

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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ACADIA AT NEW LOUDON, LLC
873 LOUDON ROAD

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THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing on
April 14, 2020 at 6:57 p.m. held via Zoom Video
Conference

8 BOARD MEMBERS:
PETER STUTO, CHAIRMAN
9 CRAIG SHAMLIAN
STEVEN HEIDER
10 SUSAN MILSTEIN
CHIP ASHWORTH
11 LOU MION
PAUL ROSANO

12

13 ALSO PRESENT:

14 Sean M. Maguire, AICP CEcD, Director, Planning and
Economic Development
15 Kathleen Marinelli, Esq., Counsel to the Planning
Board
16 Zachery Harrison, Planning and Economic Development
Victor Caponera, Esq.
17 Michael Tengeler
Charles Voss, PE, Barton and Loguidice
18 Phil Koziol, Laberge Group
Mitchell Reynolds, TPG Architecture
19 Manan Joshi
Richard Dordas, Chase Bank

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1 CHAIRMAN STUTO: I'll call up the third and
2 final item on the agenda. That will be the Acadia at New
3 Loudon, LLC, 873 Loudon Road, Acadia Bank Pad. The
4 proposal is for the construction of a new one-story
5 3,375 square foot bank with drive-thru portion of
6 existing parking lot with Price Chopper Plaza.

7 We've seen this a couple of times and
8 hopefully we are where we need to be.

9 Is there someone on staff either Zach or Sean
10 that wants to make a comment on this - or Mike?

11 MR. MAGUIRE: Mike, if you're unmuted, I would
12 like to have you highlight this project.

13 MR. TENGELER: Sure. The Board has seen this a
14 couple of times. They are here for final tonight
15 obviously. At the last meeting there were three major
16 points that the Board had asked the director to follow
17 up on. That was the elevation - that it tied more into
18 Market 32 Bistro. They have that access agreement
19 between the neighboring parcel at 881 Loudon Road. And
20 they wanted staff to check on two possible waivers that
21 they were questioning about before. In my write-up, I
22 justified how they are not required and I went over it
23 with the TDE as well, which is why they're here tonight
24 for final approval and final SEQRA and no waiver
25 requests.

1 CHAIRMAN STUTO: Okay, thank you.

2 We will turn over to the applicant. Who's
3 speaking for the applicant?

4 MR. CAPONERA: It's me, Victor Caponera.

5 CHAIRMAN STUTO: Hello, Victor.

6 MR. CAPONERA: As Mike has indicated, the last
7 time we were in front of the Board, we got concept
8 approval and it was on May 14, 2018. Since that time, we
9 have been working to get this egress/ingress easement
10 solidified and we have finally done that. Mike has
11 worked with us on this also and once this was taken care
12 of, we then wanted to get this thing advanced on final.
13 We think we have accomplished it and taken care of all
14 the questions that the Board had which would be the
15 items that Mike brought up. We don't need any waivers.

16 Everyone is aware of where it is located.
17 It's a building that's going to be a branch for Chase.
18 There's already a bank branch for Key Bank on the
19 south side of the property.

20 Basically that's pretty much it. We're
21 looking for the Board's favorable votes on this for
22 final tonight.

23 Phil Koziol from Laberge Engineering is with
24 us if there's any questions relative to the
25 engineering of the project. That's pretty much it.

1 CHAIRMAN STUTO: Okay, this has been reviewed
2 and is being reviewed by our Town Designated Engineer,
3 Barton and Loguidice. We have Chuck Voss here.

4 Would you like to give us your comments,
5 please?

6 MR. VOSS: Sure. The Board should have in their
7 packets our review letter from last fall. It was our
8 final review letter. We had gone through the last
9 submission that Victor had mentioned and Michael had
10 mentioned. Basically, it was our November review and we
11 really felt at that point that they had addressed all
12 the technical comments that had arisen throughout the
13 project during the process. We looked at things like
14 stormwater, the site layout, landscaping discussions
15 that occur between the applicant and the Board Members
16 that were included in the plan. As Mike mentioned, there
17 was the waiver and we concur with that. We see no
18 changes to that.

19 CHAIRMAN STUTO: Can I interrupt you for one
20 second? Can we put the layout up and then we will go
21 back to the other?

22 Sorry, Chuck.

23 MR. VOSS: Sure.

24 Then, there was the access easement that was
25 discussed. I know that was kind of a sticking point

1 for the Board and certainly for the applicant which I
2 think delayed things for a little while, as Victor
3 would know. That has been worked out to the
4 satisfaction of the Town. Certainly we have no
5 objection to that at all. We think that makes proper
6 access management. If and when the other adjacent
7 parcels come up for development - at least, there's a
8 connection there.

9 In terms of circulation and parking the site,
10 currently, as the Board knows, there's the vacant
11 parking lot if you will - the corner of the vacant
12 parking lot of the plaza. As the site is going to be
13 situated in as the bank is really going to be
14 situated, it's really tucked up into that westerly
15 corner of the parking area. So, from a circulation
16 standpoint really the only traffic generator here is
17 the bank itself. There are no other adjacent
18 businesses where you will have vehicles circulating in
19 and around the site. So, it becomes a destination
20 point specifically just for users of the bank.

21 In terms of internal circulation, we
22 certainly could work with Phil to make sure that's
23 more efficient and we feel that works well now. Phil
24 can certainly address maybe some of the technical
25 components. I know the Board had some questions about

1 parking along the southern side which Phil had added.
2 You have the access aisles now along the westerly side
3 adjacent to Route 9. There are some pedestrian
4 crosswalk demarcations there that we understand are
5 really for pedestrian safety, if nothing else.

6 From the rest of the standpoint, we're
7 comfortable with the project as proposed.

8 I know the Board had also discussed the
9 landscaping of the entire - in front of the plaza, I
10 should say. I can certainly have Victor touch on that,
11 but I think that's been resolved as well now to the
12 satisfaction of everybody.

13 In terms of final approval, we are
14 comfortable at this point. It appears that everything
15 has been addressed in the plans that were recently
16 submitted and are accurate and complete.

17 CHAIRMAN STUTO: Okay, Sean, do you have
18 anything you'd like to say before we turn it over to the
19 Board?

20 MR. MAGUIRE: No, I think that they've all been
21 addressed. We had a good call today just to wrap these
22 pieces up. There were a couple of things that were a
23 little bit odd to me on the site plan.

24 There was the crosswalk there and I'm really
25 not sure the intent on that. The location of the bike

1 rack. We talked a little bit about the circulation
2 pattern that exists here. In particular, I have a
3 little bit of a concern coming out of the ATM Lane.
4 We're directing people back down to the parking lot,
5 but there is an opportunity for drivers to disregard
6 that and drive forward - or attempt to drive forward.

7 CHAIRMAN STUTO: So, you are okay with the
8 circulation? Is that we are saying?

9 MR. MAGUIRE: Yes. Like I said, I was a little
10 concerned when I first looked at it. If the Board is
11 okay with it, I think we're satisfied regarding the
12 circulation.

13 CHAIRMAN STUTO: We will have further
14 discussion on that.

15 The walkway to nowhere or whatever - - does
16 the applicant want to address that or least explain
17 it?

18 MR. KOZIOL: Hi, I'm Phil Koziol from LaBerge.

19 There was concern about the parking on the
20 south side which is near the main entrance there -
21 people parking there and crossing over to get to the
22 bank and possibly some conflicts with the people
23 driving up for the ATM use. So, we added a sidewalk
24 there so there's a path for people to us and also
25 alerts the drivers -- that there is potential of

1 conflict there. So, that's kind of how we addressed
2 your issue there that you brought up one of the
3 meetings.

4 You did mention the bike rack on the side of
5 the building. It's not in front of the building
6 because we were trying to deal with a grade issue for
7 the site. That's why it's on the corner over there
8 (Indicating).

9 The drive-through aisle and the exit at the
10 top of the drive-through area - we arranged that so
11 that it's pretty difficult to back out to the end of
12 the access point so that you're not having these
13 cut-through parking lot area things and stuff like
14 that. You will have people - that if they decide they
15 don't want to wait in the ATM line, there's a
16 drive-through exit and they would be directed over to
17 the north of the site. Again, it's pretty much an
18 unused parking area.

19 CHAIRMAN STUTO: Could we go to the elevation?

20 Chuck or somebody, can you tell us what's
21 been revised on the elevation?

22 MR. VOSS: I will. Victor and Phil discussed
23 that quickly.

24 MR. KOZIOL: We have some folks from the
25 architects here; TPG. They can talk to that.

1 CHAIRMAN STUTO: Sure.

2 MR. REYNOLDS: I'm Mitchell with TPG
3 Architecture and we worked on the design of this. We
4 used some elements that actually related directly to the
5 shopping development behind with Market Bistro and the
6 Raymore and Flanagan store - those being the flat tower
7 element along the east elevation and the peak tower
8 element on the west elevation.

9 Then, also the bricks - we put ornamental
10 banding similar to Market Bistro. Then, the tan
11 painted efus at the top which matches the color
12 similar to Market Bistro and the manufactured stone
13 base along the elevation, as well.

14 CHAIRMAN STUTO: Okay, thank you.

15 Is there a landscaping plan? I think it's
16 been a while since the Board has seen this.

17 MR. KOZIOL: The last concern with the
18 landscaping plan was that it was phased over five years
19 and the Board was concerned about that time. We reduced
20 it down to a two-year phase implementation where the
21 front would be the first phase. So, the front portion of
22 the plaza would be the first phase.

23 CHAIRMAN STUTO: Is there a picture of that
24 here, or no?

25 MR. SHAMLIAN: I think it sheet 15 in the

1 packet - 15 or 16.

2 MR. MION: Can you also explain why you need so
3 long instead of doing it all at one time - why you need
4 to phase it in over two years?

5 MR. KOZIOL: Manan, are you on?

6 MR. JOSHI: Phil, this is an older plan. I
7 think we reduced it into the two phases.

8 This is Manan Joshi and I represent the
9 applicant.

10 The two phases represent - the first phase
11 being the removal of some of the trees and the second
12 phase is the planting of trees.

13 Like Phil mentioned originally it was phased
14 out in five years and we reduced it down to two phases
15 to address the Planning Board's comment.

16 MR. MION: Why can't you remove them and plant
17 them at the same time?

18 MR. KOZIOL: If I can say something - - the
19 first phase does include plantings. In looking at the
20 plan right now, that whole first phase is removing some
21 of the dead and dying trees and replacing them with new
22 landscaping. So, that's all in the first phase. So, the
23 frontage - the entry to the bank all gets taken care of
24 in the first phase.

25 MR. SHAMLIAN: Sean, can you scroll to the

1 sheet that shows the number of plantings?

2 MR. KOZIOL: This sheet can assure you the
3 detail plantings just for the entryway to the bank.

4 CHAIRMAN STUTO: Craig?

5 MR. SHAMLIAN: I'm not enamored with two years,
6 but it's certainly better than five. I just want to
7 point out that what they're talking about here is a
8 total of - - I know that some of this is replacing dead
9 trees and some of this is new trees, but we're talking
10 about 22 trees and a lot of shrubs and several hundred
11 perennials. I think it's important that everybody
12 recognize what they're putting in the ground. That's
13 fine. I'm not complaining about what they're proposing.
14 I think if it's done well, it's going to look very nice.
15 If it's maintained properly each year, it's going to
16 look great. Normally I think we would be making somebody
17 do this in a year because we just would. I'm okay with
18 two years, although I might throw out as an idea that
19 they post a bond for the second years' worth of work.

20 MR. MION: I agree with that.

21 CHAIRMAN STUTO: That's a good idea, if it's
22 going to take two years.

23 MR. TENGELER: We can take an escrow in. We
24 have done that before.

25 CHAIRMAN STUTO: Or an escrow.

1 MR. TENGELER: Yes.

2 CHAIRMAN STUTO: Escrow is better.

3 MR. SHAMLIAN: The only question I would have
4 on the trees in particular is normally -- if you could
5 blow that up a little bit again -- normally with trees,
6 the schedules call for caliper size. I noticed on this --
7 -- I'm assuming they're talking about height.

8 Chuck, is an 8 to 10 foot tree at 2 1/2 to 3
9 inch caliper which I think what we would normally look
10 for on a commercial project -- it seems like a pretty
11 small tree for a commercial project.

12 MR. VOSS: Generally speaking, you would want
13 to see a caliper indicated on the landscaping plan
14 especially for the trees. They have some Maples in there
15 and some Pears and Service Berries. The 8 to 10 foot
16 height -- it could still be a relatively young tree. You
17 might get a two-inch caliper out of something like that
18 -- maybe a little bit less. I think it's something that
19 if the Board is certainly concerned with, it is
20 sustainable and it will certainly take root within the
21 first season. You might want to request 2 1/2 to 3-inch
22 caliper trees, especially for those trees in Phase I.
23 They are going to be along Route 9 and along the
24 entrance road. So, it's something to consider.

25 CHAIRMAN STUTO: Mark the plans now. Let's be

1 ready for that with the vote.

2 MR. SHAMLIAN: I agree.

3 CHAIRMAN STUTO: We will go down the line with
4 the Board again.

5 Paul, we'll start with you? Do any have any
6 comments or questions?

7 MR. ROSANO: No. Just from a practical
8 standpoint, I think trees along Route 9 from a
9 businessman standpoint - - is that going to let that
10 bank function from Route 9? Is anybody going to actually
11 see the bank once those trees start to develop? It's
12 like the street trees that we see on Wolf Road - - you
13 go up Wolf Road now and you can't find the buildings.
14 You have to literally look under the trees. So, I guess
15 that's a concern from a practical standpoint.

16 CHAIRMAN STUTO: Okay, anything else?

17 (There was no response.)

18 Respectfully, I don't really agree. I think
19 Wolf Road is fine. I know that is a bug of yours. So,
20 we'll see if anybody else says anything.

21 Chip?

22 MR. ASHWORTH: I appreciate the changes they
23 have made in the color scheme of the bank so it ties in
24 more with the rest of the shopping center.

25 In terms of the landscaping, I would just

1 like to see the first thing in the agenda - on the
2 first phase - all the removed trees be replaced first.
3 I think that should happen first.

4 CHAIRMAN STUTO: Anything else?

5 MR. ASHWORTH: That's it.

6 CHAIRMAN STUTO: Lou?

7 MR. MION: Nobody brought up my concern about
8 the trees, but I tend to agree with Paul. When you look
9 at Wolf Road, initially the trees that were planted were
10 nice. Now, as they grow, you're searching for the
11 businesses. It's just something to be thinking about.

12 CHAIRMAN STUTO: Okay.

13 Susan?

14 MS. MILSTEIN: As for the trees, I'm fine with
15 the types of trees that they plant. Not only that, about
16 half the year there aren't leaves on the trees anyway.

17 I don't know if it makes more sense, but some
18 of the trees that you put in - some of the perennial
19 shrubs so that they can develop because they tend to
20 be more attractive parts of the landscaping. Maybe the
21 answer is a combination of doing some trees and some
22 perennials and some of the shrubs in the first phase.

23 CHAIRMAN STUTO: Okay, we seem to have various
24 opinions on the plantings. I'm not sure how we are going
25 to resolve that.

1 Craig, I know before you had some comments
2 but you have more?

3 MR. TENGELER: It looks like the Phase I does
4 have a combination of both.

5 MR. SHAMLIAN: I don't really have anything
6 else.

7 I think Mike was chiming in. I think he's
8 correct. They're doing trees in the first phase and
9 they are also doing some of the shrubs and perennials
10 in the first phase, as well. I'm good with the
11 landscape plan.

12 I tend to agree with you, Peter. Yes,
13 sometime the trees to block the visibility on Wolf
14 Road and other roads, but at some point the trees get
15 big enough that they stop blocking visibility too. I
16 think they've made some nice improvements to the
17 building - the aesthetics to the building. Overall, I
18 think they've done a nice job here.

19 CHAIRMAN STUTO: Does your comment address what
20 Susan was just talking about - about phasing in some of
21 the perennials?

22 MR. SHAMLIAN: I think so. Susan can certainly
23 answer that.

24 CHAIRMAN STUTO: Susan, do you want to answer
25 that?

1 MR. TENGELER: It looks like the Phase I
2 includes perennials and larger trees, as well. It's a
3 nice mix in the front.

4 MS. MILSTEIN: To me, that makes the most sense
5 to have a mix going in.

6 MR. TENGELER: Yes, especially for the frontage.

7 MR. ASHWORTH: I agree.

8 CHAIRMAN STUTO: That simplifies it a little
9 bit.

10 Chief Heider?

11 MR. HEIDER: I have just a couple things.

12 Sean, if you could go back on the plan.
13 Basically that's why they call them street trees. You
14 want the street trees and you ask for them and in 40
15 years eventually they need to be trimmed out to
16 protect the appearance of the project, but I think
17 that's why we have the street trees. I think it's a
18 good idea.

19 I don't think you should hold this applicant
20 totally responsible for the whole mall. That's why I'm
21 in favor of the two-year plan - to give them a little
22 time to take care of it.

23 Maybe I missed an in between meeting, but
24 that seems like an awful lot of parking around the
25 bank. Especially a mall that has an entrance - the

1 main entrance in. I know it's a little late to be
2 talking about this, but it just seems like an awful
3 lot of parking around the bank. As far as the project
4 goes, I think it's a great project. It's going to
5 dress up that corner. I wish they could do the same
6 thing on the other corner. That's it.

7 CHAIRMAN STUTO: Does it make sense to talk
8 about banked parking?

9 MR. HEIDER: There's almost 40 parking spots.
10 When have I ever seen any bank around here have 40
11 people in it?

12 CHAIRMAN STUTO: Can we get back to that
13 drawing.

14 MR. SHAMLIAN: We talked about banked parking I
15 think the last time this project was before us we talked
16 about whether or not they felt they could do some banked
17 parking. There may have been something they were going
18 to come back with?

19 CHAIRMAN STUTO: Does the applicant want to
20 respond?

21 MR. CAPONERA: Phil, why do you respond to
22 that? I just read the meeting minutes from May 14 and
23 there was some discussion about the parking and you had
24 some comment on that.

25 What do you have to say about the parking?

1 MR. KOZIOL: Well, we are certainly trying to
2 meet a minimum parking requirement. I don't know if
3 Chase Bank is in the meeting or not, but Dan expressed
4 to me after one of the meetings that they need all the
5 parking they can get. I don't know if it's a different
6 type of business model they've got where they want more
7 people to come into the bank -

8 CHAIRMAN STUTO: Then, let me suggest this: If
9 there's an opportunity and your client agrees, where
10 would you recommend banking?

11 MR. KOZIOL: I think we talked about it at one
12 of the meetings. It would be along the south where they
13 provided the crosswalk.

14 CHAIRMAN STUTO: Would you revisit that with
15 your client? It may be a cost matter issue with you,
16 too. Let's get specific. The whole area of parking
17 there?

18 MR. KOZIOL: Yes, I would say that whole bank
19 could be -

20 CHAIRMAN STUTO: Okay, whatever portion of that
21 - if your client agrees - we will allow you to bank it
22 which will save you cost upfront, too.

23 MR. KOZIOL: Yes.

24 CHAIRMAN STUTO: Are you saying they absolutely
25 won't? Do you know the answer?

1 MR. KOZIOL: I know they have a strong opinion
2 that they want the most parking that they can get. I
3 don't know if they fully recognize that they can add the
4 parking later or not.

5 CHAIRMAN STUTO: Okay, why don't you revisit
6 that with them? They can add it later, if they have a
7 need.

8 MR. REYNOLDS: I just want to say one thing
9 about the caliper size of the trees -

10 MR. DORDAS: This is Rich Dordas from Chase
11 Bank. We will definitely look into that banking of
12 parking. We will see how much we can give up.

13 CHAIRMAN STUTO: Okay, thank you. We appreciate
14 it.

15 MR. DORDAS: Sorry to cut you off.

16 CHAIRMAN STUTO: Not at all.

17 MR. HEIDER: I missed what he said, Peter.

18 CHAIRMAN STUTO: He said that he is with Chase
19 Bank and he's going to look into banking the parking.

20 MR. HEIDER: Okay, thank you.

21 MR. CAPONERA: And that would be, Peter, on the
22 south side as were looking at it facing it.

23 CHAIRMAN STUTO: Right, which would be the
24 left-hand side.

25 MR. CAPONERA: Right, that's it.

1 CHAIRMAN STUTO: Okay, tree calipers?

2 MR. REYNOLDS: Yes, I think the two and a
3 half-inch size requirement would be appropriate for the
4 frontage trees, but not in the interior of the Plaza
5 where there's limited room there for plantings. We can
6 actually meet that requirement of 2 1/2 inch caliper in
7 a little parking island inside the plaza. I can
8 certainly talk to the landscape architect about that and
9 see what we could do as far as specifying the caliper
10 size.

11 CHAIRMAN STUTO: Craig, did you want to respond
12 to that?

13 MR. SHAMLIAN: I'm perfectly happy with leaving
14 that up to the applicant and staff to work out and make
15 sure the appropriate size trees are in any of the
16 islands. I think all of the Maples are either at the
17 entrance way or on Route 9. As I say, I'm perfectly
18 happy letting staff work through that.

19 CHAIRMAN STUTO: Any other comments from the
20 Board?

21 MR. ASHWORTH: Yes, in terms of the parking on
22 the south side, there are 12 spaces. The thing you could
23 do is - it doesn't matter - - if 12 is too many to bank,
24 then you could probably do it this way; six - and have
25 them parallel park and just put six spots in there

1 parallel.

2 CHAIRMAN STUTO: Okay, we will have them take a
3 look at that with Sean and Chuck.

4 MS. MILSTEIN: I would be fine if they felt as
5 though they could bank more than 12 and give them that
6 kind of leeway as well.

7 CHAIRMAN STUTO: That's okay with me.

8 MR. SHAMLIAN: Sure.

9 MR. VOSS: It makes sense, yes.

10 CHAIRMAN STUTO: Anything else?

11 (There was no response.)

12 We'll try to keep those provisos in mind as
13 we walk through the environmental review.

14 Chuck, can you walk us through that?

15 MR. VOSS: The Board should have again in your
16 packets the Short Environmental Assessment Form. Part I
17 was completed by the applicant and the questions were
18 answered there.

19 We also prepared a SEQRA recommendation which
20 was November 5, 2019. The plan has not changed
21 significantly such that it would affect the SEQRA
22 determination the Board has. This is listed as an
23 unlisted action as per SEQRA.

24 Then, we completed a Part II form.

25 Peter, I can go through the 11 questions.

1 CHAIRMAN STUTO: Given the type of meeting we
2 are having, I would say abbreviate it more than we
3 usually do.

4 I will just say for the record, we have had
5 these forms and we have been studying them and we will
6 have opportunities to ask questions.

7 If you could go through them in a more
8 expedited fashion than we usually do?

9 MR. VOSS: Will do. What this Part II does is
10 it assesses the impact - whether it's a small to
11 moderate to large impact. Questions one through 10
12 basically were all answered no or small impacts may
13 occur. So, we felt that there was really no
14 environmental impact associated with the project based
15 on those questions.

16 Part three was then prepared. Part three,
17 again, went through and listed the determination of
18 significance which the lead agency is responsible for.
19 We looked at those. We determine that based on the
20 information in the analysis within the SEQRA forms and
21 all the supporting documentation and plan, that the
22 proposed action will not result in a significant
23 environmental impact.

24 Therefore, a negative declaration was
25 prepared for the Board that basically states the lead

1 agency has reviewed the application, site plans,
2 project description and all supporting documentation
3 and conducted such further investigation of the
4 project and its environmental effects that the lead
5 agency has deemed appropriate. Based on this review
6 the lead agency has determined the action will have no
7 significant effects on the environment.

8 CHAIRMAN STUTO: Okay, do we have a motion on
9 that negative declaration and that will have an
10 opportunity to discuss it?

11 MR. MION: I'll make the motion.

12 CHAIRMAN STUTO: Second?

13 MR. ASHWORTH: Second.

14 CHAIRMAN STUTO: Okay, I make just one
15 statement. This is a redevelopment of the site. So, I
16 think the impact - - visually, it's going to be an
17 improvement to the site. That's my only statement.

18 Anybody else?

19 (There was no response.)

20 Okay, we have a motion before us. All those
21 in favor, say aye.

22 (Ayes were recited.)

23 All those opposed, say nay.

24 (There were none opposed.)

25 The motion is adopted unanimously.

1 With respect to the main motion which is for
2 final approval with the provisos that we discussed,
3 that the applicant will work with the department and
4 consider banking some of the parking, which means if
5 in the future they find they need more parking, they
6 will have the opportunity without coming back to the
7 Planning Board to increase their parking size. And
8 with the other proviso that the calipers of the trees,
9 specifically the street trees, will be increased as
10 per what Craig said and they will work with staff on
11 the rest of the trees. If some Board Members disagree,
12 they can try to amend it, or voice their opposition or
13 we can take it up separately. We want to make sure
14 that everyone has a voice. We don't want to try to ram
15 it through if a majority of the Board doesn't want it.
16 With those provisos - all the normal provisos -

17 MR. SHAMLIAN: Peter, also with an escrow or
18 bond for the second phase.

19 CHAIRMAN STUTO: Okay, escrow or bond for the
20 second phase of the plantings.

21 MR. MAGUIRE: Can we recommend an escrow for
22 that?

23 CHAIRMAN STUTO: Craig, Sean is recommending
24 escrow rather than bond.

25 MR. SHAMLIAN: That's fine.

1 CHAIRMAN STUTO: For those provisos and the
2 normal conditions that this is subject to, all the Town
3 Planning Board comments, Town comments and comments of
4 the Town Designated Engineer, do we have a motion?

5 MR. MION: I'll make the motion. This is Lou.

6 MR. HEIDER: Second.

7 CHAIRMAN STUTO: Okay, does anyone want to
8 speak on that motion before we vote?

9 (There was no response.)

10 Okay, all those in favor, say aye.

11 (Ayes were recited.)

12 All those opposed, nay.

13 (There were none opposed.)

14 I didn't hear any nos, so the motion was
15 adopted unanimously.

16 MR. MAGUIRE: I have Lou for the motion and who
17 for the second?

18 MR. HEIDER: I did.

19 CHAIRMAN STUTO: Is there any further business
20 before this Board?

21 (There was no response.)

22 Okay, stay healthy everybody. It's actually
23 fun seeing you.

24 (Whereas the above entitled proceeding was
25 concluded at 7:20 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

