

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

HOTEL & RESTAURANT

144 WOLF ROAD

APPLICATION FOR CONCEPT ACCEPTANCE

5 *****

6 THE STENOGRAPHIC MINUTES of the above
7 entitled matter by NANCY L. STRANG, a Shorthand
8 Reporter, commencing on October 17, 2017 at 7:15
p.m. at The Public Operations Center, 347 Old
Niskayuna Road, Latham, New York.

9

10 BOARD MEMBERS:
11 PETER STUTO, CHAIRMAN
12 LOU MION
13 CRAIG SHAMLIAN
14 SUSAN MILSTEIN
15 KATHY DALTON
16 STEVEN HEIDER

17 ALSO PRESENT:

18 Joseph LaCivita, Planning and Economic Development
19 Department
20 Michael Tengeler, Planning and Economic Development
21 Department
22 Michael C. Magguilli, Esq., Town Attorney's Office
23 Kathleen Marinelli, Esq., Special Counsel to the
24 Planning Board
25 Nick Costa, PE, Advance Engineering & Surveying
Joseph Grasso, PE, CHA
Tom Burke
Matt McDaniel, MD

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1 CHAIRMAN STUTO: The next item on the
2 agenda is Hotel and Restaurant 144 Wolf Road,
3 application for concept acceptance, four-story 111
4 room hotel and two restaurants totaling 13,452
5 square feet.

6 Joe LaCivita, do you have any introductory
7 remarks for this project?

8 MR. LACIVITA: Yes. We are here tonight for
9 concept acceptance. The parcel that has been
10 identified as 144 Wolf Road has been before the
11 Town Departments under the DCC on November 16,
12 2016. We saw this once before from a sketch plan
13 perspective back in January 10, 2017.

14 Before us again tonight is Nick Costa as
15 the engineer and Tom Burke as the owner of the
16 property.

17 MR. COSTA: Good evening. My name is Nick
18 Costa. I am with Advance Engineering. We have
19 prepared a concept plan that is in front of you
20 tonight for concept acceptance. This is the site
21 that is located at 144 and Cerone Commercial Drive
22 and Automation Road up on the west side of the
23 site.

24 This is a site that is fully developed. It
25 was formerly used by the Lazare automotive group

1 in the sales of vehicles.

2 What's being proposed is the redevelopment
3 of the site with two pad sites for restaurants and
4 one for a hotel. The hotel has been identified as
5 the Hyatt House. There is an elevation here of the
6 Hyatt House. Then, the restaurant to the left of
7 the entrance is the Longhorn Steakhouse and that
8 is rendered here in color (Indicating).

9 The site already has the utilities that are
10 necessary to service these new developed pads.
11 There is water, sewer and storm all around the
12 site on Wolf Road and on Automation and Cerone
13 Commercial Drive. The green space on the site
14 will be increased. I believe it is at 24% and it's
15 going to be raised to 27%.

16 There are changes to the access drives to
17 the site. The access from Wolf Road will be as
18 shown at the center right there. There is
19 currently another one that is going to be closed
20 off. On Cerone Commercial Drive there is an access
21 drive. There will be two access drives off of
22 Automation Lane.

23 CHAIRMAN STUTO: Will they have access to a
24 signalized intersection, if they want to?

25 MR. COSTA: No. There is no signal here.

1 You could come out to Wolf Road and Computer
2 Drive -

3 CHAIRMAN STUTO: So, you could get there if
4 you wanted to.

5 MR. COSTA: Yes, that's correct.

6 Then, there is another signal here
7 (Indicating). There is no signal between those
8 two locations.

9 CHAIRMAN STUTO: What does the curb cut
10 line up with across the street?

11 MR. COSTA: It doesn't. It's kind of in
12 between the two. We have submitted this to DOT.
13 DOT is fine with the current alignment of the
14 driveway. There is a letter in the file with
15 regards to that.

16 The circulation of the site is such that it
17 is a T so that clients can come in to this pad
18 site or this pad site were over to the hotel.
19 Everybody connects to the site from Wolf Road, but
20 there are those other three access drives.

21 The hotel is a four-story hotel. This is a
22 redevelopment of the site so as far as storm
23 water, we do qualify for the chapter for
24 redevelopment in the New York State DEC Storm
25 Water Design Manual. Each one of these

1 restaurants will have the grease traps as required
2 by the Town. They will have new water service.

3 There are substantial trees that exist
4 along Wolf Road and also especially on Automation
5 Lane. We are bringing in the water from Automation
6 so that we don't have to touch any of the trees
7 out on Wolf Road. So, we will not be disturbing
8 those.

9 This is the aerial photo.

10 The green space is from 23.8% to 27%.

11 Each site has sufficient parking to
12 accommodate the particular use. The restaurants
13 independently have their own parking that meets
14 the parking requirements and the same with the
15 hotel.

16 There are waivers that we are asking for.
17 Again, those waivers were greater than 20 feet
18 along the streets.

19 We have identified that there is an
20 easement along Wolf Road so that we can't bring
21 the building any closer to Wolf Road than what we
22 have shown. There is parking that was shown along
23 the frontage. Again, that is an existing condition
24 that is actually being reduced from what the
25 former use was there.

1 We do have a waiver requests for
2 landscaping - the 20% landscaping which would end
3 up having more islands here (Indicating). What we
4 have done is -- this large green space right here
5 is an island. That is defined as an island per the
6 Town requirements.

7 The buildable area is 6.36 acres. It is the
8 COR zone which is the
9 commercial/office/residential zone.

10 If there any questions, I would be happy to
11 answer them.

12 CHAIRMAN STUTO: This has been reviewed by
13 our Town Designated Engineer, CHA. Joe Grasso is
14 here representing them.

15 I'm going to ask Joe to go through his
16 comments on the project.

17 If members of the public would like to
18 speak, there is a sign-up sheet to our left and
19 your right. Please sign and we would appreciate
20 that.

21 Joe Grasso, could you give us your
22 comments?

23 I will ask the developer if they could put
24 the elevations up for the public to see.

25 MR. GRASSO: Just before I get going, we

1 did issue a comment letter dated September 29th.
2 In your packet you will find the letter. It was a
3 two-sided letter that you received. I did make
4 copies of the letter.

5 CHAIRMAN STUTO: If you could pass that
6 out, that would be great.

7 MR. GRASSO: The project is up for concept
8 and site plan review and it has gone to sketch
9 plan review as well as the multi-departmental
10 review by the Town. It is important to note that
11 this is a redevelopment project of a previously
12 developed site along Wolf Road.

13 The Town Land Use Law is obviously strongly
14 supportive of previously developed commercial
15 properties and so we commend the applicant for
16 bringing forth this project. Obviously,
17 redevelopment projects reduce the environmental
18 impacts and drainage impacts and this project has
19 a positive impact on both of those things.

20 I would also like to point out that the
21 access management along the Wolf Road corridor is
22 really important. This project is reducing the
23 number of curb cuts down to one and it is also a
24 positive component of the site.

25 The current plan that you are looking at

1 tonight does address many of the comments from the
2 DCC meeting from a while back. The response letter
3 provided by the applicant touches on how those
4 more technical related comments will be addressed
5 as the plan works through its design stages.

6 As Nick mentioned, there are four waivers
7 required. They have provided ample justification
8 for each of those requested waivers as part of the
9 application package.

10 The front yard along Wolf Road is a
11 significant waiver and is significantly
12 constrained by the existing mature trees that they
13 are trying to save as part of the project, as well
14 as the utility easement across the front. So, that
15 pushes those two restaurants further back into the
16 site.

17 If the waivers are supported by the
18 Planning Board, our office would prepare waiver
19 findings for consideration by the Planning Board
20 when the project is up for final review.

21 The project site is located within the
22 Airport Area GEIS Study Area, so would be subject
23 to the statement of findings. As part of that
24 study and compliance with those findings, there
25 would be mitigation of the cumulative impacts. A

1 significant one would be traffic. This project
2 would contribute traffic mitigation fees which
3 would go towards area-wide transportation projects
4 to mitigate the impacts of new growth within the
5 area.

6 We had made some comments earlier about the
7 potential for shared parking between these land
8 uses. Right now this site is parked based on the
9 Town's requirement looking at each land use on its
10 own. We do think that the applicant should
11 consider a shared parking arrangement which could
12 reduce parking demands across the site anywhere
13 from 10% to 15%. We would think that the Planning
14 Board should indicate whether or not that would be
15 something that you would like to see considered.

16 CHAIRMAN STUTO: Would the applicant
17 consider that or be willing to consider that?

18 MR. COSTA: Yes. The applicant has had
19 conversations with the tenants and the tenants are
20 determining the number of parking spaces and the
21 location of those parking spaces.

22 CHAIRMAN STUTO: Are you saying that the
23 discussion is in progress, or they don't want to
24 do it?

25 MR. COSTA: They don't want to do it.

1 MR. BURKE: We have these conversations
2 with tenants in every single project,
3 understanding the desires that the Board has with
4 respect to banking parking and so forth. There are
5 minimum requirements that these folks have before
6 they can open a restaurant or a hotel. Absent
7 that, the franchisors will not grant approval for
8 a license to operate. We have to have sufficient
9 parking. The worst thing that we would want to see
10 here is a popular venue and not enough parking. It
11 is a white elephant. The project dies. Nobody
12 wins. We did take into account to the extent that
13 we could the amount of green space that we could
14 provide. We are increasing green space. The
15 layout, we believe, is intelligent. We are
16 reducing the number of curb cuts and the layout is
17 the best that we can achieve. We think it is
18 highly functional and eminently practical and
19 serves the needs of the Town as well as the
20 perspective tenants here.

21 MS. DALTON: So, since we are talking about
22 the parking, I was concerned about the comment
23 with regard to the parking spots, I was concerned
24 about the comment with regard to the dead-end
25 parking spots or corridor.

1 MR. BURKE: I don't think we have dead-end
2 spots.

3 CHAIRMAN STUTO: Did Joe Grasso comment on
4 this?

5 MS. DALTON: Yes, thank you; number six.

6 "Consideration should be given to revising
7 the proposed layout to reduce the conflict between
8 the access drive to Cerone Commercial Drive, and
9 the adjacent parking elimination of "dead-end
10 parking" should be considered.

11 So, I'm a little concerned if you're not
12 doing shared parking, that is one of the things
13 that is contributing to some of the dead-end
14 parking. Could you address that please?

15 MR. BURKE: I guess I would have to confer
16 with Joe and get the specific -

17 MR. GRASSO: So, it's where the access
18 drive comes out to Cerone you've got parking right
19 along that and on the other side of the restaurant
20 you've got dead-end parking.

21 MR. BURKE: Generally, those are employees
22 spaces. So, you would not have high turnover
23 there. They would be coming in during non-peak
24 hours and would not present a problem for patrons
25 coming either to the restaurants or to the hotel.

1 We use those spaces more for workers and employees
2 than for patrons.

3 MS. DALTON: Are you going to mark that as
4 such or do something to instruct restaurant
5 employees? This is the reason that I ask: I think
6 we have all been in situations where you think
7 you're going to be able to swing around and then
8 you can't and then you have to back up. If you
9 have a busy restaurant or something, that becomes
10 a safety hazard.

11 MR. BURKE: Clearly and obviously that is
12 something that we can address in the site plan.
13 That is a problem.

14 MS. DALTON: As long as it is marked or
15 something else to let folks know not to go down
16 there -

17 MR. BURKE: That makes perfect sense.

18 CHAIRMAN STUTO: With respect to shared
19 parking, I don't consider the issue dead. So, if
20 we could continue the conversations?

21 MR. GRASSO: We can continue to work with
22 the applicant on it and taking a closer look at
23 the estimated parking demands.

24 We have some known specific tenants now?

25 MR. BURKE: Yes, we do.

1 MR. GRASSO: We can validate, based on
2 historical usage on those sites whether or not
3 they are going to need all the parking and then we
4 could make a report to the Board. The best case is
5 if the demands aren't there, that we work with the
6 applicant on trying to land bank spaces. They are
7 shown on the site plan to be constructed, but they
8 just don't pay for the infrastructure to be built
9 at this point -- but if the demand is there, he
10 basically has the approval to go ahead and build
11 them and help design his site.

12 CHAIRMAN STUTO: With the banked, if you
13 feel like you are getting jammed up you can still
14 expand it.

15 MR. GRASSO: We do have other sites on Wolf
16 Road. You may remember the application for 109
17 Wolf Road across the street where we have a site
18 that is under parked and we are going through a
19 site plan application process to make sure that
20 there is adequate -- because we do know the known
21 tenant and have historical demands for parking,
22 that is something that we can try to work with and
23 bring to the equation with the site, too.

24 There are some known drainage issues on
25 Cerone Drive. This project is, like Nick said,

1 going to qualify for redevelopment credits which
2 reduces the level of storm water management
3 required, but it still is going to provide a fair
4 level of storm water management.

5 The site right now has no storm water
6 management features so there is no detention or
7 infiltration. This site is going to provide those
8 so we would expect that this project, just by
9 complying with the regulations, could improve that
10 situation. We just want to make sure that
11 situation is totally addressed so that we don't
12 have ponding or standing water during significant
13 rainfall that is along Cerone Drive or other areas
14 of the site. So, that is something that we would
15 want to bring to their attention.

16 We are supportive of their intended use of
17 an infiltration practice. It is the most
18 conservative storm water management practice there
19 is. Based on the soil conditions, it is an
20 appropriate location for that type of practice.

21 In terms of green space, the amount of
22 green space is going to increase from 23% to 27%.
23 The incentive zoning requirements do not need to
24 apply to this site.

25 Regarding SEQR, it is an unlisted action so

1 a short EAF is all that is required. The
2 applicant has gone through the effort to provide a
3 Full Environmental Assessment Form which gives us
4 a lot of additional information regarding the
5 environmental setting of the site as well as the
6 projects impacts. We believe that the form
7 adequately describes the project and its impacts
8 which, at this time, we expect to be minor. The
9 Planning Board should withhold making a SEQOR
10 determination until we are further along to the
11 final design process.

12 That is where we are at with our review.

13 CHAIRMAN STUTO: We have one individual
14 looking to speak on this project. Dr. Matt
15 McDaniel.

16 MR. MCDANIEL: I am Dr. Matt McDaniel. I am
17 actually the owner of 130 Wolf Road which abuts
18 this property.

19 CHAIRMAN STUTO: Which side it is on.

20 MR. MCDANIEL: Actually, I am the property
21 right here (Indicating).

22 CHAIRMAN STUTO: What is on that property?

23 MR. MCDANIEL: It is divided. It is
24 actually the veterinary hospital that my wife and
25 I own. The building is divided and has a Sherwin

1 Williams paint store.

2 I am concerned about the storm water
3 situation with this right now. On my property
4 right in this area (Indicating) there is a
5 drainage rate here. In heavy situations,
6 Automation will flood and the water will be clear
7 up to -- unfortunately, my property is kind of the
8 low point of the area. There will be water -- and
9 I have submitted pictures and a video to the
10 Planning Department where the water will be up
11 clear up over Automation right now. Currently, the
12 way the property situates right now -- from this
13 half of the property water is running when it
14 rains heavily over, coming down on my property and
15 running down and collecting right here
16 (Indicating). It's kind of the back corner where
17 all the rainwater will back up from the storm
18 sewers and come out the drain and comes off
19 Automation and off Wolf Road and comes down and
20 pool right here (Indicating).

21 I support the redevelopment of this
22 property, but I'm just concerned with the water.

23 CHAIRMAN STUTO: We will address that.

24 Why don't you have a seat and if you need
25 to get back up, you can.

1 My understanding of the storm water
2 regulations -- we have been sitting up here for a
3 long time listening to our consultants and the
4 applicant - is that the situation will get no
5 worse and may improve. So, that said, I'm going to
6 turn it over to Nick Costa, the engineer, to see
7 if he can talk specifically about how the water
8 seems to flow during rainy conditions and what you
9 tentatively think you're going to do in terms of
10 your storm water management plan.

11 MR. COSTA: The way the doctor described it
12 is the way it exists in the field currently. By us
13 delineating the pavement, we are going to be
14 installing catch basins with closed drainage -

15 CHAIRMAN STUTO: Can you give an idea of
16 where that might be on the site and how it is
17 going to capture the water?

18 MR. COSTA: Every one of the dark spots on
19 this map is a catch basin and it is going to be
20 connected and directed either to this area right
21 here (Indicating) because this is the natural low
22 point -

23 CHAIRMAN STUTO: Is there underground
24 storage there?

25 MR. COSTA: We're going to have

1 infiltration. We are also going to be taking some
2 over to this area right here (Indicating).

3 CHAIRMAN STUTO: Can you define what
4 infiltration is? Are you going to just naturally
5 infiltrate, or are you going to put some kind of
6 storm water structure there to help?

7 MR. COSTA: We can do both. We haven't
8 worked out the details of that system, but the
9 likelihood is that there is going to be some stone
10 and some pipe that is going to be installed and
11 that is going to provide a void for the water to
12 sit there in that void and slowly recharge it to
13 the soil.

14 As we all know, and as Joe has mentioned,
15 the soils at this site are permeable. So, it will
16 infiltrate. Given the time, it will infiltrate.
17 It's just a matter of providing the room for the
18 volume to sit and while it is recharging into the
19 ground.

20 MS. DALTON: Are you planning porous
21 pavement?

22 MR. COSTA: No, we are not doing porous
23 pavement.

24 MR. GRASSO: It is a suitable site for
25 that. It is something that the design engineer

1 needs to feel comfortable with designing. The
2 filtration system that Nick is describing is the
3 same as pervious pavement, except pervious
4 pavement promotes infiltration into the subsoil.
5 What Nick is saying is he would use a standard
6 pavement section that is easier to maintain and is
7 more typically used in commercial settings, but he
8 will provide that storage underground beneath that
9 pavement section. The net effect is that it's
10 going to reduce the amount of water that is
11 running off and causing problems along automation
12 or Cerone Drive. The net effect is the same, it's
13 just another storm water management approach.

14 CHAIRMAN STUTO: Doctor, do you have any
15 other questions?

16 MR. MCDANIEL: So, there is a drain at the
17 back corner of those two properties. I believe
18 that's the access to the storm water sewer there.
19 What is the impact upon that?

20 MR. COSTA: I am familiar with it. Once we
21 have our system designed, the impact will be
22 reduced. There will be less water going to that
23 location because we are diverting some of the
24 water away and providing storage within the
25 system.

1 CHAIRMAN STUTO: Would you be willing to
2 meet with your neighbor and discuss it privately?

3 MR. COSTA: Sure.

4 MR. MCDANIEL: I mean, I support the
5 project.

6 CHAIRMAN STUTO: But just to talk about
7 storm water.

8 MR. MCDANIEL: Yes.

9 MR. COSTA: Yes, that is not a problem. As
10 we develop the system, I can bring you up to date.

11 MR. LACIVITA: Actually, Peter, the doctor
12 showed me the video as well, our stormwater
13 Department and our Department of Public Works as
14 the problem already exists and the site already
15 exists. So, all three will collectively be working
16 together.

17 CHAIRMAN STUTO: Members of the Board?
18 Chief, do you have any comments or
19 questions?

20 MR. HEIDER: I guess the only thing that I
21 have to say is there were some questions that were
22 raised earlier today about the visibility and what
23 would be the area on Automation Lane. Are there
24 any architectural details in the rear?

25 MR. COSTA: Yes, there were elevations

1 submitted with the package. It's going to be much
2 the same - almost a mirror image of the front. Any
3 mechanical equipment is going to be screened with
4 a solid brick wall. That is shown on the floor
5 plans and also on the elevations that were
6 submitted to the Town

7 MR. HEIDER: Unfortunately, the Lazare
8 property was developed 40 or 50 years ago when the
9 Planning Board required an awful lot of Austrian
10 Pines, which basically are past their point of
11 usefulness in the back. Are you proposing to
12 replace them? I'm not in favor of clear cutting
13 trees, however, there are trees on this property
14 that are obviously not in great health and would
15 probably be better served by being replaced and
16 putting in something new.

17 MR. COSTA: We could take a look at that
18 along with Joe at some point. Some of them are not
19 necessarily on our property. Some of them are in
20 the right-of-way.

21 MR. HEIDER: They were put there because
22 the Planning Board back then required them. It was
23 a big thing back then with the Austrian Pines and
24 the locust trees that are on the property now.

25 MR. COSTA: We can certainly look at those.

1 CHAIRMAN STUTO: Speaking of architecture,
2 are the restaurants likely to change or are they
3 likely to stay very similar to that?

4 MR. BURKE: That is the elevation that is
5 proposed. That is the restaurant that is going
6 there.

7 CHAIRMAN STUTO: Can you walk that by the
8 Board? I don't think we have those elevations.
9 Could you also describe the architectural
10 features?

11 MR. COSTA: It's a mix just like the design
12 standard requires. It's a mix of materials.

13 MR. LACIVITA: There are sites along the
14 Wolf Road corridor that have been looked at over
15 the past four years - the Burger King and some of
16 those along that way - they are very interested in
17 the Town of Colonie and I know Mr. Burke has
18 worked very hard to get them.

19 CHAIRMAN STUTO: Craig?

20 MR. SHAMLIAN: Nick, on top of the hotel -
21 what is the structure above the fourth floor? You
22 say that it is a four story building but it looks
23 like a five-story building.

24 MR. COSTA: I think that's just an
25 architectural feature, Craig.

1 MS. DALTON: But it is clearly within the
2 height standards?

3 MR. COSTA: Yes.

4 MR. SHAMLIAN: The Longhorn has proposed
5 about 35 feet in the back from the right-of-way.

6 MR. COSTA: That's correct.

7 MR. SHAMLIAN: How far back is the
8 Sherwin-Williams building? I understand what the
9 standards say but, as a board, we have been pretty
10 consistently pushing buildings further back.

11 MR. COSTA: This building right here
12 (Indicating) is back about - more like 50 feet.

13 CHAIRMAN STUTO: Joe, do you have an
14 opinion on that? Do you think it should be pushed
15 back further?

16 MR. GRASSO: It is balanced against the
17 design requirements. We have some buildings that
18 have -

19 CHAIRMAN STUTO: Let's just say we have a
20 clean slate. Where should we go from there? If
21 you're waiving a requirement, you are waiving a
22 requirement. Let's get to the right answer.

23 MR. GRASSO: We're supportive of the
24 suburban feel and a greater setback unless that is
25 going to make it feel like there is more parking

1 between the building and the road. If that is the
2 case, I would rather see the buildings pushed up
3 and the parking along the side. Obviously, they
4 are trying to fit a certain amount of parking
5 spaces on the site. I would not want to see the
6 building shifted back and that have a continuous
7 row of parking across the front between the
8 building and the road. I think that's what we
9 would end up with because the site could
10 accommodate that.

11 MR. SHAMLIAN: It depends on where the
12 discussion goes with parking. If you push both
13 those buildings back let's say 10 or 12 feet,
14 you're going to lose probably a total of 12
15 parking spaces.

16 MR. GRASSO: I think the Planning Board has
17 made a lot of gains over the past 10 years or so
18 by really reducing the amount of parking between
19 the buildings and the road frontage. I think this
20 site plan provides that good balance where it's
21 not right up on Wolf Road, but it's pushed back
22 far enough that we've got some green space to do
23 some appreciative landscaping and we don't have
24 any parking in the front.

25 CHAIRMAN STUTO: Okay, we'll think about it

1 a little bit more between now and then.

2 MR. GRASSO: If other Board Members have
3 comments, it's a good thing for us to consider.

4 CHAIRMAN STUTO: I think you should
5 consider it in the context of what is around it. I
6 don't mind pushing the building back more. We can
7 point out examples of where they are too close to
8 the road. We do get a lot of negative comments and
9 it gives you that crowded feeling.

10 Susan?

11 MS. MILSTEIN: I have nothing.

12 CHAIRMAN STUTO: Brian?

13 MR. AUSTIN: Mr. Burke, can you explain
14 just for the general public that is here the
15 difference that the Hyatt House brings to the
16 Town? I realize that this is a new label to the
17 Town. Could you talk a little bit about what the
18 Hyatt House is and what makes it different from
19 the Radisson or Marriott?

20 MR. BURKE: Hyatt is a high-end brand that
21 is not present in the market other than up at Exit
22 12 right now with a different Hyatt concept. We
23 think that the reputation for service and quality
24 associated with Hyatt is beneficial to the project
25 in the Town. We had options - many options with

1 respect to hotel chains that want to be on Wolf
2 Road. So, we were able to vet and choose the one
3 that we thought brought the most to the party.

4 MR. AUSTIN: Is it an all-suite hotel or is
5 it a mixture of suites?

6 MR. BURKE: It's actually not. I don't want
7 to comment on the layout because I'm not the
8 operator of the Hotel and I don't know that the
9 final design internally has been done yet. We can
10 get that information for you.

11 MR. AUSTIN: The other thing is that I am
12 in favor of pushing the building a little bit
13 further back. Once again, Sherwin-Williams does
14 have parking in the front so that might be an
15 issue. With increasing more green space, the
16 shared parking or the potential of banked parking
17 might be an option to see how busy the different
18 venues are and maybe add the parking later. There
19 is a lot of pavement there. I understand there has
20 been a lot of pavement there and you are
21 increasing the green space 4%. I think a little
22 bit more might be nice if you could try to find
23 some more.

24 MR. BURKE: That is a conversation that we
25 can continue to have. I can't guarantee results,

1 but we will certainly make the effort.

2 MR. AUSTIN: The last thing that I would
3 say is I think that -- we talked about this the
4 last time you were here - the curb cut and having
5 that across from the other curb cut. I know that's
6 a great place for it because it's right in the
7 middle of the property and is the most logical
8 place for it. I know that the properties across
9 the street have four curb cuts. I think trying to
10 line that up -- I am in favor of trying to line up
11 curb cuts, too.

12 MR. BURKE: We appreciate how important
13 access management is. I think Nick alluded to the
14 fact that we are consolidating a number of curb
15 cuts and eliminating them. So, we feel that is an
16 appropriate place for it. As Nick has mentioned,
17 DOT has weighed in and they are in favor of it. I
18 think that we are hopeful that this is the right
19 place for it and that you will agree with us on
20 that.

21 MR. AUSTIN: Overall, I think the project
22 is great. I am very in favor of bringing
23 development and projects to the Town. The property
24 has been abandoned for awhile so this is a great
25 use of the property. So, good luck.

1 MR. BURKE: Thank you.

2 CHAIRMAN STUTO: Lou?

3 MR. MION: I agree with everybody else. I
4 will make it easy.

5 I do tend to think that maybe that building
6 can be pushed back a little bit. Although, you
7 look at the parking along that area and if you had
8 to put parking closer to the road, it would be
9 consistent with the other buildings going south of
10 there. I also would like to see, if possible, more
11 green space.

12 CHAIRMAN STUTO: We hope that the developer
13 and the applicant has heard what we have said and
14 takes the comments to heart.

15 The one final thing I would like to talk
16 about is how the building is going to look from
17 the front. In other words, the streetscape, the
18 landscape, the hard scape and whatever is going to
19 be there. I don't know if you have thought about
20 that much. We don't have a rendition that really
21 shows that except from an aerial view. Can you
22 describe the landscaping in the front and how it's
23 going to look from Wolf Road?

24 MR. COSTA: There is a requirement that we
25 have the fence. Eighty percent of the frontage is

1 going to have fencing and landscaping trees. So,
2 besides the existing trees, we are doing some
3 infill landscaping.

4 CHAIRMAN STUTO: So, you're just saying
5 that you are going to comply with the law but you
6 don't have anything more particular to show or to
7 describe?

8 MR. COSTA: No.

9 CHAIRMAN STUTO: Okay, we will be looking
10 for that next time. That's generally an important
11 issue for this Board.

12 MR. COSTA: Understood.

13 CHAIRMAN STUTO: And I'm sure it is for
14 you.

15 MR. BURKE: If you have seen any of the
16 other projects that I have done in Town - the
17 Starbucks and Moe's up at the corner of Wolf and
18 Albany Shaker, Texas Roadhouse - we take great
19 pride -- and I have said this before -- in the
20 time and effort that we put into the design and
21 then the maintenance of the landscaping on our
22 properties. While it hasn't been fully shown, I
23 can assure you that it will be consistent with
24 everything else that you have ever seen us do in
25 the Town and every place else that we operate.

1 CHAIRMAN STUTO: Some of those properties
2 were before maybe the new law, but they don't have
3 fencing. For example, the Dunkin' Donuts on Albany
4 Shaker and Osborne - there is nothing special in
5 front of that I can recall. I drive by it every
6 day. Is there a fence there?

7 MR. BURKE: No, there is no fence. I'm
8 just talking about the landscaping.

9 CHAIRMAN STUTO: They are well-maintained.
10 I will definitely agree with that.

11 MR. SHAMLIAN: One of the things that I
12 think - along the same lines -- because there is a
13 fairly significant lot of parking there and the
14 property is predominantly flat - is trying to
15 incorporate in the landscaped area a little bit of
16 validation to maybe screen some of the parking -
17 to the extent that you can on Wolf Road,
18 understanding that it is flat development.

19 MR. COSTA: There is some room to do some
20 berming. We will certainly look at doing that.
21 It's not going to be a five-foot high berm.

22 MR. SHAMLIAN: And I'm not looking to
23 propose that you do a berm across the entire front
24 of the property.

25 MR. COSTA: Understood.

1 CHAIRMAN STUTO: Any other comments or
2 questions from the Board?

3 (There was no response.)

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

6 MR. AUSTIN: I will make a motion.

7 CHAIRMAN STUTO: Is that motion
8 incorporating all the Town comments, TDE comments
9 and Planning Board comments?

10 MR. AUSTIN: Yes.

11 CHAIRMAN STUTO: In a discussion?

12 (There was no response.)

13 All those in favor, say aye.

14 (Ayes were recited.)

15 All those opposed, nay.

16 (There were none opposed.)

17 The ayes have it.

18 Thank you.

19 MR. COSTA: Thank you.

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22 (Whereas the above entitled matter was
23 concluded at 7:45 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.

Dated: _____

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

