

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****

4 CRISAFULLI MIXED-USE
5 106 EVERETT ROAD
6 REVIEW AND ACTION ON PARKING IN THE FRONT YARD
7 WAIVER, THREE SPACE PARKING WAIVER AND CONCEPT
8 ACCEPTANCE

9 *****

10 THE TAPED AND TRANSCRIBED MINUTES of the above
11 entitled proceeding BY NANCY STRANG-VANDEBOGART
12 commencing on May 18, 2010 at 7:33 p.m. at the
13 Public Operations Center
14 347 Old Niskayuna Road, Latham, New York 12110

15 BOARD MEMBERS:

16 CHARLES J. O'ROURKE, CHAIRMAN
17 TOM NARDACCI
18 PAUL ROSANO
19 ELENA VAIDA
20 MICHAEL SULLIVAN
21 PETER GANNON
22 PETER STUTO, Jr. Esq., Attorney for the Planning
23 Board

24 Also present:

25 Joseph LaCivita, Director, Planning and Economic
Development

Victor Caponera, Esq.

Chuck Voss, Barton and Loguidice

Attilio Crisafulli

Tony D'Adamo, Capital Architecture, PC

Sujata Balulad

Dayanand Menashi

1 CHAIRMAN O'ROURKE: Next on the agenda we
2 have Crisafulli mixed-use, 106 Everett Road.
3 This is 3,050 square feet of retail, and three
4 residential apartments. They are looking for
5 review and action on parking in the front yard
6 waiver, three spaces parking waiver, and they
7 are looking for a concept acceptance.

8 I'm going to let the applicant go first
9 and then I'll let you chime in, Chuck.

10 MR. CAPONERA: Mr. Chairman and members
11 of the board, honored guests. My name, as most
12 of you know, is Victor Caponera. I represent
13 the owner of this property, Mr. Attilio
14 Crisafulli, who is sitting with us here
15 tonight and I'll make this as quick as I can
16 with a presentation to the board as to what's
17 going on here.

18 I think that everyone has been supplied
19 with the actual concept plan that is basically
20 sitting up on the foam board here. I would
21 presume that everyone is fairly familiar with
22 the site.

23 Presently on the site there is an
24 existing block building that I'm going to say
25 is to the west. It's currently used as a

1 retail operation. To the east is a single
2 family ranch house with a very unusual roof
3 that's sitting on it right now colored blue.
4 Behind that is a two-car garage. The proposal
5 before the board is to tear down the single
6 family home, to tear down the garage in back,
7 and to construct a building that will total
8 3,050 plus or minus square feet. It would
9 become attached to the existing block building
10 that is to the west and end up looking pretty
11 much like this front elevation shown that each
12 of you have been provided a copy.

13 As all of you know, this is in a COR
14 zone; commercial office residential, that
15 allows for this use. It allows for both a
16 commercial retail operation as well as
17 residential. When you calculate this formula
18 that the Land Use Law uses, we had to get a
19 variance in front of the Zoning Board because
20 it allowed for, I believe, 1.9 or 2.9
21 apartments upstairs. So because of that, we
22 had to get a variance.

23 Mr. Crisafulli had originally made an
24 application three years ago in 2007 for a much
25 larger building with a much more intense use.

1 After we met with the Planning Department,
2 which included Joe LaCivita and Mike Lyons,
3 there was a suggestion that we modify the
4 plans, which we did significantly.

5 There were four apartments planned on top
6 of the second floor and we went down to three.
7 We reduced the size of the building. So at
8 this point now the proposal that is before the
9 board shows that we have over 35% green space
10 and again, the building would be attached to
11 the existing building and the two properties
12 that are currently in existence would be
13 joined as one and merged into one parcel.
14 There is a line that shows the demarcation.
15 This is the proposal that is before this
16 board.

17 There is only one curb cut that is shown
18 on the east side and you would come in and it
19 would actually join up with the westerly side
20 property that is also owned by Mr. Crisafulli.

21 None of the board members that are
22 currently on the board recall - maybe within
23 the last ten years - that Mr. Crisafulli
24 bought the property to the west. It was a
25 rather unsightly mall. Mr. Crisafulli bought

1 it and he put in a substantial amount of money
2 into what I consider to be a far better
3 looking establishment as a strip mall than was
4 there.

5 We added additional parking and took away
6 parking in the front where it all was and
7 essentially that's what's going to happen here
8 (Indicating). The waiver that's referred to is
9 as follows: Under our current code, it says
10 that you take the existing building or the
11 proposed building and you draw a line across
12 the front of the property and you aren't
13 allowed to put parking anywhere beyond the
14 line of where the front of the building is. In
15 this case, we have two and a quarter parking
16 spaces that are on the front side. That's what
17 we needed a parking waiver for. There is also
18 a requirement that we have to have 34 spaces
19 and we have 31 spaces. So we need a parking
20 waiver for three spaces.

21 I might add that we have taken time to
22 place a bike rack on the front of the
23 property; so that's good.

24 We are asking the board's consideration
25 in granting these two minor waivers.

1 One thing that I'm going to mention is
2 that in our Comprehensive Plan there is always
3 a requirement to intertie commercial
4 properties so that vehicles can come in and go
5 out and to have to actually go back out onto
6 the highway, if at all possible. What we have
7 done here is that this property is going to be
8 tied in to the property to the west so that
9 vehicles can use both parcels for both parking
10 and interconnection so that they don't have to
11 come back out onto the road. Essentially
12 that's it. We have substantially changed this
13 plan based upon the recommendation from the
14 DCC committee that we met with two and a half
15 years ago and this is the plan. We would
16 certainly be happy to answer any questions
17 that the board might have.

18 CHAIRMAN O'ROURKE: Chuck?

19 MR. VOSS: Thank you.

20 We've taken a look at the plans submitted
21 to us and the sketch plan. We had a number of
22 comments and put those in a letter dated May
23 30th. You should have that in your packets.

24 In general, we took a look at circulation
25 issues, infrastructure issues, building issues

1 and we'll just run through some of those
2 quickly.

3 The general comments that we had - we're
4 looking for some sort of written approval from
5 New York State Department of Transportation
6 for the stormwater management and the curb cut
7 out onto Everett Road. We weren't exactly sure
8 how that was going to be interacting with the
9 existing right of way, so we were looking for
10 a little more additional information on that.
11 We'll make sure that you get a copy of this
12 letter.

13 Also, the Town of Colonie work permit
14 would be required for any work out in that
15 area. We're looking for some additional
16 explanation as to how the existing sanitary
17 lateral would be affected going into the
18 parcel being removed and how that was going to
19 be dealt with and handled. Elaborate on the
20 plans to replace the existing water service to
21 the site. Right now it looks like a four-inch
22 line going into 104.

23 Stormwater management of the site - we're
24 looking for much more descriptive analysis as
25 to how you're going to deal with the

1 stormwater on the site and certainly
2 mitigating any impacts to adjacent properties.
3 There are some elevational issues certainly
4 that may come into play.

5 I think that you touched on our comment
6 about parking. We noted that you were
7 proposing 31 spaces, but 34 are required.
8 Again, I think that you just mentioned that in
9 your discussion.

10 There was some question about the square
11 footage and some discrepancies between the
12 plans and the narrative that were provided.
13 We'd like to get a little more additional
14 detail on the square footage of the apartment
15 spaces. Perhaps they could come with the
16 further submissions down the road, interior
17 floor plans, site layout and things like that
18 that are a little more specific.

19 On the commercial site's information
20 required by the Latham Water District for
21 conceptual submittal, there was no information
22 about building sprinklers or fire management
23 and I believe that the town has some comments
24 on that as well.

25 MR. CAPONERA: It's going to be fully

1 sprinklered.

2 MR. VOSS: The last comment that we
3 really had was the concern about the traffic
4 access management. You did touch on that. Our
5 initial thought or concern was how you're
6 egressing vehicles off the site through that
7 site 103. I think that you addressed that in
8 some detail. That kind of led to another
9 question as to maybe providing overall vehicle
10 traffic management plan, if you will - or
11 circulation plan for both sites, seeing as
12 that they're going to be interconnected with
13 traffic circulation and how that works. We
14 want to make sure that there are no conflicts
15 with vehicles existing the site or entering
16 the adjacent site and things like that.

17 There are some housekeeping issues. We'll
18 be looking down the road for the dimensional
19 tables and schedules for the commercial
20 corridor, the COR zone requirements on the
21 plans, lightning for the site, whether there
22 is going to be internal lighting, and building
23 lighting and similar detail on that.

24 We already talked about the water
25 service.

1 The issue of how you propose to abandon
2 and potentially remove the six inch sanitary
3 sewer lateral to 106.

4 We talked about stormwater management.

5 Down the road as you formulate things,
6 we'd like to see the landscaping plan. We
7 didn't get a copy of the elevation plan that
8 you show here. In looking at that, I might ask
9 if you have a three-sided view of that showing
10 the building from the three main approaches. I
11 don't know if the board would be interested in
12 the back view. I do think that three sides
13 would be appropriate.

14 CHAIRMAN O'ROURKE: No, I think that the
15 back view would be appropriate because of the
16 proximity of the homes.

17 MR. CAPONERA: We've shown it but not in
18 color. You want to see a color board of all
19 four sides?

20 MR. VOSS: Yes, I think that would be to
21 the board's benefit.

22 MR. CAPONERA: That's no problem.

23 MR. VOSS: I think that's all that we
24 had.

25 CHAIRMAN O'ROURKE: Actually, as I went

1 through the packet, I was a little surprised
2 that this project with the amount of questions
3 that I have, that it was even coming in front
4 of this board tonight. It seems to me that
5 there is quite a bit of work that needs to be
6 done on this project. Certainly I'm not
7 diametrically opposed to what Mr. Crisafulli
8 is looking to do. That said, there are some
9 issues that I came across. I've already asked
10 Joe for the ZBA transcript and I guess
11 it's going to take three weeks to get that
12 from a town department. It doesn't make sense
13 to me, but that's what I was told.

14 The square footage of the apartments is
15 2,200?

16 MR. D'ADAMO: It's 3,000.

17 CHAIRMAN O'ROURKE: Not of the full
18 footprint of the building; just the upstairs.

19 MR. D'ADAMO: The downstairs portion is
20 3,000. The upstairs is 3,000. It's going to
21 have a few setbacks just for relief.

22 CHAIRMAN O'ROURKE: But it's going to be
23 that 3,000; okay.

24 MR. CAPONERA: I show two apartments
25 measuring 801 and one at 1,400. I think that

1 comes up as 3,000.

2 CHAIRMAN O'ROURKE: Yes, it does.

3 I also came across a memo from Highway
4 Safety.

5 Did you get that Mr. Caponera?

6 MR. CAPONERA: I did not.

7 CHAIRMAN O'ROURKE: That's why I bring
8 this up. I would really love, just in terms of
9 expediency, if we were able to get the
10 applicant -- I'm sure that Mr. Crisafulli
11 doesn't like paying Mr. Caponera at all, but
12 especially on a night that in my opinion that
13 we could alleviate these things if they had
14 copies of these things.

15 MR. CAPONERA: I don't have a copy of B &
16 L's letter or anything else.

17 CHAIRMAN O'ROURKE: That's what I mean.
18 There is an issue in the process, in my
19 estimation. No meeting is a waste of time.
20 Certainly good things will come out of it. I
21 think that we could have alleviated a lot of
22 where we're doing tonight if all this
23 information was distributed. I would certainly
24 much rather see that take place, than where we
25 are going tonight.

1 There was a memo from Highway Safety,
2 that they had some concerns about the traffic
3 flow on the property.

4 Also, Chuck picked up the sewer lateral.
5 There was another letter from our engineering
6 department wanting to know how we were going
7 to take care of that sewer lateral that's
8 being abandoned. I actually am vehemently
9 opposed to have bike racks. I don't want them
10 on the side of the road. They should be in the
11 back somewhere. That's just my opinion.

12 I travel this road quite often. I don't
13 imagine the need for 25 parking spaces on this
14 lot. So I would be more willing and more apt
15 to consider parking waivers because as you
16 come in that entrance where the entrance is,
17 there is actually going to be only 16 feet
18 from the back of the parking spaces to the
19 drive area.

20 I just don't think that sets up as an
21 appropriate flow. Along the lines of what Mr.
22 Voss is looking for, I would really like to
23 see this incorporated. And again, I know that
24 it's a separate lot at 102, but if you're
25 going to be using it and that elevation does

1 go four or five feet down -- I would like to
2 see the whole parking width. Maybe a footnote
3 of what's in the 102 area, and whether there
4 could be some shared parking or whatever we
5 need to do.

6 My last issue was the screening both from
7 HVAC and certainly from the impact on the
8 neighbors that are directly in the back yard.
9 Certainly the ugly fence that's there - I know
10 that Mr. Crisafulli would be willing to do
11 something better for those residents. Is that
12 the neighbor's fence?

13 MR. CRISAFULLI: No, that's our fence and
14 we're going to put a new fence up.

15 CHAIRMAN O'ROURKE: I think that it's
16 important and this board has been very
17 proactive in terms of impacts on
18 neighborhoods. I would suggest that you meet
19 with the neighbors that are going to be
20 directly affected. It goes a long way with
21 this board to have them behind your project in
22 terms of the waivers that you need and all the
23 things that you're looking for. I think that
24 it would behoove you to meet with those
25 neighbors and say, this is where we're at.

1 In my opinion, I know that I'm not ready
2 to go forward and grant any action on any of
3 this project this evening. I think that there
4 is just a lot of work to be done and I'd like
5 to see that work started.

6 Tom?

7 MR. NARDACCI: I think that you're right
8 in regard to a lot of issues that could have
9 already been resolved if there was some better
10 coordination on our part.

11 I agree with you on the screening. Not to
12 belabor the point, but talk to the neighbors
13 that are behind you about what your plans are
14 and see if they have a preference. You're
15 going to spend the money anyway. I think it
16 would go a long way.

17 MR. D'ADAMO: None of these units will be
18 seen from the street and by neighboring
19 properties.

20 As far as the parking, I think that the
21 lot has adequate parking and that's why we
22 we're going to connect the properties because
23 the other lot has an overabundance of parking.

24 CHAIRMAN O'ROURKE: And I did notice
25 that. I wasn't sure that Mr. Crisafulli owned

1 that until tonight's meeting. So that's
2 another thing that as we go forward with these
3 projects, if it's a question for the town
4 designating engineer - I know certainly the
5 board will have questions. In my opinion, I
6 would much rather see moving some of that
7 parking out, or angling that, or work with the
8 town designated engineer -

9 MR. CAPONERA: Basically, there is less
10 parking that is required, but we could show
11 the entire lot as being shared.

12 CHAIRMAN O'ROURKE: That would be my
13 preference.

14 MR. NARDACCI: I would also agree with
15 that. The one question that goes along with
16 that is the proposed use for the spaces. Are
17 they going to be subdivided retail spaces
18 there?

19 MR. CAPONERA: Probably in addition to
20 the retail space, it's going to be one or two
21 retail things.

22 MR. NARDACCI: So, is there a type of use
23 that you envision? I'm just wondering how it
24 would work under heavy traffic. Will there be
25 supply type stores?

1 MR. D'ADAMO: There is a pet store there.

2 MR. NARDACCI: As we're talking about
3 this, I'd rather see the site look better than
4 just cram as many parking spots in as you
5 could.

6 MR. CAPONERA: What I'm thinking about is
7 maybe bank the parking so that in the event
8 that something happens and it becomes more
9 intense, then we can always come back and say,
10 we want to return this from green space and
11 this is what's happening. I think that's an
12 idea, too. I don't think that my client has a
13 fundamental problem with parking and working
14 with the TDE on that.

15 MR. NARDACCI: I was going to say work
16 with Chuck on that.

17 I know we talk a lot about bike racks,
18 but a bike rack does make sense. I don't care
19 where it's located as long as it makes sense.
20 I don't think that it's critical.

21 MR. CAPONERA: I'm on that road five
22 times a day and I've never seen anyone with a
23 bike down that way.

24 MR. NARDACCI: But if you were to compare
25 that site versus sites out in some of the real

1 remote areas of town that they want bike
2 racks, I think that this is one where it's a
3 different story. It's not a big deal.

4 As far as the curb cuts go, all the way
5 to the left there is shown an overhead door
6 there.

7 MR. CAPONERA: That's existing.

8 MR. NARDACCI: And there is an existing
9 curb cut there now?

10 MR. CAPONERA: Yes.

11 MR. NARDACCI: And that's going to
12 remain, right?

13 MR. CAPONERA: Yes. But that would only
14 be for that particular retailer.

15 MR. NARDACCI: For the dumpster location,
16 I saw a note in there that you had a
17 discussion with Mike Lyons about that.

18 MR. CAPONERA: Yes, we changed it. It
19 used to be angled basically, and just vertical
20 going back this way (Indicating) and the
21 question was raised: How are you going to
22 effectively empty it? Because Mr. Crisafulli
23 owns this piece, they would just come in at
24 just about any angle to take care of it.

25 MR. NARDACCI: That was my other

1 question. Mr. Crisafulli owns that property
2 there so there is an access. In the future if
3 the property changed ownership, that's
4 something that they would have to talk about
5 going forward.

6 MR. CAPONERA: I understand.

7 MR. NARDACCI: About the screening - not
8 just the rooftops for you, but the screening
9 along the back of the property. That's when I
10 think that you should really talk to the
11 neighbors about. You know, the type of fence
12 and explain to them what type of trees we're
13 talking about here; six foot arborvitaes.

14 MR. CAPONERA: We did change that
15 substantially from when we first went in with
16 our application. That was brought up when we
17 sat down with Mike Lyons and suggested these
18 different types of planting. In fact in
19 the project narrative I had touched upon that.

20 MR. NARDACCI: The TDE mentioned
21 submitting a landscaping plan. I think that
22 particularly where properties abut like this,
23 I think that it's important to see what
24 landscaping we're talking about. That is as
25 opposed to some other projects where you don't

1 have direct neighbors. So moving forward when
2 you get into final, seeing the landscaping
3 plan laid out and seeing the plan would be
4 good.

5 MR. CAPONERA: I understand.

6 MR. NARDACCI: That's all I had.

7 CHAIRMAN O'ROURKE: Paul?

8 MR. ROSANO: Let's go back to the shared
9 parking. Mr. Crisafulli owns 102, 104, and
10 106.

11 MR. CAPONERA: And the one below that.
12 You're referring to 102. This area down here I
13 think is 98 Everett Road (Indicating). That's
14 the way that it is on the tax map.

15 MR. ROSANO: You touched on shared
16 parking between two different land owners. Now
17 you're talking about a different situation,
18 but if Mr. Crisafulli decided to sell 102 six
19 months from now, will 102 have problems with
20 parking? You're not going to get anybody to
21 agree to share. I don't know in this country
22 if you're ever going to have anybody share a
23 parking lot.

24 MR. CAPONERA: Well, that's a very good
25 question and I do know that we're going to

1 merge these two parcels, but I'm not sure that
2 there is a -

3 Are you thinking about merging 98 with
4 the other two?

5 MR. CRISAFULLI: No.

6 MR. CAPONERA: So, we'd have to figure
7 that out as to how we're going to handle that.

8 MR. ROSANO: You could grant yourself an
9 easement.

10 MR. CAPONERA: That's the easiest way. A
11 recordable easement where there is an
12 egress/ingress parking arrangement and once
13 it's recorded, it's there and forever. That's
14 a simple answer to your question, Paul.

15 MR. ROSANO: Thank you.

16 CHAIRMAN O'ROURKE: Elena?

17 MS. VAIDA: Are you on tonight for
18 concept approval?

19 MR. CAPONERA: Yes.

20 MS. VAIDA: So you're making an
21 application for concept?

22 MR. CAPONERA: Correct.

23 MS. VAIDA: I think what's a little
24 confusing is also that you're seeking a
25 parking waiver. I think that might be a little

1 premature for us to be doing that at this
2 point. I think that we could talk about the
3 parking issue.

4 MR. CAPONERA: I have learned a lot just
5 by listening to the various members of the
6 board. As long as a traffic pattern could work
7 between the two parcels here (Indicating) and
8 then these interconnecting -- I don't think
9 that the board has a fundamental -- at least I
10 know that Tom and C.J don't have a fundamental
11 problem of reducing the number of parking
12 spaces we have here, as long as it works. I
13 use the word banking parking just in case. You
14 never know.

15 I can tell you that when Mr. Crisafulli
16 purchased the property that I'm going to call
17 98 which is the property to the west, there
18 were some Planning Board concerns that it was
19 a very unusual setup before Mr. Crisafulli
20 bought it. There was parking in the front and
21 it was very dangerous in my opinion because
22 you've got Everett Road and this was before
23 Everett Road was widened and there wasn't even
24 a turning land in the middle. Yet, traffic was
25 pulling out and backing right in. The Planning

1 Board mandated that we do whatever we could to
2 eliminate parking in the front. For the most
3 part, we did.

4 In order to do that, I went back to the
5 Zoning Board and actually got a variance to
6 take some property from the rear which is a
7 residential subdivision, ironically, that is
8 also owned by Mr. Crisafulli - that piece
9 (Indicating).

10 Do you know how many spaces additional
11 you have?

12 MR. CRISAFULLI: About 20 more spaces.

13 MR. CAPONERA: Which in turn, helped to
14 alleviate any parking issues there. I'm going
15 off on a tangent, but I understand what you're
16 saying.

17 MS. VAIDA: Going back to the concept
18 approval question, there is a requirement that
19 you have a narrative description, which I know
20 that you've provided, but I'm not sure that it
21 addresses all of the issues that are supposed
22 to be addressed for concept approval. For
23 instance, the description of the intended site
24 development and use. I don't think that I've
25 heard you explain what the intended use is

1 other than generally retail.

2 MR. CAPONERA: Right, it's retail use. We
3 don't have any tenants other than the one
4 that's presently there.

5 MS. VAIDA: What kind of tenant is that?

6 MR. D'ADAMO: People go there for
7 construction equipment. It's basically
8 construction equipment or tools. It does
9 retail sales of construction equipment.

10 MS. VAIDA: And that will continue?

11 MR. D'ADAMO: They're going to stay in
12 their spot. They're not going to expand.

13 MS. VAIDA: There are some specifics in
14 there like the hours of operation, the storage
15 and disposal, and method of chemicals. I
16 assume that's not an issue here with
17 machinery.

18 When you were talking about combining for
19 egress and the lower lot -

20 MR. CAPONERA: We're going to merge these
21 two lots. Right now they are two separate
22 lots. The building on which the Ashore Supply
23 is on a separate lot.

24 MS. VAIDA: I understand.

25 MR. CAPONERA: The idea is to merge those

1 two.

2 MS. VAIDA: Weren't you also talking
3 about the parking lot for the strip mall?

4 MR. CAPONERA: The suggestion was shown
5 on the site plan and that was to interconnect
6 the two, which would be 98 Everett Road and
7 this parcel (Indicating).

8 MS. VAIDA: And how would you do that? I
9 looked at the site and there is quite a
10 difference in elevation. So I'm just trying to
11 figure out who you would do that.

12 MR. D'ADAMO: When we take the two
13 parking spots from 98, we'll grade that up and
14 also grade the other one down so that their
15 lot is dropped.

16 MR. CAPONERA: Do you know what the
17 grades are going to be?

18 MR. D'ADAMO: Probably three feet in
19 total from one to the other. This whole site
20 is not used by Ashore now so we're able to
21 grade behind it and break that down to about a
22 foot and a half and then there would be the
23 other drop.

24 MS. VAIDA: So that's sort of where the
25 garage is?

1 MR. D'ADAMO: Yes, right behind in the
2 rear of the garage. They don't access that.

3 MR. VAIDA: That looks like it would be
4 quite a big difference standing in that
5 parking lot.

6 MR. D'ADAMO: It would be about two and a
7 half or three feet of actual grade.

8 MR. CAPONERA: It would be three feet.
9 It's 275 and 273.

10 MR. D'ADAMO: So we're going to spread
11 that out over about 40 or 50 feet. It's not
12 perfect, but we'll be following what Everett
13 Road does for the most part.

14 MS. VAIDA: I think that we may need to
15 see that idea or that plan.

16 MR. D'ADAMO: We had that up at concept
17 with both lots and the connector. When you
18 come into the new property that we're talking
19 about, that would be one coming in that way
20 (Indicating) and then you go behind the exit
21 onto 98 and then you could exit out. It would
22 basically be two horseshoes.

23 MS. VAIDA: So people that want to go to
24 the pet shop would enter -

25 MR. CAPONERA: This is an in only. You

1 come in and you go over here and then you're
2 going to exit and come in this spot right here
3 (Indicating). We're trying to control the
4 traffic and try to make it as safe as
5 possible. That's the proposal.

6 MS. VAIDA: Right now that one lot - you
7 can go in and out. So, that will be
8 eliminated.

9 MR. D'ADAMO: On the existing.

10 MS. VAIDA: On 98.

11 MR. D'ADAMO: You'll still be able to go
12 in and come out by the karate place.

13 MR. CAPONERA: The karate place is right
14 here (Indicating). There is egress and ingress
15 right here and then you go around the back and
16 there is a one way out by the poodle parlor.

17 I always refer to that because it's where
18 we take our poodle.

19 MS. VAIDA: I don't have anything further
20 at this time.

21 CHAIRMAN O'ROURKE: Thank you, Elena.

22 Mike?

23 MR. SULLIVAN: Most of my comments have
24 been addressed. The one that remains is the
25 aisle width. It does relate to the parking.

1 I'd like to see the aisle widths widened.

2 MR. CAPONERA: The side?

3 MR. SULLIVAN: I don't know if you
4 received it, but there is a memo and I believe
5 that it's from Michael Lyons. It's from the
6 PEDD. The Planning Board members stated that
7 the aisle widths are 16 feet on the north side
8 and 20 feet at the rear, which are
9 inconsistent with the standard width of 24
10 feet.

11 There was also the same issue. There was
12 a DCC meeting summary from November 18, 2008,
13 also mentioning the aisle widths and that
14 they're not conforming to the 24 foot aisle
15 width and the 18 foot deep parking space.

16 MR. CAPONERA: Believe it or not when we
17 first went into the DCC, these weren't even
18 angled. They were straight on. I'm talking
19 about narrow. That was suggested and they
20 changed into this but I understand.

21 MR. SULLIVAN: I like the angle
22 definitely, but I'm also in agreement with
23 C.J. and Tom that if we were to reduce the
24 number of parking spaces to improve the flow, I
25 would be on board with that as well. I just

1 wanted to have that addressed. That's all I
2 had.

3 CHAIRMAN O'ROURKE: You're going to have
4 an easement anyway, aren't you Victor?

5 MR. CAPONERA: You're absolutely right
6 and if we don't merge 98 with these two, we
7 should create an easement. Therefore, in
8 answer to Paul's question too, it's taken care
9 of.

10 MR. CRISAFULLI: why would I need an
11 easement for the same piece of property?

12 MR. CAPONERA: No, it's not the same
13 piece of property. It would be an easement for
14 98 and then this piece here (Indicating). Now
15 is the time to do it because you have people
16 that you can get along with; you.

17 CHAIRMAN O'ROURKE: Peter?

18 MR. GANNON: I have the same concerns
19 about the parking, especially that first spot
20 closest to Everett Road.

21 MR. CAPONERA: It's not a problem, Peter.

22 MR. GANNON: I guess I'm curious as to
23 what your strategy was behind the two and a
24 quarter spots, as you put it, to put in front
25 of the setback when you're already coming for

1 a parking waiver of three spaces. What was the
2 reasoning behind that?

3 MR. CAPONERA: Because in years past it
4 was always important to meet the minimum
5 parking requirements. Boards differ in terms
6 of the requirements. So we tried to get as
7 close to the minimum required as we could,
8 which is why you see this. That's the only
9 reason. In hearing what the board is saying
10 right now, when we come back, you're not going
11 to have to worry about it.

12 MR. GANNON: I think that when you do
13 come back, it will be interesting to hear
14 after discussing with your client and maybe
15 the engineers with the town just some thoughts
16 on the flow of traffic.

17 The hours of operation of the commercial
18 establishment versus the traffic that will be
19 generated by the residential use at the
20 facility -- when you think of it in those
21 terms, they're kind of different schedules
22 depending on who is living there and what type
23 of business it is. We're talking about the
24 necessity of a lot less spaces, I think,
25 potentially, than even the 31. It's hard for

1 us to be arbitrary about that without any
2 evidence from you guys bringing it to the
3 table.

4 MR. CAPONERA: We can work on that. It
5 would be great to have the people that are
6 using the downstairs living upstairs.

7 MR. GANNON: And riding bikes.

8 MR. CAPONERA: That's right.

9 CHAIRMAN O'ROURKE: So, I think that you
10 understand the comments from the board.
11 Unfortunately, we'd like to try to stop some
12 of these from happening. So again, we hate to
13 send people away without an action, but I
14 think that it's warranted in this case so we
15 look forward to you guys bringing back a
16 revised plan for concept.

17 As Elena brought up, please address the
18 concept first and then we'll look at the
19 waiver. Although I do believe that we do have
20 to look at the project in its entirety.

21 MR. CAPONERA: I will mention,
22 Mr. Chairman, that I do believe that neighbors
23 are here.

24 CHAIRMAN O'ROURKE: Yes, we're going to
25 open it up.

1 MR. GANNON: Before we do that, C.J., can
2 you shed any light on the material that's
3 going to be used for the construction?

4 MR. D'ADAMO: The lower is going to be a
5 brick. We'll have an overhang with some
6 brackets in here. Then we'll have basically a
7 three-foot piece of vertical for signage. Then
8 we'll bring that back a couple of feet with
9 some metal roofing. This looks like stucco
10 (Indicating). We added it to the building next
11 door also.

12 MR. CAPONERA: Are you going to try to
13 mirror what's next door?

14 MR. D'ADAMO: Yes, we're going to try to
15 mirror what's next door and also bring it into
16 here (Indicating). That's what we're trying to
17 do. We're trying to dress this up while we're
18 there. Right now, it's a painted block
19 building.

20 On the upper level we're going to bring
21 that into more of a residential look with
22 vinyl siding and then bring the roof up an
23 8/12 pitch. Again, that's given all the
24 mechanicals up in this area so that you don't
25 see them on the ground or in the front yard.

1 We're even bringing that overhang right across
2 the block. We're actually setting it back a
3 few feet so we're going to try to bring this
4 overhang to slide back and try to tie together
5 this with the ugly building. So, we're trying
6 to dress it up and we have the ability with
7 this one.

8 MR. CAPONERA: Is your proposal to go all
9 the way around the building?

10 MR. D'ADAMO: Yes, it's going all the way
11 around and you can see the overhang here
12 (Indicating). We have the sidewalk on the site
13 plan also.

14 MR. CAPONERA: So that's going around the
15 sides?

16 MR. D'ADAMO: Yes, the sides and we're
17 also looking at the back.

18 MR. GANNON: Thank you.

19 MR. NARDACCI: What the signage on the
20 front. I'm just looking at the drawing here.

21 MR. D'ADAMO: We don't have a tenant so
22 we don't know. I'm just trying to get an idea
23 of what it could possibly be.

24 This here is the front facing Everett.
25 More than most of the people will be parked in

1 the back as they do in the other buildings
2 now.

3 MR. NARDACCI: So you'll have the signs
4 in the back too?

5 MR. D'ADAMO: We probably will.

6 MR. NARDACCI: Will they be lighted?

7 MR. D'ADAMO: We'll have to take a look
8 at that.

9 MR. NARDACCI: Because if the signs are
10 lighted, I would be interested to know. You
11 have neighbors in the back and there are
12 concerns about the hours that they're going to
13 be lit.

14 CHAIRMAN O'ROURKE: I think that the
15 board is going to frown upon further impact to
16 the neighbors.

17 MR. D'ADAMO: They've already got them in
18 back. They just need to know what door because
19 it will probably just be externally lit where
20 it's just spot lit on top and not internally
21 lit.

22 CHAIRMAN O'ROURKE: Again, I'm not going
23 to speak for the neighbors. We're going to let
24 them speak. For what is there right now, if
25 it's brought up to a nicer looking building, I

1 would certainly prefer having that in my back
2 yard.

3 MR. D'ADAMO: I think that there will be
4 just small signs on 98.

5 MR. CAPONERA: I like to use the word
6 directional.

7 MR. NARDACCI: Sounds good.

8 CHAIRMAN O'ROURKE: We're going to open
9 it up to the floor.

10 MS. BALULAD: My name is Sujata Balulad
11 and our house is behind this construction. Of
12 all of the neighbors, we are going to be the
13 ones that are the most impacted by this. Our
14 first concern is: How will they demolish what
15 is there? How is that going to affect us? How
16 can we be sure that it's safe.

17 The next thing is the fence that we have
18 already discussed with Mr. Crisafulli. I think
19 that he mentioned that he is going to put up a
20 fence - a six-foot fence. I really want
21 something that completely divides these two
22 properties. Again, the fence has to completely
23 block -

24 CHAIRMAN O'ROURKE: A solid fence?

25 MS. BALULAD: Yes. Again, between our

1 property and that other property there is a
2 lot of bushes. It needs to be cleaned up and
3 not just put a fence there. Our property isn't
4 going to look good if they just put a fence up
5 and not clean out the bushes. That's an issue.
6 Sometimes the bushes come on our property and
7 we can't go on the other side and clean them
8 up. We still tried, but if they put up a
9 fence - we just want to make sure that it's
10 clean.

11 CHAIRMAN O'ROURKE: Those are all
12 reasonable requests that certainly if I lived
13 where you live, I'd have the same feelings. I
14 think that Mr. Caponera is taking notes over
15 there.

16 MR. NARDACCI: When they come back with
17 the next step, they'll come back with one of
18 these plans that has a landscaping plan that
19 shows the fencing and also there's clean up,
20 as well as what materials are going to be
21 planted. We just want to make sure that there
22 are open communications to that so you know
23 exactly what kind of tree it's going to be.
24 How tall is it going to be? It's not going to
25 be a low bush, but it's going to give you an

1 addition to the fence so it's green and it's
2 not just a fence.

3 MS. BALULAD: I know the commercial
4 property has the apartments over them. I just
5 want to know that people are going to come in
6 and out in the middle of the night but we just
7 want to make sure that it's not going to
8 affect our peace. Our property is about three
9 to four feet away from this property. I just
10 want to make sure that we still have our
11 privacy. We just would like to know about the
12 height of the building. We want to be sure we
13 still have our privacy.

14 CHAIRMAN O'ROURKE: Well the height of
15 that building was 28?

16 MR. D'ADAMO: That's the tip of the roof.
17 The top of the windows are probably in the
18 realm of 18 feet up. They are about 50 feet
19 off the property line and all the bedrooms are
20 actually facing Everett Road because that's
21 where the stair comes in. The kitchen windows
22 are in the back. The majority of the windows
23 are towards the front. So, it's not their
24 bedroom window. It would be their kitchen
25 window.

1 MR. NARDACCI: But the building will be
2 taller than what is there now, right?

3 MR. D'ADAMO: Yes.

4 CHAIRMAN O'ROURKE: But again, it's
5 within the legal parameters.

6 MS. BALULAD: I understand.

7 CHAIRMAN O'ROURKE: That's why, we, on
8 this board ask that the applicants meet with
9 the neighbors because I think that it's very
10 important. Again, we can't tell Mr. Crisafulli
11 that he can't build what's legal to build on
12 his property. It's still America.

13 That being said, you guys own a home and
14 you have a family and you pay your taxes.
15 That's why we want everybody to work together
16 so that it works for everybody. Does that make
17 sense?

18 MS. BALULAD: Yes. And they've been doing
19 that.

20 CHAIRMAN O'ROURKE: Good. We like to hear
21 that about the applicants.

22 MR. CAPONERA: We've heard it all and
23 we've taken all of that into consideration.

24 CHAIRMAN O'ROURKE: Anyone else in the
25 audience have anything?

1 Yes, sir.

2 MR. MENASHI: This is my wife and I just
3 want to say that he did come and show us the
4 plan. I don't want people to misunderstand. We
5 just want to make sure that things are done
6 the way that they planned.

7 CHAIRMAN O'ROURKE: No, that's fine. We
8 just want you guys to understand that it's
9 really not up to Mr. Crisafulli, in
10 particular, what goes there. It's important
11 that you both talk together so that we can get
12 something that's acceptable for all the
13 parties.

14 MR. MENASHI: One thing that I did learn
15 today and that is that he's joining these two
16 properties. So, when he's joining that, is
17 that going to affect the sunlight that comes
18 into our house? In between there is a lot of
19 sunlight that comes in the morning. If he
20 joins that, it might hide the sunlight.

21 MR. D'ADAMO: I don't think that
22 adjoining will make any difference. It's the
23 height of the building. Really early in the
24 morning when you have a very low eastern
25 light, you may have that, but honestly the

1 trees that are going there will do more
2 hiding. The trees are going to grow 15 feet
3 tall easily and that's going to have more
4 effect on the lighting than the building
5 that's 28 feet and 60 feet away.

6 CHAIRMAN O'ROURKE: Okay, so I think that
7 everybody knows what work needs to be done on
8 this project and we thank you all for coming
9 in this evening.

10

11

12 ***(Whereas the proceeding concerning the***
13 ***above entitled matter was adjourned***
14 ***at 8:27 p.m.)***

15

16

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 STRANG-VANDEBOGART, Notary
Public in and for the State of New York,
hereby CERTIFY that the record taped and
transcribed by me at the time and place noted
in the heading hereof is a true and accurate
transcript of same, to the best of my ability
and belief.***

NANCY STRANG-VANDEBOGART

Dated June 17, 2010