

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

\*\*\*\*\*

DEPAULA AUTO

947 TROY SCHENECTADY ROAD AND 2 MILL ROAD

APPLICATION FOR CONCEPT ACCEPTANCE

\*\*\*\*\*

THE STENOGRAPHIC MINUTES of the above entitled matter  
by NANCY L. STRANG, a Shorthand Reporter commencing  
on January 9, 2018 at 7:47 p.m. at The Public  
Operations Center, 347 Old Niskayuna Road, Latham,  
New York

BOARD MEMBERS:

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

ALSO PRESENT:

- Michael Tengeler, Planning and Economic Development  
Department
- Michael C. Magguilli, Esq. Town Attorney
- Joseph Grasso, PE, CHA
- Sheila Mulderry Bird
- Michael Donovan
- Dennis Rigosu, Rigosu Syvestsan Architects
- Daniel Hershberg, PA, Hershberg and Hershberg
- Ed Greeson
- Gloria Jevons
- Craig Bird
- Tim Dennis

1                   CHAIRMAN STUTO: Next on the agenda is DePaula  
2                   Auto, 947 Troy Schenectady Road and 2 Mill Road,  
3                   application for concept acceptance, one-story 21,636  
4                   square foot auto dealership.

5                   Mike Tengler, do you have any introductory  
6                   comments on this project?

7                   MR. TENGELER: The Board will remember the  
8                   original site on Central Avenue and that the applicant  
9                   was moving toward approval there. They decided to look  
10                  at this new location. It was more appropriate. I see  
11                  Dennis Rigosu from Rigosu Syvestsan Architects, as  
12                  well as Dan Hershberg in a sling. We will let Dennis  
13                  set up and we'll go from there. It's at 2 Mill Road,  
14                  right off of Route 7 at the corner of Mill Road and  
15                  Route 7.

16                  CHAIRMAN STUTO: Hello, Mr. Hershberg. How are  
17                  you?

18                  MR. HERSHBERG: Fine, Mr. Chairman. My name is  
19                  Daniel Hirschberg from the firm of Herschberg and  
20                  Herschberg.

21                  I apologize for appearing in a start of  
22                  dishevelment, but an ortho surgeon got me last Tuesday  
23                  and replaced my right shoulder. I now have it replaced  
24                  left knee and right shoulder. I'm quickly becoming the  
25                  bionic man.

1                   With me is Dennis Rigosu and we are here  
2                   representing DePaula Chevrolet, Incorporated who is  
3                   the applicant to build a Maserati/Alfa Romeo  
4                   dealership.

5                   We get the review letter from the TDE. I  
6                   don't know whether or not you want Joe to go over it,  
7                   but there were a number of issues in there. I think  
8                   the key issue that was raised had to do with an  
9                   entrance on Mill Road and lack of sight distance.

10                  We did a preliminary site distance analysis  
11                  and it showed that we were less than the New York  
12                  State DOT standards for that speed.

13                  We asked Creighton Manning to come on board.  
14                  Creighton Manning has taken a look at the site. They  
15                  did figure out some mitigation measures and we are  
16                  ready to introduce those. We think between now and our  
17                  final review that we will solve the problem of the  
18                  site distance. It will require some curing and we have  
19                  talked to the impacted owner and they are willing to  
20                  allow us to clear. We think that it is a single tree,  
21                  but might be a couple. Essentially, we think that will  
22                  solve the viewscape problem.

23                  There was a question involving the narrow  
24                  driveway to Route 7. We have done the geometry to that  
25                  to slide it over further from the property line. We

1 think that will meet DOT's needs there. This  
2 right-in/right-out and dividing lane keep people from  
3 jumping it. As the Chief says, they quite often do it  
4 anyway, but we will try to discourage them to the  
5 maximum extent possible.

6 You may recall that we originally had thought  
7 of applying for a variance which would allow us to  
8 push this going back further (Indicating). There was  
9 a 200 foot restriction required from any service bays.  
10 So, the building was relocated to keep both service  
11 bays 200 feet from the property line. We removed the  
12 need to apply for that variance.

13 Another issue that was raised was our storm  
14 water management system. We combined a dry swale  
15 method in the front with an underground infiltration  
16 system. That dry swale -- it was raised by the TDE  
17 regarding -- we should do more to landscape it, and we  
18 are willing to landscape it a little heavier so it  
19 won't become a visual impediment. It's not a  
20 particularly deep swale and it will not be holding  
21 water, but it does temporarily hold water after a  
22 storm and dries up immediately after the storm  
23 subsides.

24 We do require three waivers. One is that the  
25 building is more than 25 feet back from the roadway.

1           The second is that there is some parking in  
2 the front, although we have clearly limited the amount  
3 of parking in the front.

4           The third variance is on this rear area  
5 (Indicating) and we won't be providing 20 square feet  
6 of the landscaped area per parking bay, but in the  
7 front area we exceed that amount on the area in front  
8 of the building. So, this area of parking would meet  
9 that requirement. We still need a waiver because on  
10 the storage parking, we will not be able to meet that  
11 waiver.

12           The building view - I think you have seen  
13 before, but it has been modified and I think it is an  
14 attractive looking building.

15           The drive-through situation the service  
16 entrance is still at the same location here and it  
17 goes through to the back (Indicating). There is a  
18 stacking place in there for four vehicles in each bay.  
19 So, there will not be a need for a queue out the front  
20 door very often.

21           As was mentioned before, Maserati and Alfa  
22 Romeo are potentially low-volume dealerships. They  
23 don't sell hundreds of vehicles per month. They think  
24 that the sales will be closer to 40 vehicles per  
25 month. The ones that sell 400 to 500 vehicles per

1 month have a lot more action in and out. There will be  
2 regular people coming in for maintenance. So, the  
3 repair area in the rear will be needed. Again, they  
4 will be for lesser cars than you would normally have.

5 There were more issues raised by the  
6 neighbors regarding noise. We did have the  
7 manufacturer of the car wash and I have a  
8 representative here to address the issue, if you want.  
9 He can tell us the level of sound from that carwash  
10 and it will operate at a level that will not impact  
11 any adjoining properties.

12 With the lighting, we are certainly going to  
13 direct the lighting using LED direct of the lighting  
14 so that will solve the one issue that was raised in  
15 the TDE letter regarding the impact of lighting on  
16 adjoining parcels.

17 We certainly work with people regarding  
18 landscaping to add additional landscaping. Much of  
19 this is deciduous trees and very little pine trees or  
20 any other trees in there that would hold leaves during  
21 the winter. Consequently, we would be willing to  
22 supplement that area with some evergreen trees. Our  
23 choice would be to do that.

24 The trees in front can really not be saved,  
25 although there are some large ones -- a number of

1 large, but not in particularly good condition. We  
2 think that they interfere with the viewscape and they  
3 interfere with the grading for parking. We do show the  
4 larger trees that are identified on our tree survey,  
5 which will be saved in that setback area.

6 If there are questions or comments by the  
7 Board, I would be willing to try to address them for  
8 you.

9 CHAIRMAN STUTO: This has been reviewed by our  
10 Town Designated Engineer, CHA. Joe Grasso is here.

11 Joe, could you give us your comments on this  
12 project?

13 MR. GRASSO: We did do a letter on this. This  
14 is up for concept acceptance tonight. So, there is a  
15 letter in your packet.

16 Dan touched on a lot of them, but I'm just  
17 going to go through them anyway.

18 There are a couple of things to keep in mind.  
19 This is a redevelopment project and obviously we try  
20 to acknowledge redevelopment projects and appreciate  
21 applicants for bringing those fourth in the Town of  
22 Colonie. It obviously helps keep the amount of  
23 development of greenfield sites down and it helps  
24 promote open space throughout the Town.

25 There are a couple other noteworthy aspects

1 of the plan.

2 Since earlier renditions of the site plan,  
3 they have removed all of the development that had been  
4 proposed within the 100 foot restricted screened area.  
5 There are some minor encroachments on the earlier  
6 renditions of the plan, but they have removed all of  
7 those. That is commendable.

8 They also have most of the parking to the  
9 northwest side of the site. So, it is screened behind  
10 the building, away from the residential areas to the  
11 northeast side of the site, which we think is a good  
12 aspect of the site plan.

13 They also have restricted any grading or  
14 clearing within 50 feet of the SFR zone. I think that  
15 is a noteworthy part of the site plan and should  
16 reduce the amount of impacts on the adjacent owners.  
17 They are not actually adjacent owners because there is  
18 a 50-foot strip of the Mill Road Golf Course property  
19 there before you get to a single-family home parcel on  
20 Mill Road.

21 There are some other comments that were  
22 raised by the Town departments during the DCC process  
23 and this plan does address all of those.

24 The project site is within the Airport Area  
25 GIS study area. So, mitigation and cumulative impacts

1 are going to be required in accordance with the GIS  
2 statement of findings. Because this site was  
3 previously developed, some credits could be given to  
4 the discontinuation of the former use. So, we look for  
5 the consultant's team to provide us information as  
6 part of the preliminary site plan application to  
7 support those credit calculations.

8 Dan touched on the three requested waivers.  
9 Those are commonly granted waivers by the Planning  
10 Board, especially on a site such as this. They include  
11 the front yard building setback, parking located  
12 within the front yard and lastly, the minimum of 20  
13 square feet of landscaped island, which they have done  
14 a good job of addressing on the front part of the  
15 site. Most dealerships can never get to that  
16 requirement when you look at their inventory parking.  
17 That is consistent with this plan.

18 They have provided justification for the  
19 waivers in their application materials. So, if they  
20 are acceptable to the Planning Board, our office would  
21 work on drafting findings in support of those waivers  
22 during the final site plan review process.

23 Dan touched on the site distance on Mill  
24 Road, which they are proposing a full access curb cut  
25 on Mill Road and rights-in and rights-out on Route 7.

1 So, they did a site distance analysis and it did  
2 indicate significantly limited sight distance looking  
3 in both directions on Mill Road. So, based on that  
4 information, we did not support the proposed curb cut  
5 configuration.

6 We had recommended that additional mitigation  
7 measures be investigated such as vegetative clearing  
8 to improve site distance. We think that clearing may  
9 actually be required off the project sites' frontage.  
10 So, that is something that we would look for them to  
11 provide us additional information on.

12 Based on what Dan spoke to tonight, it does  
13 sound like they have researched that and they feel  
14 like they can get the adequate site distance by doing  
15 clearing off-site. So, we would just look for  
16 additional details to be provided as the project goes  
17 through the design process.

18 One item that we looked for with respect to  
19 car dealership sites is to run a truck turning  
20 template for a car carrier both entering and exiting  
21 the sites. The last thing that we want is a car  
22 carrier to either stop along Mill Road or along the  
23 Route 7 to discharge or load vehicles.

24 Regarding a tree survey: That was something  
25 that came up here at sketch plan review. They did do a

1 detailed tree survey of all the trees greater than 6  
2 inches in diameter. Those trees that they are going to  
3 retain are noted on the site plan.

4 Dan spoke about the storm water feasibility  
5 study and they're content to use dry swales and  
6 subsurface infiltration to address the run-off from  
7 the site. Based on the information provided. We are in  
8 agreement with those methods.

9 The proposed curb cut on Route 7 -- that is  
10 obviously a New York State DOT highway. DOT has given  
11 us comments and said that they are conceptually  
12 agreeable to that rights-in and rights-out location.

13 We had raised the issue about the radius  
14 encroaching on the adjacent property owner and that is  
15 something that would not result in significant changes  
16 to the plan, but something that we wanted to bring to  
17 the applicant's attention.

18 In terms of SEQOR, this is an unlisted action  
19 pursuant to SEQOR and a short Environmental Assessment  
20 Form was provided as part of the application  
21 materials. We believe that form adequately describes  
22 the environmental setting of the proposed project and  
23 based on the limited impacts we don't believe that  
24 significant environmental impacts are expected. We  
25 would just recommend that the Planning Board consider

1 a SEQR determination when further design details are  
2 provided and possibly as part of the Planning Board's  
3 review of the final site plans.

4 That is where we are at with our review.

5 CHAIRMAN STUTO: Okay, members of the public  
6 are welcome to comment on this. I have asked them to  
7 sign in on the sign-in sheet. If you haven't done so  
8 already, please do that.

9 Sheila Mulderry Bird.

10 MS. MULDERRY-BIRD: My name is Sheila  
11 Mulderry-Bird. I just have a few comments about the  
12 traffic.

13 I noticed that they put the strips down. I  
14 don't know who orders the traffic. Does the Board  
15 order it, or do they have to be instructed to provide  
16 the traffic flow?

17 MR. GRASSO: They provide it as part of their  
18 application.

19 MS. MULDERRY-BIRD: So, I noticed that the  
20 strips were put down on the vacation break from school  
21 so that the traffic flow on Mill Road is definitely  
22 not -- the numbers are not what they should be for  
23 that week. Please take note of that. That is not  
24 accurate for that time of the day and that part of the  
25 road.

1 I'm very concerned about the trailers pulling  
2 into Mill Road to get into this area because I watched  
3 a trailer try to pull into the road. Cars that were on  
4 Mill Road waiting at the light had to actually back up  
5 the street so that the car carrier could come down the  
6 road. I don't know why the car carrier was coming down  
7 the road anyway.

8 CHAIRMAN STUTO: Where is your house in  
9 relation to this? Can you give us an idea?

10 MS. MULDERRY-BIRD: I am at 8 Mill Road which  
11 is right here (Indicating). This little house on the  
12 left.

13 The driveway that they talk about - the  
14 easement for the golf course -- they own that  
15 property. That is our driveway.

16 CHAIRMAN STUTO: It's a shared driveway,  
17 correct?

18 MS. MULDERRY-BIRD: Yes, it's a shared  
19 driveway with the three homes that are on the backside  
20 of this.

21 That's all. I just really wanted to make sure  
22 that you understand about the traffic flow and how  
23 busy of a street it is during rush hour, in and out on  
24 Mill Road at that corner at that time of day.

25 CHAIRMAN STUTO: Thank you.

1 Joe Grasso, do you have any comments on that  
2 - about the validity of the traffic study?

3 MR. GRASSO: It's something that we can look  
4 at to see when those counts were taken. Normally they  
5 put those strips down for two weeks in case that one  
6 week peaks differently than the other week. It's  
7 something that we'll have to take a look at.

8 MS. MULDERY-BIRD: They were down for two  
9 days.

10 MR. GRASSO: I'm not positive that those  
11 strips were put down necessarily for this project. It  
12 is something that we can look at.

13 MR. HERSHBERG: Just to clarify, those strips  
14 were put down to get the average speed on the road.  
15 That was the purpose of them. It wasn't to get the  
16 volume on the road. One of the calculations in your  
17 sight distance that you have to know is the average  
18 speed. You don't use the design speed. Those strips  
19 were put down to get the average speed on the road and  
20 not for the traffic volume which theoretically  
21 wouldn't be affected by schools.

22 CHAIRMAN STUTO: Michael Donovan.

23 We're going to address the traffic more, as  
24 well, and also the truck turns. We'll get to that.

25 MR. DONOVAN: Good evening. I'm Michael

1 Donovan. I live at 6 Mill Road, so that would put me  
2 right here (Indicating).

3 CHAIRMAN STUTO: Do you share the same  
4 driveway?

5 MR. DONOVAN: It's a shared driveway with no  
6 access to the golf course.

7 As far as the average speed goes, really  
8 quick, when you're taking averages, you want the  
9 largest sample of data, I would imagine. Being that  
10 it was break and people maybe having to change plans  
11 with children and busses -- all of those factors play  
12 into the average. Having a small sample of data for a  
13 period of time with minimal traffic really throws  
14 things off. I would just really be more comfortable  
15 with a larger sample of data and I think that would  
16 just be logical.

17 So, I have some notes here. First and  
18 foremost, good evening. Thanks, everybody, for coming  
19 out.

20 I would like to inform the Board that proper  
21 notice had not been received by neighbors and proper  
22 notice was not posted at the site. I would like to  
23 ask, being that we did not have ample time to prepare  
24 -- I caught wind of this meeting by word of mouth --  
25 is that we would have ample time to prepare all of our

1 concerns for the Board and ask for a minimum of 30  
2 days and that the future meeting date be set this  
3 evening.

4 MS. DALTON: How long have you lived there?

5 MR. DONOVAN: Two years.

6 MS. DALTON: Because the previous owners were  
7 the Sherwins?

8 MR. DONOVAN: Yes.

9 MS. DALTON: They were noticed.

10 MR. DONOVAN: To what address?

11 MS. DALTON: Your address, but them.

12 MR. DONOVAN: I have received them in the  
13 past. Thank you for that information, though.

14 CHAIRMAN STUTO: Can we correct that for  
15 future notices?

16 MR. DONOVAN: So, would that be acceptable - a  
17 30 day notice?

18 MR. MAGGILLI: No.

19 MR. DONOVAN: Not acceptable?

20 CHAIRMAN STUTO: Probably not. Get all your  
21 questions out and we'll answer them.

22 MR. DONOVAN: Why not?

23 CHAIRMAN STUTO: Get all of your questions out  
24 and we'll answer them all. What are your other issues?

25 MR. DONOVAN: My question is why we may not

1 have -- please may we have 30 days because we have not  
2 had ample time to put all of our concerns together. We  
3 just didn't have what I think would be proper notice  
4 for such a permanent decision - relatively impactful  
5 decision for the neighborhood.

6 MR. MAGGUILLI: If you don't mind, in what way  
7 do you think the notice is defective? What is it that  
8 you are alleging?

9 MR. DONOVAN: If I'm not mistaken, there used  
10 to be a posting at and around, or on that property,  
11 correct?

12 MR. HERSHBERG: Yes, a placard; yes.

13 MR. DONOVAN: That did not happen.

14 MR. GRASSO: The applicant provides the Town -

15 CHAIRMAN STUTO: Joe, I don't want to get into  
16 a back and forth. I'm asking the resident if he can  
17 make all of his comments and we will address them, but  
18 I don't want to get into a debate back and forth.

19 MR. GRASSO: Understood.

20 MR. DONOVAN: Movement concerns: A loaded  
21 transport truck can definitely cause blockage at an  
22 already busy intersection. The neighborhood has some  
23 major concerns with emergency services and their  
24 vehicles with respect to having the ability to move at  
25 any time when needed. Take a small fire, for example.

1           Having to go an alternative route could make that a  
2           loss of an entire home or possibly life. A difference  
3           of a few minutes could be important in the case of a  
4           myocardial infarction or other life threatening  
5           medical emergency. It could be the matter of life or  
6           death.

7                        A transport truck pulling in off of Route 7  
8           and taking a right and making a left and trying to  
9           make that turn, depending on time of day, could block  
10          the entire intersection and roadway. My concern is  
11          that I have three small children. My concern is that  
12          some of our neighbors are elderly. Some of them have  
13          medical conditions and it's a very genuine, sincere  
14          and a real viable concern.

15                       If I'm not mistaken, this road isn't even  
16          rated for that class of vehicle. I could be wrong.  
17          That would be one of my questions that I believe that  
18          I know the answer to it. I'm looking for some  
19          confirmation there.

20                       CHAIRMAN STUTO: For which type of vehicle?

21                       MR. DONOVAN: For the class of vehicle that  
22          would be an automotive transport truck. I think that  
23          there is some class of tractor trailer. I know that  
24          they transport up to nine vehicles.

25                       MR. MAGGUILLI: Is the road weight restricted

1 now?

2 MR. DONOVAN: I believe that it is. I checked  
3 upstairs in this building and somebody in that  
4 department did confirm that for me and I confirmed  
5 that with a number of your Police Officers in the Town  
6 of Colonie, as well.

7 MR. HEIDER: That does not apply to local  
8 deliveries, which this would be a local delivery.

9 MR. DONOVAN: Are we asking and answering? I  
10 want to do the right thing here.

11 MR. MAGGUILLI: As do we.

12 CHAIRMAN STUTO: We take all your comments  
13 seriously. We take your neighbor's comments seriously.  
14 We're trying to do this the most efficient way  
15 possible and give you and all your neighbors  
16 sufficient and adequate answers. We are not blowing  
17 you off. We are going to address all your questions.  
18 We are going to do our best.

19 MR. DONOVAN: It doesn't feel that way. In  
20 comparison to Mr. Hershberg, I feel that's unequal.

21 There is an alternative common business  
22 practice which has been witnessed, documented and  
23 submitted to your Variance Board that DePaula Maserati  
24 at their current business location has their transport  
25 drivers unloading vehicles in the median. In an

1 instance of congested or busy traffic, if they weren't  
2 able to make that turn and the driver has another  
3 delivery and has to pick more vehicles up, I'm sure  
4 that he's paid per vehicle so he wants to get another  
5 full truck as soon as possible and battling traffic  
6 may not be the path of least resistance.

7           Again, this has been witnessed, documented  
8 and submitted to your Variance Board when Mr.  
9 Hershberg went for a variance. This is unsafe. These  
10 are unregistered vehicles driving on roadways. There  
11 is probably some sort of legal implication with all of  
12 that occurring, as well as safety concerns. It's not  
13 the right thing to do unless being that it's a  
14 delivery, it is allowed. I don't know. I'm not being  
15 facetious. I don't know. I know the automotive  
16 industry pretty well. It's the industry I work in. I  
17 don't drive trucks and deliver cars.

18           For the record, I do believe that Route 7 is  
19 good real estate and a great opportunity to have a  
20 dealership. This specific location is not. It's a  
21 drastic difference from the previous use. Something  
22 more similar to or more comparable to that previous  
23 use, I think, would be acceptable.

24           Something that didn't impede environmentally  
25 with the light pollution, the noise pollution --

1 define acceptable levels of decibels - well, guess  
2 what? We are at capacity. We have airplanes taking  
3 off. We deal with that. We have a lot of traffic on  
4 the roadways and we deal with that. We have already  
5 taken the maximum amount of concessions that I believe  
6 that any and every neighbor is comfortable with. Any  
7 comments on that would be appreciated.

8 The dealership is projecting to sell 40 new  
9 vehicles. I want to say 13 new vehicles on their  
10 website -- 10 used, right? That kind of makes it  
11 believable until you drive by and you see this massive  
12 lot of vehicles and then you stumble across this other  
13 website that is their used-car operation. We are  
14 talking about new cars; Maserati and Alfa Romeo but we  
15 are ignoring the fact that any licensed dealership can  
16 sell a pre-owned vehicle. They have 213 crammed at the  
17 current location -- 240 vehicles was my count as of  
18 today. So, 238 - I think I would be satisfied with  
19 that number. I am curious to see what the used-car  
20 parking spots. We are asking for a waiver.

21 I kind of feel like I am in the twilight  
22 zone. We are asking for a waiver on green space so we  
23 can have more parking lots to sell considerably less  
24 vehicles. It doesn't add up. It is a low-volume brand.

25 They are asking for waivers on green space

1 and we need all of these parking spots for the used  
2 cars. So, it really doesn't make sense to me and I  
3 would like to ask the Board to investigate that a  
4 little further, or not give the waiver and give us  
5 back some of our trees. Kindly deny this request.  
6 There are a number of concerns.

7 I'm sorry, I wrote these notes here because I  
8 thought you were going to tell me no on the 30 days.

9 Environmental impact the light, the noise,  
10 chemical and run-off, the impact to wildlife, the  
11 rabbits, the deer, the turkeys, the red-tail hawks,  
12 bald eagles; they are all there. It is beautiful. Pull  
13 on my driveway - or the access road to the Mill Road  
14 Golf Course that doesn't have a sign. The only place  
15 that you can get to at the end is my house. Before  
16 that is the Bird's house. Before that is the Hansen's  
17 house. You kind of feel like you're pulling into a  
18 little slice of heaven. I'm not saying that we are the  
19 only three.

20 I am very confident that everyone did not  
21 receive ample notice and that it wasn't posted  
22 properly. Yet, we are rushing to make a decision that  
23 we have to live with. Give me a little bit of time and  
24 I will put all of the facts together. I will show you  
25 how financially this business cannot be sustained off

1 of 40 new vehicle sales.

2 Let's say, though, that can happen  
3 hypothetically. Who is to say that 40 doesn't go to  
4 400? Any one of you determine the popularity or  
5 growth of Maserati or Alfa Romeo?

6 It is a bad spot. There are probably some  
7 good spots on Route 7.

8 Really at 40 vehicles, what does the Town  
9 have to gain from -- so, we have 40 vehicles sales and  
10 there probably are some tax dollars that come to the  
11 Town. We have some real estate taxes. An alternative  
12 type business and that location could generate more  
13 revenue for the Town. You also have to consider that  
14 our property values are likely to drop and that we are  
15 going to ask for a reassessment in lowering the  
16 property and school taxes that we pay, should the  
17 property values diminish in that area.

18 You are taking really a country road and  
19 sticking an ugly unicorn on the end of it. I don't  
20 know how to say it. It's just not a good fit. It is a  
21 square peg and it is a round hole.

22 I am anxiously awaiting responses. I will zip  
23 it at this point.

24 CHAIRMAN STUTO: Okay, thank you. We will do  
25 that.

1 I took a lot of notes here in terms of  
2 bullets.

3 The woman prior had asked about -- can the  
4 vehicles turn around and enter by the entranceway and  
5 does the geometry there work? That is the way I  
6 interpreted it.

7 MR. HERSHBERG: If you want, I can respond to  
8 those points.

9 First of all, we have done a number of car  
10 dealerships in the Town. We have been in front of this  
11 Board a number of times. This is the smallest number  
12 of car storage that we've ever proposed on a  
13 dealership. That is reflective of their need for  
14 storage for both new and used cars.

15 The issue of egress and ingress -- we believe  
16 that we can show the turning radius. A truck can come  
17 out the side of the roadway and turn around in here  
18 (Indicating) and unload and actually go back out in  
19 that direction. Whether or not they will, we would  
20 like to preserve the right of incoming and this egress  
21 and ingress and show a turning radius for that area,  
22 too. One item requested by the TDE was to display the  
23 turn radius for a car trailer and where we drop off.  
24 We will display that on the next version of the plan.

25 CHAIRMAN STUTO: Notice - to have a record of

1 notice?

2 MR. HERSHBERG: We gave the notices -- of  
3 course, we did not send them registered, return  
4 receipt mail. We have a list of who we sent it out to.  
5 We do have signed posts and I'm fairly sure that  
6 Stacey took photos of the posted signs.

7 CHAIRMAN STUTO: There is a list here that  
8 purports to be a lot of the people that got the  
9 notice. I believe that the applicant has to sign an  
10 affidavit that they sent out the notices.

11 MR. HERSHBERG: Yes, and was signed by Stacy  
12 Rhodes, my office manager. She went out and posted the  
13 signs and filled the envelopes and posted them.

14 CHAIRMAN STUTO: Okay, the gentleman raised  
15 concerns about traffic, and emergency vehicles and the  
16 road rating. In other words, I think, the weight  
17 limit on that road.

18 The Chief had mentioned an exception to that  
19 which is local deliveries.

20 Why don't you talk about whether the road is  
21 rated for vehicles that are likely to travel on it?

22 MR. HERSHBERG: I'm not going to answer that  
23 question because the road rating is the function of  
24 the Town and New York State who rate the roads.  
25 Private engineers do not rate roads. So, if it has a

1 rating on it that would limit this traffic, I would  
2 think that the governing factor is whether or not this  
3 is considered a local delivery for the first property  
4 on the roadway off of the main highway and if that is  
5 a variance that is required under the weight  
6 limitation. I certainly am not the right person to  
7 address that.

8 CHAIRMAN STUTO: Okay, Joe or Mike to have any  
9 comment on that?

10 MR. GRASSO: No. All I will say is that the  
11 Department of Public Works has reviewed the project  
12 and the they did not bring up a concern about that.

13 I will say regarding the truck access which  
14 dovetails in with our comment requesting some more  
15 information -- the Town's Highway Safety Committee has  
16 recommended that the car carrier only be allowed to  
17 use the Route 7 curb cut. That is why we would want to  
18 look at that truck turning template plan to make sure  
19 that curb cut adequately addresses that. As long as  
20 that works, we want to make sure that we restrict the  
21 Mill Road curb cut for car carrier access and build  
22 that into a condition of approval.

23 CHAIRMAN STUTO: Emergency vehicles

24 MR. HERSHBERG: As a traffic generator, car  
25 dealerships are a very low traffic generator versus

1 other uses on a site. Retail uses or office uses on a  
2 site would generate much more traffic per square foot  
3 than would car dealerships. If your encumbrance to  
4 emergency vehicles is based upon traffic volume, we  
5 are certainly not guilty of doing any more than any  
6 other development on a site. As a matter fact, it is  
7 significantly less detail for emergency vehicles. I  
8 assume that they are talking about emergency vehicles  
9 going up and down Mill Road. If there is a traffic  
10 problem there now within the a.m. peak hour delay  
11 going out, that will still exist now. We can't solve  
12 that problem, but we won't exacerbate it very much.

13 One of the hours that you only have real  
14 people coming in are people coming for service. The  
15 way that this site is set up, the easiest way to do  
16 service is come up off of the Route 7 entrance.

17 MR. MAGGUILLI: Joe, as part of the process  
18 did our EMS Department review this? For the initial  
19 review, EMS looks at it?

20 MR. GRASSO: As part of the DCC process, they  
21 do early on.

22 MR. MAGGUILLI: Were there any concerns  
23 raised by EMS at that time?

24 MR. GRASSO: No, there are no comments  
25 provided.

1                   MR. SHAMLIAN: I think the comment was if the  
2 car carriers were using your road that they would  
3 block the intersection of Mill Road?

4                   MR. HERSHBERG: We did redesign the Route 7  
5 entrance so we can accommodate a car trailer coming  
6 in, turning around behind the building and coming out  
7 in that same direction.

8                   MR. GRASSO: And you were able to restrict  
9 the Mill Road entrance for a car carrier?

10                  MR. HERSHBERG: That was what was recommended  
11 and we are certainly willing to put that restriction  
12 on there.

13                  CHAIRMAN STUTO: Can you repeat that  
14 restriction for the Mill Road entrance?

15                  MR. GRASSO: It would not be permitted that a  
16 car carrier would go on Mill Road.

17                  CHAIRMAN STUTO: Who was recommending that?

18                  MR. GRASSO: That is our recommendation.

19                  MR. HERSHBERG: It was also the Highway  
20 Safety Committee. They recommended that also. We  
21 tried to accommodate it by making the Route 7 entrance  
22 amenable to allowing car trailers to come in.

23                  CHAIRMAN STUTO: I meant to say it, and I  
24 didn't. Can we check that road rating issue - to make  
25 sure we are not violating anything there? If we are,

1           what has to be done?

2                     You also mentioned unloading from the median  
3           on another site which is a related traffic issue. Can  
4           you address that?

5                     MR. HERSHBERG:  If somebody has a specific  
6           incidence and it was written up, I would like to see  
7           the report where it was written up and we will take it  
8           up with Depaula.  You must be talking about the  
9           DePaula Maserati site on Central Avenue.  That's the  
10          only site that you could be speaking about, I think.  
11          If he has that written up and has a report on it, we  
12          will take it up with Mr. DePaula.

13                    MR. TENGELER:  The Town Code does not permit  
14          loading or unloading on a public street.

15                    MR. MAGGUILLI:  Realistically, we have all  
16          seen it.

17                    CHAIRMAN STUTO:  Light pollution and noise?  
18          Can you address that?

19                    MR. HERSHBERG:  Yes.  The light pollution  
20          issue be addressed with directing the lights.  We  
21          certainly can do that.  We don't expect to leave lights  
22          on all night long along the parking lot.  We will leave  
23          on a couple lights for security purposes.  We will  
24          select those lights that are the least intrusive to  
25          the neighborhood.

1                   Noise pollution -- essentially, the two  
2                   issues raised with the noise with a carwash -- I have  
3                   a representative from the car wash that can talk about  
4                   the little noise that those generate. I can also talk  
5                   about the noise from the service bays. Those were a  
6                   major issue.

7                   When service bay doors remain open and air  
8                   hammers are working inside or things like that, that  
9                   will cause significant noise. Our plan that we  
10                  proposed previously is that the service bay doors will  
11                  only be open to let cars in and out and would not be  
12                  left open during operating times. I don't know what  
13                  else to do other than the fact that there is always  
14                  noise from operations of any type. Again, we are  
15                  trying our best to restrict it.

16                  CHAIRMAN STUTO: Which way do the doors  
17                  opened to?

18                  MR. HERSHBERG: The doors open to the back,  
19                  here (Indicating). The carwash is at the rear of the  
20                  building. Again, we think we're doing our best to  
21                  control that.

22                  I might point out that the service bay  
23                  restriction of 200 feet from the SFR zone was because  
24                  that was sought to help limit the impact of space and  
25                  adjoining neighborhoods and one major purpose was from

1 noise, I think. We meet that requirement.

2 CHAIRMAN STUTO: The gentleman mentioned used  
3 car figures. That brings up the question, and also in  
4 my mind about the number of parking spaces. Why do you  
5 need that number? I think that we may have asked that  
6 question before.

7 MR. HERSHBERG: I think then that we said  
8 that's based upon historically what we think we would  
9 need to run a Maserati and Alfa Romeo dealership here  
10 in store for both new cars.

11 CHAIRMAN STUTO: Can you go over the numbers  
12 a little bit?

13 MR. HERSHBERG: I don't really have them here.  
14 We have a total of 191 parking spots. We are required  
15 to have 74 parking spaces just to run the business.  
16 That is based upon office floor, warehouse floor and  
17 service bay areas. Those 74 spots are required. So, if  
18 you figure the balance of the parking as it should be  
19 for a car dealership, it is slightly more than 100  
20 cars.

21 I believe that we thought this would  
22 accommodate the inventory of under 40 new cars outside  
23 all the time. I don't know exactly what the figure is.  
24 I can find out from Mr. DePaula. It also has to have  
25 car storage for when people come and have their car

1 repaired. If it's left outside and there are 10 cars  
2 repaired in a day, those 10 cars have to find a place  
3 to stay until people pick them up in the afternoon, or  
4 they are dropped off at their home; however it is  
5 done.

6 The balance of the site back here  
7 (Indicating) is for inventory storage. I can try to  
8 get you more detailed figures. I will point out that  
9 for 214 vehicles, that is a very small number for a  
10 car dealership. Most of the car dealerships that we  
11 have come in here for our asking for 400 or 500 cars.  
12 There was one dealership where we ended up with four  
13 dealerships together with about 1,200 cars worth of  
14 parking. As car dealerships go, 214 parking spots  
15 including all of of your operational people and  
16 everything else -- that is not a significant number  
17 for parking.

18 CHAIRMAN STUTO: Joe, do you have any comment  
19 on that? Can that be scrutinized further?

20 MR. GRASSO: Yes, we can look at that. We do  
21 think that the amount of parking is appropriate.  
22 Obviously, it ties in with how much inventory they are  
23 looking to have. There were some comments about the  
24 amount of green space. I think the amount of parking  
25 dovetails in with that as well.

1                   They are not seeking a waiver from the Town's  
2                   typical green space requirements. The plan proposes  
3                   over 56% of the site as green space, whereas 35% is  
4                   required by Code.

5                   The waiver that they are looking for is the  
6                   interior island requirements. This dovetails into the  
7                   amount of parking that is provided. They are meeting  
8                   that for the parking that is in front of the store,  
9                   but not behind it. When we look at a car dealership,  
10                  what we really want them to do with their inventory  
11                  parking, regardless of the numbers, is compress those  
12                  cars into the smallest footprint of the paved area as  
13                  possible. That's what they have done. When we look at  
14                  the amount of parking that they have got behind the  
15                  store, you will see those spaces are triple stacked.  
16                  That is basically in response to our concern to  
17                  consolidate the amount of development -- the smallest  
18                  footprint that would protect the street corridor and  
19                  we could protect the buffer strip to the adjacent  
20                  residential properties.

21                  CHAIRMAN STUTO: Run-off, fluid and wildlife.

22                  MR. HERSHBERG: We address the hazardous  
23                  waste issue in our narrative report. Basically, any  
24                  hazardous waste generated during car service will be  
25                  kept in the interior of the building and transported

1 off-site as required. There will be no discharge to  
2 the ground.

3 Obviously from a standpoint of waste going  
4 into floor drains, that will be treated through a  
5 grease and oil separator and discharge to the sanitary  
6 sewer, as required by the Town. So, we don't think  
7 that there is any specific needs to concern ourselves  
8 with hazardous waste from the site.

9 CHAIRMAN STUTO: Joe, do you have any comment  
10 on that?

11 MR. GRASSO: No.

12 CHAIRMAN STUTO: Wildlife.

13 MR. HERSHBERG: There is wildlife that will  
14 be disturbed, but the existing foliage footprint on  
15 here means that we are clearing some trees but we are  
16 trying to use the open field areas to the maximum  
17 extent possible. We are not disturbing anything along  
18 the stream course - because it is a protected stream  
19 course - in the area back here. We are trying not to  
20 disturb anything there. We honored the 50 foot setback  
21 and we did not ask for any variance on that.

22 Essentially, we don't think we would have a  
23 negative impact on wildlife. There were no species  
24 identified on the site that are on the endangered,  
25 threatened or endangered species list.

1 CHAIRMAN STUTO: That is the end of my list.

2 Mr. Donovan, it looks like you wanted to  
3 speak again. I will ask you to be brief. There is at  
4 least one other person that wants to talk. If you  
5 still have questions, we will bring you back. We are  
6 not to leave you with questions unanswered.

7 Before you start, I will ask this.

8 Does the Board have any opinion on whether  
9 adequate notice has been given and whether we should  
10 postpone the meeting on that basis?

11 MR. MAGGILLI: The problem with that, as I  
12 see it, is that we have affidavits from the applicant  
13 that state that they complied with the notice  
14 requirement. That is on file. We have the applicant's  
15 allegation that they complied. You have the resident's  
16 allegation that they failed to comply. The ultimate  
17 determination of that issue is not for this Board. It  
18 is for another forum. Typically, it becomes a part of  
19 an Article 78 - some type of legal proceeding down the  
20 road because how can you judge which of the two is  
21 correct? That is my understanding.

22 CHAIRMAN STUTO: Does anybody else want to  
23 add to that?

24 MS. MILSTEIN: I just have a question. What is  
25 the proper timing for the notice?

1 MR. HERSHBERG: We met the notice  
2 requirements for the time and for the posting.

3 CHAIRMAN STUTO: I mean, I'm satisfied with  
4 that.

5 MS. DALTON: Even assuming that it was done  
6 timely and met all the requirements, it was right in  
7 the middle of the Christmas holiday. What would  
8 typically be considered normal notice might not be  
9 considering we lose a lot of time through that holiday  
10 season. I just want to make note of that.

11 CHAIRMAN STUTO: Mr. Donovan?

12 MR. DONOVAN: Thank you, again. With the  
13 transport trucks pulling in here and going in and  
14 around (Indicating), it sounds great. What about the  
15 transport trucks coming from the west heading east on  
16 7? Because it is right in/right out, doesn't mean they  
17 are all pointed that way to start with.

18 If the dealership provides demo vehicles to  
19 all of their staff or some of their staff, then they  
20 are double dipping on parking spots. What I mean by  
21 that is the vehicles that they have for sale are also  
22 as an additional incentive being given to drive home,  
23 run errands, pick kids up, writing the mileage down,  
24 being brought back to work each day that their staff  
25 is supposed to be there. Once they get a certain

1           mileage, they are then sold and they get another new  
2           Maserati. It sounds great, right? I hear that based  
3           on the square footage, we are allowed 75 parking  
4           spots. It doesn't mean that the dealership needs 75  
5           people to operate. That would only substantiate my  
6           statements of the financial hardship this business  
7           could potentially face with an initial investment and  
8           only selling 30 or 40 cars a month.

9                         This is the industry I work in. These numbers  
10           don't add up. I work with a number of local  
11           dealerships, as well as dealerships across the nation  
12           and daily communication with dealer principals and  
13           have helped launch new stores, new dealerships, new  
14           building sites -- not to the extent of Mr.  
15           Hershberg -- from a different vantage point  
16           perspective in all of this, it does not add up.

17                        I am asking the Board to ask Mr. Hershberg  
18           and the DePaulas to give us if not 30 days, let's push  
19           it out two weeks. Give me a shot. I just need a shot,  
20           that's it. After that, I will be happy.

21                        MR. AUSTIN: Can we just clarify before you  
22           go on? The previous time that the list was brought  
23           before us 30 to 40 cars we believed was a year. Now,  
24           it is a month, or is it a month? These are \$100,000  
25           cars.

1                   MR. DONOVAN: The Alfa Romeo Juila is in the  
2                   30's. I have a Kia in the parking lot that I can buy  
3                   two or three of those things with. They are  
4                   entry-level.

5                   CHAIRMAN STUTO: He was asking Mr. Hershberg  
6                   question.

7                   Dan?

8                   MR. HERSHBERG: We always thought 30 to 40 a  
9                   month. That's not just for the Maserati. That was for  
10                  the Maserati and Alfa Romeo. Obviously, the balance  
11                  would be in favor of the Alfa Romeo pricewise. If  
12                  Maserati could sell 40 a month, there wouldn't be  
13                  anybody happier in this room than Mr. DePaula.

14                  MR. SHAMLIAN: Is that consistent with what  
15                  is being sold currently?

16                  MR. HERSHBERG: The sales are somewhat less  
17                  at the Central Avenue site which is one thing that is  
18                  pushing Mr. DePaula to look for another site. He was  
19                  advised by the dealership that he could do better.

20                  MR. DONOVAN: There are a number of factors  
21                  that go in place with that aside from location. It  
22                  could be sales and marketing. It could be how the  
23                  operation runs.

24                  MR. MAGGUILLI: It is not really the function  
25                  of this Board to determine the viability of a business

1 plan.

2 MR. DONOVAN: I understand, but the desire to  
3 leave and go to this location to beat down the road  
4 from what? Keeler? It's just not a good fit.

5 MR. MAGGUILLI: We have no jurisdiction over  
6 whether a business plan is viable or not. That is a  
7 business decision for the applicant.

8 MR. DONOVAN: I understand, but there is a  
9 gray area that has been created here. Since we're  
10 talking about monthly figures, it is bleeding into  
11 another -- maybe the primary motivator -

12 MR. MAGGUILLI: Let's say for the sake of  
13 argument you are correct and this Board decides to  
14 deny the application on the basis that they don't  
15 believe it's a viable business plan. We would lose and  
16 the Town would be responsible for attorney's fees and  
17 court costs. It is not a basis that they can deny an  
18 application on.

19 MR. DONOVAN: Understood.

20 CHAIRMAN STUTO: We get your point. You have  
21 another point. Because there is another person wants  
22 to talk.

23 MR. DONOVAN: Yeah, I just want two weeks at  
24 a minimum, or if you would ask the other party.

25 CHAIRMAN STUTO: Mr. Greeson.

1                   MR. GREESON: Does anybody want to see the  
2 picture of the car unloading two days after they said  
3 in this room that they had special transport?

4                   MR. MAGGUILLI: Mr. Greeson, where was this  
5 and when were the pictures taken?

6                   MR. GREESON: This was two days after they  
7 were in front of the appeals Board. They said, we  
8 don't do this. This is in front of the dealership  
9 unloading on Central Avenue.

10                  MR. MAGGUILLI: Which dealership?

11                  MR. GREESON: The Maserati dealership. He  
12 presented this to the Board. I gave the pictures.  
13 Everybody wanted to see it because people were  
14 questioning it. If I had known, I would have printed  
15 it.

16                  Two days after they said that they don't do  
17 this, they have special transport -- they are small  
18 and they don't do it -- break in the middle of Central  
19 Avenue. So, the truth to necessarily mean what is  
20 being said here. It is traffic. It is traffic,  
21 traffic, traffic and safety, safety, safety. It is a  
22 terrible intersection. I'm not against the  
23 development. I'm not against the car dealerships. That  
24 is just a bad location for it. They don't have the  
25 footage.

1                   This picture here barely shows the green  
2                   space. There is no green space here. Yet, there is  
3                   green space here. These are two totally different  
4                   things. You've green space here in no green space  
5                   there. What is the truth? Has there been a state  
6                   traffic study? I personally spoke with one person at  
7                   DOT and they have heard nothing of this. Somebody  
8                   mentioned DOT make comments. Do a traffic study. It's  
9                   all about safety, safety, safety. If they curb cut so  
10                  people can't drive in a westbound, how are trucks  
11                  going to get in? If they do that, how are they going  
12                  to get in the eastbound with the curb cuts  
13                  restricting? It's just a bad location for this  
14                  dealership. Another piece of real estate would be  
15                  great. This is just a bad location safety wise. Thank  
16                  you.

17                   CHAIRMAN STUTO: Joe, can you help us?

18                   MR. GRASSO: So, in terms of the access -- we  
19                  can talk about that?

20                   CHAIRMAN STUTO: Also, what level of traffic  
21                  study do we need? What does a DOT review mean?

22                   MR. GRASSO: DOT has done a review of the  
23                  application materials and they have provided us  
24                  comments just based on that concept application that  
25                  we have. That is really just to make sure that when

1 the Planning Board is reviewing it that we know where  
2 DOT is with regarding the thoughts about the level of  
3 study that is required and access provisions. They  
4 have said that they are supportive of a  
5 rights-in/right-out on Route 7. We are sensitive to  
6 the issue about where the car carriers are going to  
7 be. If it can't be controlled operationally and the  
8 car carriers are going to be heading westbound on  
9 Route 7, then we would look to see whether or not that  
10 curb cut could be a lefts-in as well as the rights-in  
11 only.

12 CHAIRMAN STUTO: Let's stay on that question  
13 because the prior gentleman had asked that.

14 What if a car is not going westbound? If they  
15 are going eastbound and they need to get in -- if it  
16 is right in only -

17 MR. GRASSO: Under the current configuration  
18 right now they would use the Mill Road access, which  
19 we haven't evaluated. They have provided us traffic  
20 generation data. We don't expect there is going to be  
21 an impact at that intersection. There is going to  
22 always be an impact, but like I say, development  
23 causes traffic impacts. It is the scale of that and  
24 whether or not it's going to change the way that the  
25 buildings are out there right now at that

1 intersection.

2 CHAIRMAN STUTO: Just so that I understand,  
3 I thought you are arguing against tractor trailers on  
4 the Mill Road entrance.

5 MR. GRASSO: We are.

6 CHAIRMAN STUTO: So, one of the tractor  
7 trailers coming from Schenectady -- how do they get  
8 in? What do they have to do?

9 MR. GRASSO: If they are going to be coming  
10 in the direction -- just like I said, if it's not  
11 something that the applicant can control  
12 operationally, then we would look to change that curb  
13 cut so that it does allow the lefts-in off of Route 7.

14 CHAIRMAN STUTO: What would you recommend  
15 that they do operationally? They obviously have to go  
16 further down and figure out a way to turn around.

17 MR. GRASSO: You have to figure in a  
18 different way.

19 CHAIRMAN STUTO: What would that likely be?

20 MR. GRASSO: I don't know. Again, like I  
21 said, it is something that you have to talk to the  
22 applicant about to see what their plans would be and  
23 evaluate it.

24 MR. HERSHBERG: The issue of a car arriving  
25 from the West to the site -- if we left it a

1 right-hand turn-in only, it would be enforced as a  
2 right-hand turn-in only. That means essentially that  
3 the car carrier would have to create a Route for  
4 himself together from wherever he's coming to the  
5 site. A significant number of the cars that come to  
6 the site come from the Thruway and the Northway. That  
7 would put them driving in the correct direction to use  
8 this right-in and right-out. A right-out would send  
9 them towards Schenectady. They would have to have  
10 another route to get back to where you want to go.  
11 That's a question for the car carriers. When you talk  
12 about other tractor trailers, the number of tractor  
13 trailer trips that come to the site for parts and  
14 etcetera. Is probably two per week to service the  
15 site with parts, etcetera. That does mean that there  
16 are not a whole bunch of small boxed size trucks  
17 coming in and out and UPS delivery truck types. The  
18 tractor trailers will have the same information. They  
19 know where they have to go. Are you going to limit  
20 Mill Road for tractor-trailers also, or just for car  
21 carriers? We would prefer that it only be the car  
22 carriers that have a prohibitive use of the Mill Road  
23 driveway.

24 MR. GRASSO: Our expectation is we would  
25 restrict Mill Road to any heavy trucks.

1                   MR. GREESON: Can I ask you at DOT who would  
2 do a traffic study or what department gave comments?

3                   MR. GRASSO: DOT does not do a traffic study.  
4 The applicant provides us traffic data that gets  
5 shared with DOT and our office that we review. DOT  
6 does not do a traffic study.

7                   MR. GREESON: They said DOT commented.

8                   CHAIRMAN STUTO: He's asking who at DOT?

9                   MR. GRASSO: The Traffic Safety Mobility  
10 Division of Region One; Gitano Tedesco, Licensed  
11 Professional Engineer.

12                   MR. GREESON: Thank you, very much.

13                   CHAIRMAN STUTO: Any other comments?

14                   MS. GREEN-ENNIS: My name is Jill  
15 Green-Ennis. I live right across the street from the  
16 proposed car dealership.

17                   CHAIRMAN STUTO: Across Mill Road, or across  
18 Route 7?

19                   MS. GREEN-ENNIS: Across Mill Road. I live on  
20 Mill Road - 3 Mill Road.

21                   Another aspect of the traffic that would need  
22 to be addressed is the test drives for these Maseratis  
23 and other cars. I know even on Burmaster the neighbors  
24 or somebody put up a huge sign saying Keeler cars slow  
25 down. This is a two-lane residential street with

1 children, people like myself who walk their dog on  
2 that street, school buses. I just think that's another  
3 area of the traffic that needs to be discussed,  
4 whether the entrance on Mill Road maybe can be a  
5 right-out only to force the traffic out, but then they  
6 would probably just loop around and come the other way  
7 anyway. That's all I wanted to say.

8 I have lived on Mill Road for 62 years. It  
9 was always a farm. It's still very residential and  
10 very quiet. This is not the proper place for this.

11 CHAIRMAN STUTO: Thank you.

12 Can you address test driving?

13 MR. HERSHBERG: The test driving was raised  
14 previously and we raised it with Mr. DePaula. Mr.  
15 DePaula would like people to be able to choose to  
16 drive either on Route 7 or Mill Road. If this Board  
17 determines that they don't want any test drives taken  
18 on Mill Road, we will post it appropriately and have  
19 people advised not to test drive their cars on Mill  
20 Road. We prefer not to have that restriction, but if  
21 that restriction is required, we will comply.

22 CHAIRMAN STUTO: Joe, do you have any comment  
23 on that?

24 MR. GRASSO: No.

25 CHAIRMAN STUTO: To have a recommendation?

1 MR. GRASSO: No.

2 CHAIRMAN STUTO: We will open it up to the  
3 Board. Do you want to start, Chief?

4 MR. HEIDER: Dan, as far as the site  
5 requirement at the entrance onto Mill, you said you  
6 talked to the neighbors. Is that in terms of getting a  
7 permanent easement so that there is no obstruction in  
8 the future, or just cutting down a couple trees?

9 MR. HERSHBERG: It's clearing some trees and  
10 adjusting the grade at the base of the tree because it  
11 sets up on a mound. We are going to grade it out so  
12 that the growth growing on top of that grade will not  
13 interfere with the grade line. We certainly will make  
14 arrangements that there has to be continually mowed --  
15 we would take the advantage of taking that agreement  
16 from the applicant and go out there and periodically

17 MR. HEIDER: Is that going to be by virtue of  
18 an easement?

19 MR. HERSHBERG: We will have an agreement.

20 MR. HEIDER: My concern is this: You chop it  
21 down and you grade it down and a week later somebody  
22 throws a load of Austrian Pines there.

23 CHAIRMAN STUTO: I would say that would have  
24 to be on some kind of a recorded document.

25 MS. DALTON: Can you show me somewhere in the

1 diagram where exactly you are talking about  
2 clear-cutting? How far back, Dan?

3 MR. HERSHBERG: We're not clear-cutting  
4 anything. We are talking about the view from here  
5 which has interfered with a couple of trees on our  
6 property right here (Indicating). This tree - that  
7 is off of our property. We have contacted the owner  
8 of that property which is the golf course. The golf  
9 course owns that strip of property. We are discussing  
10 with him arrangements to have us clear that out and  
11 get that cleared -

12 MS. DALTON: How far back?

13 MR. HERSHBERG: It's not to discuss the  
14 permanent nature of the agreement. The agreement was  
15 that we are going to do some planting on the site to  
16 make up for the difference of taking down that tree.

17 MS. DALTON: How far back are you talking?

18 MR. HERSHBERG: The view scape is really  
19 impacted only right here on the front portion.

20 MS. DALTON: How deep is the buffer?

21 MR. HERSHBERG: This buffer here is 50 feet.

22 MS. DALTON: The recharge what is that?

23 MR. HERSHBERG: It is a subsurface  
24 infiltration basin. What it does is the water  
25 accumulates in those large diameter pipes and they are

1           surrounded by stone. The water goes down into the  
2           stone after a storm finishes up and the soil in this  
3           area had about 15 inches per hour worth of absorption  
4           capability. The water goes down into the soil and the  
5           pipes become empty again. It's like an empty gallery  
6           of pipes and surrounding it is a stone layer.

7                        MS. DALTON: Will it look something like a  
8           rain garden?

9                        MR. HERSHBERG: No. The rain garden is a  
10          different theory. The rain garden is closer to how the  
11          dry swale would look like in the front. It is a swale  
12          that has foliage planted but it is essentially the  
13          methodology of getting the water into the ground. A  
14          dry swale also depends on ground water infiltration  
15          and overflows into the recharge basins.

16                      MR. GRASSO: So, Kathy, just a clarify: That  
17          recharge gallery is subsurface so it is paved on top.  
18          So, it will look like a normal parking lot.

19                      CHAIRMAN STUTO: There was some discussion  
20          about how we can make that agreement permanent.

21                      MR. CHAUVIN: I'm Matt Chauvin on behalf of  
22          the applicant. I represent Mr. DePaula.

23                      We will execute a permanent agreement. It  
24          will be a maintenance agreement which is meant to  
25          maintain that section. We will undertake the

1 maintenance of it in perpetuity.

2 In exchange for that, there will be infill  
3 plantings for each tree that is removed. As a part of  
4 the cutting, that will be three evergreen trees placed  
5 and planted on his property to replace the screening  
6 there so that we are not getting rid of green space.  
7 We are infilling with additional plantings, as a part  
8 of that agreement.

9 CHAIRMAN STUTO: Chief, anything else?

10 MR. HEIDER: I'm not against the project, per  
11 se. I know the Gypsum Company that was there attracted  
12 tractor trailers in there all the time as well as very  
13 large rack trucks and things like that. However, the  
14 entrance on Route 7 needs to be dealt with. Too many  
15 times we redirect people to find their way. Whether  
16 they want to find their way onto Garland Drive or if  
17 they want to find their way to Burmaster Road. I  
18 don't think that's going to cut it here. I think  
19 you're going to have to create something with that  
20 intersection to make it work as well to make sure that  
21 tractor trailer can make a right turn onto Mill.  
22 Eventually, it is going to happen. They're not that I  
23 know where they are going. They're going by GPS. They  
24 see a sign and take a right and the next thing you  
25 know they're stuck in the middle of Mill Road.

1 I just want to make sure that of all the  
2 fancy doodads you can bring here next time, you're  
3 going to show that tractor trailers can probably make  
4 one turn and immediately make the left turn and not be  
5 causing a problem.

6 MR. HERSHBERG: We will run the turning  
7 radiuses in order to show the 66WB tractor trailer can  
8 make that turn.

9 MR. HEIDER: Mr. Greeson talked about it.  
10 They are right in the turn lane for Mill Road. They  
11 can't do it. There's no question about it.

12 I didn't bring it up the last meeting -- the  
13 number of parking spaces. I understand what everybody  
14 is saying about how many you need, but I still think  
15 it would be nice to see some banked somewhere else.

16 CHAIRMAN STUTO: Craig?

17 MR. SHAMLIAN: I'm not going to say anything  
18 that the Chief has already said. I understand the  
19 math, but based on the projected sales volume and even  
20 accounting for a sizable number of dealership  
21 employees, 192 spots seems excessive. Clearly,  
22 something has to happen on Route 7 with the entrance  
23 and exit.

24 CHAIRMAN STUTO: Susan?

25 MS. MILSTEIN: I still don't understand how

1 many cars is anticipated to be sold. How many used  
2 cars? New cars? How many are going to be on-site? How  
3 many will be on display? I don't have a clear picture.  
4 In fact, it seems like we had this moving target and  
5 it keeps changing. I really need to understand that.

6 CHAIRMAN STUTO: Brian?

7 MR. AUSTIN: I still have a real concern about  
8 Mill Road. If you could cut that off with a tractor  
9 trailer and make sure that stays off to tractor  
10 trailers like the Chief was saying -- if they get  
11 stuck on Mill Road, it is all done, especially rush  
12 hour. If that happened, it would be gridlock.

13 The line of sight there is absolutely  
14 horrible. On my running loop I will go down Route 7  
15 because there are sidewalks there. I take a right onto  
16 Mill Road to go home and there is an 8 inch shoulder  
17 going around that bend. I go on the other side of the  
18 road just so the cars won't hit me. It is very, very  
19 tight there. That road is extremely tight. If you  
20 clear it and have the neighbors' approval to clear it  
21 but the Chief is saying they might come around with  
22 some trees a few days later. People come flying around  
23 there. Most of the traffic on that street, especially  
24 rush hour, is pass-through traffic. People are going  
25 and coming through 7 over into the back area of Dutch

1 Meadows. That is their shortcut. They go from Pollock,  
2 to Sparrowbush and so forth. That is a concern of mine  
3 the Mill Road entrance. If you can figure that out and  
4 figure out the exit 7 entrance too because the  
5 rights-in/rights-out - that is not going to work, I  
6 don't think. I just can't say. The rights in/rights  
7 out always looks good on paper, but in reality -- you  
8 have Stewarts over on Wade Road. You have the Health  
9 Park over on Forts Ferry and it is constant and it's  
10 going to happen.

11 MR. GRASSO: I will speak to the access  
12 arrangement after we are done.

13 CHAIRMAN STUTO: I think that's important.  
14 Lou?

15 MR. MION: Again, my concern is Mill Road. It  
16 sounds like you are working on that. With respect to  
17 other dealerships, I am concerned where you are going  
18 to unload. I would like to see that on the plan.

19 CHAIRMAN STUTO: Kathy?

20 MS. DALTON: Can you talk about the  
21 environment like the repairs and the oil changes and  
22 all that kind of stuff?

23 CHAIRMAN STUTO: Can you talk about oil  
24 drainage and oil separators and collection and fluids  
25 and so forth?

1                   MR. HERSHBERG: That was an item that we did  
2 discuss. It is clear that car dealerships work under  
3 New York State licenses and how to respond to certain  
4 issues regarding disposal of liquids and fluids and  
5 even materials on the site. They can't store certain  
6 materials on the site. They have to be taken off-site  
7 as soon as they are used. There are storage  
8 requirements. All of those requirements are  
9 traditionally met by a well-run car dealership, which  
10 DePaula is.

11                   MS. DALTON: I was concerned about the  
12 right-in/right-out before the Chief spoke. After the  
13 Chief spoke and mentioned that one of the options  
14 would be to turn on Garling, I'm really upset because  
15 that's my neighborhood. So, you have to put up big  
16 signs that say don't turn into Garling Drive. I am  
17 concerned about Mill Road because that is also my  
18 neighborhood. I am there all the time. I come down  
19 Mill road all the time. One of the things that I am  
20 concerned about in addition to test drives is -- these  
21 are people who are not used to driving these cars.  
22 You're talking about bringing them out onto Mill Road  
23 where there is a turn and people are already speeding.  
24 The average speed is more than 35 miles per hour.  
25 There is a light there and there is queuing that goes

1 on. I don't know if I am all that confident that  
2 those Maseratis are going to be safe, never mind the  
3 people. I think we really need to just look at the  
4 whole access and egress because even if we are not  
5 talking trucks, I still have concerns that it is just  
6 not a safe corner.

7 CHAIRMAN STUTO: We are going to ask Joe to  
8 address ingress and egress. It seemed like there were  
9 inconsistent comments between you, the applicant and  
10 the Board Members on that -- right in/right out or  
11 full access onto Route 7 and so forth.

12 Before we get to that, I want to talk about  
13 the buffering in the back and what the plantings are  
14 going to be. I don't think we addressed that enough.  
15 All the neighbors may not have been here at other  
16 times when you may have spoken about that because I  
17 think I heard you say there was a 50 foot buffer and  
18 we want to make sure the buffering is adequate and the  
19 plantings are adequate. So, can you talk about that?

20 MR. HERSHBERG: Thank you, Mr. Chairman. Yes,  
21 what was identified with our tree survey is trees  
22 larger than 6 inches diameter. They were all deciduous  
23 trees. I think there was only one evergreen tree found  
24 that was classified on that site. We would intend to  
25 space within this area evergreen trees that could

1 survive. One of mine would be White Fir which I like  
2 to use quite a bit. I have used it before and it works  
3 out very well. I would not use Arborvitae here because  
4 the deer will eat them. We probably would go to that  
5 and then some Blue Spruce. We would submit that for  
6 review by the TDE and the Planning Board for their  
7 final review. We think that we will have a very  
8 substantial planting plan.

9 MS. GREEN-ENNIS: My houses is here  
10 (Indicating). What is being done here? There's not just  
11 residential houses here, they're all residential houses  
12 all along this part of Mill Road as well.

13 CHAIRMAN STUTO: I don't know if you can  
14 address that. Maybe some plantings can be done on her  
15 property. I am not sure.

16 MR. HERSHBERG: We have shown there is a  
17 mixture of small trees that can fit within the  
18 property line. There is also a number of easements on  
19 the site that have water and sewer easements at the  
20 corner. We did try to modify those. We do show some  
21 minor trees and major shrubs along a fence that we  
22 intend to put -- our intention is a 4-foot wrought  
23 iron fence down that entire run. In back of that we  
24 would have visitation. We don't think it will be very  
25 tall primarily due to the fact that we have to compete

1 with the drainage swale and other utilities along  
2 there. We don't want to plant large street trees at  
3 that point. We probably will use trees of the smaller  
4 habit; some Honey Locusts or Thornless Hawthorne,  
5 which is a smaller tree or maybe some Crabapple or  
6 Adirondack Crabapples. Those are the kinds of trees  
7 that we intend to use in the air. The shrubs would be  
8 primarily evergreen's that grow to six or 8 feet tall.

9 CHAIRMAN STUTO: Joe, do you want to speak  
10 about the ingress/egress and how we are going to  
11 resolve that, if it is resolvable.

12 MR. GRASSO: So, understanding the concerns  
13 that we heard from the public and the Planning Board  
14 as well and knowing that when we start to restrict  
15 access at certain curb cuts or turning movements they  
16 can dramatically change the distribution of traffic.

17 Based on the concerns that we have heard, we  
18 would likely support a full access curb cut on Route  
19 7. If DOT has concern in building an additional curb  
20 cut, maybe it could be a shared access arrangement  
21 with the adjacent property to the west. We would  
22 support that to be full access. Obviously, all the car  
23 carriers would use that.

24 I understand the Chief's concern that there  
25 could be the occasional one that would use Mill Road

1 and we will look at that. We still support the current  
2 cut on Mill Road. We could see that being restricted  
3 so it's a full access in/right out only so that it  
4 would discourage any test drive vehicles from taking a  
5 left to the neighborhood, but it would still allow  
6 everybody trying to get to the site to either use the  
7 Route 7 curb cut or the Mill Road access. I think by  
8 restricting those lefts-out it would discourage some  
9 traffic from that curb cut and then keep more of the  
10 trips on the Route 7 corridor. That's where we are at.  
11 Obviously, DOT has to get brought into that because  
12 the plan that we shared with them have the  
13 rights-in/rights-out which they had commented on that  
14 they were in favor of. That is something that I would  
15 like to try to talk to them about. I just want to get  
16 a feel from the Planning Board whether or not that's  
17 something you would consider.

18 CHAIRMAN STUTO: That seems to hit all the  
19 issues, to me.

20 MR. GRASSO: What we're talking about is if  
21 there is a concern about having a curb cut for this  
22 dealership adjacent to another property that has a  
23 full access curb cut -- we can do it in such a way  
24 that the rights are given to this curb cuts so that in  
25 the future that could be a shared access. So, that way

1 we are not trying to propagate curb cuts along the  
2 Route 7 corridor which is obviously a concern that DOT  
3 is going to have.

4 MR. JEVONS: My name is Gloria Jevons. Someone  
5 had called my husband this evening and said they  
6 wanted to do some tree clearing and they would make  
7 the effort to put some plantings with three trees that  
8 they wanted to take down. Now, this buffer area where  
9 we own the easements and then there is our neighbors  
10 right now there are maybe not such a good specimen of  
11 trees there, but it is very thick. It provides a lot  
12 of privacy. If you take down a lot of those trees and  
13 you put in a few evergreens, you're going to  
14 definitely have -- is a big bright beautiful building  
15 but the neighbors are going to be faced with a lot of  
16 noise and a lot of light pollution. If this project  
17 were to be approved, we would definitely recommend  
18 that you do a double or triple row of planting of  
19 trees for some kind of noise barrier. Really from the  
20 vantage point of the neighbors, you can't eliminate  
21 that noise that is going to be happening all day long.

22 You can't eliminate the lights either,  
23 especially at certain times of the year. Putting up  
24 three trees is a good idea, but I think you're going  
25 to have to maybe do a triple row because this is quite

1 a bit bigger than what we visualize as having on that  
2 property. It is a beautiful building, but if you're  
3 living on that side of the building I think you're  
4 going to need a lot more of a buffer. You will need a  
5 lot more plantings and may be some kind of a solid  
6 retaining wall that would minimize the noise. Plus, we  
7 are always worried about runoff. Even though all your  
8 stuff is going to be in the garages, what happens to  
9 all the cars that are outside in the parking lot? If  
10 you get a heavy rain and all the sudden you have all  
11 oils and liquids flowing down the hill. Some of that  
12 area is a protected watercourse. I don't know what the  
13 situation will be with regard to the run-off from the  
14 building. All this area could potentially be run-off.  
15 It is just something to think about.

16 CHAIRMAN STUTO: Thank you.

17 MR. BIRD: my name is Craig Bird and I live  
18 right here in this little house (Indicating). I live  
19 at 8 Mill Road. I have lived there for 23 years. When  
20 you get five of those cars starting up, what is it  
21 going to sound like? If you have five cars starting up  
22 at the same time -- I work at all these dealerships  
23 that are Goldstein's and as soon as they come out to  
24 get a car they hit the button and beep, beep, beep. It  
25 is nonstop.

1                   Also, her property -- the golf course -- you  
2                   guys play golf over there. You swing the ball and the  
3                   ball goes up on top of the hill. If you go over there,  
4                   there are hundreds of balls over their right now.  
5                   They're going to be bouncing off cars up and down  
6                   there. If you go up on top of the hill right now you  
7                   will find 100 balls.

8                   They said there was no evergreen trees on my  
9                   driveway. Please drive by tomorrow down my driveway  
10                  because you will see a whole row of about 20 of them  
11                  that I planted 20 years ago that are beautiful. Those  
12                  are the trees that they want to take down because Jay  
13                  doesn't own any trees on that land -- that 50 foot  
14                  all the way down. He might own two trees on that land  
15                  and that's it. The rest are all my trees that I  
16                  planted that are beautiful trees. I would like  
17                  everyone of you guys to stop by and drive down my  
18                  driveway, turn around in my driveway -- no problem  
19                  and see how it looks there right now. Thank you.

20                  CHAIRMAN STUTO: Does somebody else want to  
21                  talk?

22                  MR. HERSHBERG: Mr. Chairman, can I respond?

23                  CHAIRMAN STUTO: Yes, you may.

24                  MR. HERSHBERG: The question about drainage  
25                  is near and dear to my heart. The drainage on the site

1 is all connected to the system here. Even the water  
2 that flows in this direction here goes back and into  
3 the system here. So, nothing will flow over the edge  
4 of the parking and down in that area. We believe that  
5 there will always be hydrocarbons and water and  
6 drainage off of a parking lot and even off the  
7 roadway. There is a certain level of hydrocarbons.  
8 There will not be any increased level due to the fact  
9 it is a car dealership because all of the oils and  
10 gases generated during car service will be kept  
11 internal to the dealership.

12 We do not intend to clear any of that area.  
13 People say that we intend to clear that. We do not  
14 intend to clear any of it. The only clearing that we  
15 will do is enough clearing to make a space to plan a  
16 new tree and we will try to keep to a minimum amount  
17 possible. We will try to take the trees that are in  
18 the worst condition and trim those down and put new  
19 trees. Our goal is not to take down any of those  
20 trees. We like the thick foliage. We like them  
21 bordering on the residential side of our property. We  
22 do not intend to clear them. We do intend to only  
23 infill planting on it and whether or not we stagger  
24 double or triple row of evergreens is a question yet  
25 to be determined. We can certainly talk about it.

1 MR. AUSTIN: Any thoughts on a fence?

2 MR. HERSHBERG: One of the residents asked  
3 for a retaining wall, I thought, rather than a fence.

4 CHAIRMAN STUTO: One of the neighbors who  
5 owns the golf course asked to consider a noise  
6 barrier.

7 MR. HERSHBERG: The problem with the noise  
8 barrier is a line of sight thing. So, you should build  
9 it high enough so that it obscures the line of sight  
10 to the area -- that is why you see those very tall  
11 sound walls along the interstate highways. To get it  
12 so it intercepts the sign area, it's going to be every  
13 place along there. To build that, we would have to  
14 clear a lot of trees to build a wall of that height.  
15 It's something we can consider. Foliage, itself, does  
16 not make a great sound barrier but a deep layer of  
17 foliage does reduce the sound somewhat.

18 CHAIRMAN STUTO: Any other comments?

19 MR. DENNIS: I'm Tim Dennis of Albany Shaker  
20 Road. Thirty years ago you made me put a berm and and  
21 plant trees on top of it to keep the lights from  
22 hitting pheasant Ridge. The berm was 12 feet tall and  
23 it had three rows of trees on top of it. Those people  
24 were happy as can be.

25 CHAIRMAN STUTO: Where are you referring to,

1 exactly?

2 MR. DENNIS: Kimberly Square.

3 CHAIRMAN STUTO: Where is the berm?

4 MR. DENNIS: But against the Pheasant Ridge  
5 people on the west side. It works fantastic.

6 CHAIRMAN STUTO: You have to take down trees  
7 to put in a berm. What do the design professionals  
8 think?

9 MR. GRASSO: Based on the visit but I had, I  
10 think there's enough significant vegetation that we  
11 would want to retain that. So, I am not in favor of a  
12 berm and cutting the trees down to build a berm and  
13 then putting trees on top of it. I do think that some  
14 kind of fencing through that 50 foot area could knock  
15 down any headlights that would go through their. It  
16 would obviously have some noise attenuation. Dan is  
17 right. Landscaping doesn't do well for noise  
18 attenuation so you need some kind of solid barrier. I  
19 would like to take some time to walk through that 50  
20 foot strip and see if it is suitable to put in a  
21 fence. It's similar to what was done behind Wolf Road  
22 recently. I think that would be the best solution.

23 Regarding the parking lot lighting, the Town  
24 Code requires a maximum height of fixtures to be 18  
25 feet. Once you are 50 feet away, the only type of

1 lighting that you would have would be glare.

2 We did have a comment in our letter about  
3 putting out side shields. I don't think there's going  
4 to be any lighting impacts from the parking lot  
5 lighting. The only lighting impacts would be  
6 associated with the headlights that shine into the  
7 trees which based on what I remember out there, you're  
8 going to get some shining of the headlights through  
9 that 50 foot buffer. That's where fence would come in  
10 handy.

11 MR. AUSTIN: As far as noise goes, hours of  
12 operation of the dealership -- what are the standard  
13 hours? Is there a Saturday operation to it?

14 MR. HERSHBERG: There's probably a one-half  
15 day on Saturday operation and no Sunday or holiday  
16 operation. That is the current plan. The daily hours  
17 are I think 7:00 a.m. to 6:00 p.m., approximately. I  
18 think we had the hours in our report. We can check  
19 with Mr. DePaula. Those of the hours that they intend  
20 to operate.

21 MR. AUSTIN: I'm just thinking about the noise  
22 issue because in terms of starting cars, you're not  
23 going to hear that at night.

24 MR. HERSHBERG: No.

25 CHAIRMAN STUTO: Anything else from the

1 neighbors?

2 MS. JEVONS: When British American built the  
3 apartment building right next to my house, they had  
4 lighting restrictions. They don't enforce them. They  
5 put a light up and the cupola that's like 60 feet up  
6 into the air that shine straight in my bedroom window.  
7 So much for lighting regulations.

8 CHAIRMAN STUTO: Any final comments from the  
9 Board?

10 (There was no response.)

11 Joe, can you summarize for us?

12 MR. GRASSO: We talked about a lot of things  
13 and operational issues but also some changes to the  
14 plan. I think we have a good record of the things that  
15 the applicant has to do. Whether or not the Planning  
16 Board wants to review a plan with these before you  
17 grant concept acceptance or go based on the  
18 discussions in the record.

19 Obviously, we have our homework to do and  
20 follow up to do on some things. We have some other  
21 agencies both in the Town and the state to reach out  
22 to. I think that the things that we heard the Planning  
23 Board latching onto are going to be acceptable to  
24 those other agencies. So, I don't think that you need  
25 to wait to move the project forward based on their

1           comments. It is really whether or not you want to see  
2           any changes to the plan before you grant concept  
3           acceptance. It's really up to the Board.

4                   MR. SHAMLIAN: How do you think DOT is going  
5           to react with full access?

6                   MR. GRASSO: When I explained to them the  
7           complexity of concerns regarding the access in the car  
8           carriers -- quite frankly, this is a very low volume  
9           site generator. It is a previously developed site. So,  
10          I think they are going to be in favor -- I will not  
11          say in favor but they are going to be okay with a full  
12          access being developed on Route 7 -- especially that  
13          we are still going to allow lefts in off of Mill Road  
14          into the site.

15                   As you're heading westbound toward the site,  
16          a lot of typical customers are going to take a right  
17          onto Mill Road and then a left into the site. There  
18          is a distribution that is going to occur. If the Board  
19          chooses to grant concept acceptance tonight, and there  
20          is a big concern raised about the access restrictions  
21          that we talked about tonight then I would think we  
22          would want to bring it back to the Planning Board for  
23          a plan review update before the applicant continues on  
24          with final.

25                   CHAIRMAN STUTO: The option before the Board

1 we might as well speak out loud about it. Either  
2 postpone the vote on concept and get more information  
3 back on ingress and egress and screening and the other  
4 issues that were raised tonight and then consider the  
5 concept vote, or similar to the last one vote on  
6 concept and then get an interim report back until  
7 final. Does anybody want to express their thoughts on  
8 that?

9 MS. DALTON: I would prefer to table it

10 CHAIRMAN STUTO: I agree with tabling it,  
11 myself. The distinction really being the intensity of  
12 feeling by the neighbors particularly the three  
13 houses and the house across the street. I'd like to  
14 make sure that we can have a little bit more  
15 refinement of the plan before we take our vote. That's  
16 my opinion.

17 MR. SHAMLIAN: And for no other reason, the  
18 interim report back to the Board before any action.

19 MS. DALTON: So, I will make a motion that we  
20 table this.

21 MR. MION: Second.

22 CHAIRMAN STUTO: Any discussion?

23 MR. AUSTIN: I would just encourage the  
24 neighbors to reach out to Mr. Hirschberg and his  
25 associates and vice a versa for Mr. Hirschberg to

1 reach out to the neighbors. He is an extraordinarily  
2 respected engineer in this area and he works very well  
3 with residents and neighbors. If you express your  
4 concerns he will work with you to help make this  
5 project work.

6 CHAIRMAN STUTO: Any other comments on the  
7 motion?

8 All those in favor of tabling, say aye.

9 (Ayes were recited.)

10 All those opposed, say nay.

11 (They were not opposed.)

12 The ayes have it.

13 Thank you to the neighbors for coming out.

14

15 (Whereas the above entitled proceeding was  
16 concluded at 8:59 p.m.)

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

