike Tengeler came out and we
19 decided where it was going to be and what it was going to
20 be and that's what we put back in.

21 MR. MION: Michael, is it to Town standards?

22 MR. TENGELER: The placement was what was
23 agreed upon. I'm not sure if the asphalt was what Bill was
24 looking for. I don't think that Bill certified it.

25 MR. LEONARDO: When we were on-site he said

1 that he wanted something put there so that a vehicle
2 couldn't just drive through there. They wanted a break.

3 MR. KHAN: That's not true.

4 CHAIRMAN STUTO: We'll give you one last chance
5 to respond and then we're going to adjourn it.

6 MR. KHAN: First I want to make sure they tree
7 their lot because I have a lot of concern with the trees
8 and whatnot. They are not going to save any of the trees
9 because they have removed trees from my property without
10 even my consent. That's the first question that I want to
11 make sure - I want to make sure that everybody understands
12 that.

13 Second, what Adam just spoke about is we got an
14 easement and whatnot. Mike has been on-site several times.
15 Adam and I have been on-site several times.

16 The site - the way that it has been changed is
17 nowhere approved by the Planning Board or anybody, as far
18 as I know.

19 As far as the concern about parking spots and
20 whatnot, I'm not violating any of that. What they have
21 done is basically violated over and over - by changing my
22 parking lot, cutting my trees down, removing the curb.

23 Mike was on-site regarding the curb as well. We
24 did discuss it and the curb was not put back the way that
25 we did discuss. The parking lot was not changed the way

1 that we discussed.

2 Based on the easement - the Town has a copy of
3 the easement that exists between my property and their
4 property. That easement does not allow them to make any
5 changes whatsoever - only that they are able to use the
6 existing structure that is there, which they have
7 modified.

8 CHAIRMAN STUTO: He says the new cross
9 connection is going to be entirely on their property.
10 That's how it looks on the drawing, but I don't know.

11 MR. KHAN: But the drawing is deceiving. That's
12 what I'm trying to explain to the Board.

13 CHAIRMAN STUTO: I think that he is saying that
14 the new construction is only going to be on his property
15 for that driveway that connects to the -

16 MR. KHAN: On paper, it is. If you physically
17 go look at it, it is not. That's what I am trying to
18 explain to the Board.

19 CHAIRMAN STUTO: Are you planning on
20 reconstruct it or use existing?

21 MR. COSTA: No, we are going to relocate it to
22 this -

23 CHAIRMAN STUTO: He says they are relocating
24 it.

25 MR. KHAN: So, you're going to remove this

1 parking that you have here and then you're going to put
2 the drive-in through, which is half on my property and
3 half on yours. So, are you going to remove all those
4 parking spots?

5 MR. COSTA: Yes.

6 MR. KHAN: So, you're not going to have no
7 parking on this side?

8 MR. COSTA: Right.

9 MR. KHAN: I want to make sure that is the
10 case. I also want to make sure that whatever you do there,
11 stays there (Indicating) and does not lean over on my
12 property.

13 MR. COSTA: I'm only addressing the driveway.

14 MR. KHAN: But where are you flowing the
15 traffic out to - to leave the driveway, they have to go
16 somewhere, correct? So, how are you flowing that traffic
17 through it?

18 CHAIRMAN STUTO: Okay, we have to wrap this up.

19 We get your point. We will ask our department
20 and our Town Designated Engineer to discuss that with the
21 applicant so that we can get a clear answer the next time
22 they come back.

23 MS. DALTON: I just want to take a second to go
24 back to the possible tenants and the trip generation
25 question. It just didn't make sense to me. So, I think

1 that we need a better idea of what the building is going
2 to be used for and who is going in the unit so that we can
3 get a more accurate idea of how many trips are going to be
4 generated.

5 I agree with the Chief who said four trips just
6 doesn't make sense. Four trips is going in and out of
7 work.

8 MR. LEONARDO: We don't have a tenant.

9 MS. DALTON: But you designed it for some
10 purpose.

11 MR. LEONARDO: Storage, warehouse -

12 MS. DALTON: And some kind of retail.

13 MR. LEONARDO: Possibly, but we don't know. If
14 there are 30 trips a day - where are they going?

15 MS. DALTON: We just like to get accurate
16 information.

17 MR. LEONARDO: We are saying that we are doing
18 it as storage/warehouse with a small office or retail.
19 Based on that use is where that calculation comes up from.
20 It's not a made-up number. If you look that up -

21 MR. COSTA: I apologize. I did misspeak. It's
22 3.11 trips per 1,000. It's in the project narrative. It's
23 21 trips. I apologize. It's my mistake. I said 3.11 and I
24 rounded it up to 4 per 1,000. So, 6,700 times 4 is 3.11.
25 It comes up to 21 trips. I apologize.

1 CHAIRMAN STUTO: Ms. DelGiacco?

2 MS. DELGIACCO: Thank you.

3 MR. MAGGUILLI: Ma'am, can we see the video?

4 MS. DELGIACCO: Yes, you may. I brought it for
5 you.

6 When I look out my back door, it's all
7 beautiful birds singing. There are deer and foxes and
8 rabbits. It's beautiful.

9 CHAIRMAN STUTO: Make sure that Chuck sees it,
10 too.

11 MS. DELGIACCO: Her house is so far away from
12 mine.

13 MR. TENGELER: Can you email that to the
14 department?

15 MS. DELGIACCO: Give me your email.

16 MR. VOSS: That's the back of your property?

17 MS. DELGIACCO: It goes all the way back.

18 CHAIRMAN STUTO: Okay, thank you.

19 We'll see you next time.

20 MS. DELGIACCO: I just want to ask - how close
21 is that going to be to my property - the fence?

22 MR. COSTA: About 26 feet.

23 MS. DELGIACCO: And 21 or 22 trucks a day, in
24 and out.

25 MR. COSTA: That's 21 trips.

1 MS. DELGIACCO: Again, I think that it's a
2 great idea if they can leave the trees and put the fence
3 up and keep some semblance of what we enjoy now and what
4 we pay taxes for, that would be great.

5 I know that Mr. Rosetti is a very nice man and
6 he takes care of his properties well. He's a good
7 neighbor.

8 Unless they can do what they are promising, it
9 doesn't make sense to me to take away everything that we
10 pay taxes for. It doesn't make sense to put that next to
11 people who are trying to relax and have quiet.

12 The marble place which is on the other side of
13 that makes noise all day long. I'm a therapist. I have
14 people in my house. I only work with 10 people a week. I'm
15 a psychotherapist and I need quiet and sometimes the sound
16 from that is too much. So, you never know what is going to
17 happen over there.

18 CHAIRMAN STUTO: Chuck and Mike, I'm going to
19 look to you to tell them what type of tree survey they
20 need. We are relying on you.

21 MR. VOSS: We'll set up a meeting with the
22 applicant.

23 CHAIRMAN STUTO: Okay. We want it to be
24 satisfactory. Thank you.

25 MS. MILSTEIN: We have to see the site plan and

1 to see whether there are past violations so we can get
2 past these items.

3 MR. COSTA: Sure.

4 CHAIRMAN STUTO: Thank you.

5

6 (Whereas the above entitled proceeding was
7 concluded at 8:06 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.

Date: _____

Nancy L. Strang
Legal Transcription
2420 Troy Schenectady Rd.
Niskayuna, New York 12309

