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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

SCHUYLER OFFICE
581 LOUDON ROAD
APPLICATION FOR CONCEPT ACCEPTANCE

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding BY NANCY STRANG-VANDEBOGART
commencing on February 15, 2011 at 7:01 p.m. at the
Public Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- THOMAS NARDACCI
- LOUIS MION
- PAUL ROSANO
- KATHY DALTON
- ELENA VAIDA, Esq., Attorney for the Planning Board

Also present:

- Joseph LaCivita, Director, Planning and Economic Development
- Dan Cleary, Bohler Engineering
- Bill Luke
- Robert Ballard
- Patrick Carney
- Mark C. VanSluyters

1 CHAIRMAN STUTO: Next on the agenda is
2 Schuyler Office, 581 Loudon Road.

3 Bohler Engineering is presenting, I
4 believe.

5 Joe, do you want to give us an
6 introduction?

7 MR. LACIVITA: Sure. Actually, before Dan
8 makes his presentation, this property is on
9 the corner of Homestead and Loudon Road,
10 addressed as 581 Loudon Road. It is an
11 8,000 square foot office. That number right
12 there would typically say that it's a minor
13 application because it's under 10,000 but the
14 entire project is over 10,000 square feet of
15 area disturbed and is inclusive of the paved
16 area. It's before the Planning Board for
17 approval and site review.

18 CHAIRMAN STUTO: Joe Grasso, are you on
19 this one?

20 MR. GRASSO: Yes. Can I go after their
21 presentation?

22 CHAIRMAN STUTO: Sure.
23 Can you tell us who you're with?

24 MR. CLEARY: Sure. Dan Cleary, Bohler
25 Engineering. I'm here representing Schuyler

1 Companies.

2 CHAIRMAN STUTO: Thank you.

3 MR. CLEARY: As Joe pointed out, the site
4 is across the street from Schuyler's Newton
5 Plaza right on Route 9, New Loudon Road, at
6 the corner of Homestead Drive. Currently it's
7 basically an open field. There is wooded area
8 along this area (Indicating) as well as this
9 area here. There is a sewer easement that runs
10 in this direction across the back.

11 The Schuyler Companies is proposing to
12 develop an 8,000 square foot office building
13 on this site. Right now we're calling it
14 general office. We don't have any specific
15 tenants for the building right now. There
16 could be medical use in there and there could
17 be some commercial use, but we're referring to
18 it for the purposes of this application as
19 general office.

20 CHAIRMAN STUTO: Can I ask if your client
21 owns it or if they have it under contract?

22 MR. CLEARLY: They own it.

23 In addition to the building, we are
24 proposing 50 parking spaces which is about
25 five parking spaces above the general office

1 requirement. We will get to the reason for the
2 additional parking in a minute.

3 The building positioning on the site is
4 rather unique because we're in the NCOR
5 district, but were bordering on the south side
6 and east side by residential. As a result of
7 that, you have to respect setbacks for both
8 the building and the parking from that
9 residential zone. Parking has to be 50 feet
10 from the residential zones and the building
11 has to be 100 feet. So, it will be more
12 restricted that respect, and in these
13 directions.

14 Additionally, in the NCOR district, the
15 building has to be a minimum of 20 and a
16 maximum 25 feet off of the street. We have
17 streets on the other side. So basically, if
18 you take all those restraints into
19 consideration, it's challenging but it's
20 basically what we are proposing.

21 There's a 50 foot buffer in this area
22 (Indicating). The primary access would be
23 Homestead Drive, in this location
24 (Indicating). Full access right in/right out,
25 left in/left out at this location

1 (Indicating). Currently, we're showing this is
2 a right in only drive coming off of
3 Loudon Road. We propose that initially because
4 it provided better access from a loading
5 perspective for us. It gave us the driveway
6 without having dead-end parking in this
7 location (Indicating). DOT has responded.

8 I'm sure that Joe will get into this.
9 DOT's access policy prefers that if you have
10 access from a side street, that you not access
11 it from the main road. We originally showed a
12 right-in and then right-out and took out the
13 right-out. I know that's going to be an issue
14 that we discuss going forward for the
15 preliminary design.

16 We have provided the 80 percent coverage
17 for landscaping, fencing, and those amenities
18 along the frontage to meet the design
19 requirements of this zone. This particular
20 plan, except for the parking, satisfies all
21 the requirements for the zone.

22 There is one other issue that came up in
23 the TDE's review and that is the interior
24 landscaped area. We're proposing 50 parking
25 spaces. We're not quite sure what the tenant

1 mix is going to be.

2 When we met with the neighborhood back in
3 November, the biggest issue that came up
4 during that was the parking that occurs along
5 the side, currently (indicating). We've
6 provided additional parking in order to make
7 sure that we have enough parking for our
8 tenants and that the problem is not
9 exacerbated going forward. Depending upon
10 where we end up, if we have to provide
11 additional islands in here (indicating) and if
12 we end up losing this, we end up losing a few
13 more spaces. So it's something that we want
14 the Board to consider going forward. If we end
15 up that way, we want to have some leeway with
16 respect to what happens on the internal
17 coverage inside of the parking area.

18 Another thing to consider is: We've got
19 over 50 percent open space on the site because
20 of the zoning constraints that we have. We're
21 kind of pushed up against here (indicating).
22 We're really very limited as to what we can
23 do. There really isn't anything that we can do
24 with our parking to expand and to get that
25 additional green in there. We've got a couple

1 issues at play here with the parking being an
2 issue for the neighborhood as well as the
3 constraining nature of the lot with respect to
4 being abutted with residential.

5 I did mention that we did have a meeting
6 with the neighbors back in November, prior to
7 filing. It was very well attended. The issue
8 that came up primarily was the on-street
9 parking issue that the Town has out on
10 Homestead. There were operational issues.
11 They've been neighbors to the Newton Plaza for
12 some time and they brought up some issues with
13 regard to service and noise and things
14 associated with that. We are working to
15 address that, as well.

16 CHAIRMAN STUTO: The on-street parking is
17 generated by the office across from Homestead?

18 MR. CLEARY: It's my understanding that
19 it's Dr. Clark's office. Primarily, there may
20 be some people that catch the bus. That's what
21 I'm told.

22 CHAIRMAN STUTO: So it's medical office?

23 MR. CLEARY: Medical office, yes.

24 Other than that, we haven't done all of
25 the technical analysis yet. This is only a

1 concept level, but we are proposing a water
2 pond retention area in this location
3 (Indicating). We would be draining into the
4 area over here and channeling it to here,
5 which is where the storm water goes today.

6 All the utilities are located in this
7 area (Indicating). The utilities for
8 Homestead Drive will be connecting to the
9 sewer easement back here. We have met with the
10 DCC and met with all of the Town Departments
11 with regard to utilities and there were no
12 issues in that regard. I think the water and
13 sewer one is to try to utilize some existing
14 stuff that might be on the site now. We have a
15 couple of them identified in the survey, and
16 will continue to work with them to try to
17 utilize some as far as our project is
18 concerned.

19 CHAIRMAN STUTO: Which waivers would you
20 be seeking?

21 MR. CLEARY: Right now, were looking at
22 parking.

23 CHAIRMAN STUTO: And that's five extra
24 spaces?

25 MR. CLEARY: This is five extra spaces.

1 And again, we haven't responded to the
2 comments yet. We will in a preliminary set,
3 but we have to do an inventory of exactly how
4 we came up with that. We are quite generous
5 with the amount of green space that we have.
6 If we end up losing this driveway here, we
7 will have additional green space along the
8 front (Indicating).

9 CHAIRMAN STUTO: Mr. Grasso?

10 MR. GRASSO: We issued a letter on
11 January 20th - concept site plan application.
12 There are some here that are worthy of some
13 follow-up discussion by the Planning Board.

14 Seeing a short EAF has been provided in
15 the application materials and although the
16 form provides the necessary information, given
17 the small size of the project and lack of
18 significant environmental impacts, we feel the
19 short form appears appropriate although we
20 don't see the potential for significant
21 environmental impacts. The Board may wish to
22 withhold making a SEQRA determination until
23 final plans are prepared.

24 Future sidewalks are shown along
25 Route 9 and are shown within the project site.

1 We support the construction of sidewalks along
2 each of these roads and recommend that they be
3 incorporated into construction of the project
4 rather than developed at a future date. We
5 have seen that the Town and DOT prefer that
6 sidewalks be located within the project site
7 and outside of the public right-of-way,
8 thereby reducing ownership and maintenance
9 responsibility of the Town and DOT. The Town
10 and DOT should take an official position
11 regarding a preference for the locations of
12 the sidewalks as well as the timing of their
13 construction. If the Town is amenable to
14 taking on the ownership and maintenance of the
15 sidewalks, they should either be located in
16 the public right-of-way's easement. The
17 proposed location of the crosswalk crossing
18 the entranceway along Homestead causes concern
19 for the pedestrian safety. We recommend the
20 sidewalk and the crosswalk be relocated. We
21 then make some references to the design
22 standards.

23 In addition, we are concerned with the
24 terminus of the sidewalk in the southwest
25 corner of the site, as a side lot appears to

1 be aligned with the large significantly
2 landscaped berm on the property to the south.
3 Consideration should be given to ending the
4 side walk at the rights and curb cut.

5 In response to the DCC comments, this
6 indicates a waiver for additional parking
7 above the zoning maximum of 46. According to
8 the Land Use Law the maximum allowable number
9 shall not exceed the minimum number by
10 25 percent. The plan proposes a 50 spaces as
11 proposed as either general office, medical
12 office or some combination of the two,
13 depending on tenancies. For this office
14 building a minimum of 36 spaces and a maximum
15 of 45 spaces are required. Assuming
16 100 percent medical use, it would require a
17 minimum of 46 and a maximum of 58 spaces.
18 Given the uncertainty as a type of office, we
19 recommend the application be viewed as needing
20 a waiver for five spaces, more than the
21 maximum of 45. This is basically looking at it
22 as a general office building.

23 The response letter indicates that the
24 plan provides 1,600 square feet of interior
25 landscaped islands within the parking area and

1 ask that it complies with the Town's design
2 requirements. It does not appear, however,
3 that the requirements were met based on a
4 minimum of 20 square feet of landscaped island
5 per stall, 1,000 square feet of interior
6 landscaped islands is going to be required to
7 support the 50 parking spaces. Then they make
8 reference to the design standards.

9 Based on this definition, the concept
10 plan does not appear to comply with the
11 requirements. In order to verify the intended
12 landscaped areas meet the intent of the
13 definition, we recommend separate marked-up
14 plan be provided that shows the intended
15 interior landscaped islands.

16 Based on our cursory review of the plan,
17 we believe approximately seven parking spaces
18 will require conversion to interior landscaped
19 islands to meet code requirements.

20 If that comment is addressed the way that
21 we described, that would potentially negate
22 the need for a parking waiver.

23 Moving the proximity of the adjacent
24 residences and associated noise impacts, we're
25 concerned with the use of the standard

1 dumpster on the site. We recommend
2 consideration be given to the use of standard
3 residential sized waste and recyclable
4 containers which can be wheeled streetside and
5 curbside just as the residences on Homestead
6 Drive.

7 As per the Town's design standards, a
8 minimum four-foot wide landscaped buffer
9 planted with grass and one large deciduous
10 tree at least 35 feet of road frontage should
11 be provided between the sidewalk and street.
12 Based on the sites frontage, it appears
13 15 trees would be required, but only four are
14 shown.

15 As long as the lights in the one-way
16 access from Loudon Road is appropriately
17 signed a striped in accordance with the Manual
18 of Uniform Traffic Control Devices, we believe
19 the proposed access arrangement for the site
20 is acceptable. Concurrence with DOT should be
21 sought.

22 I'm not going to go through the rest of
23 my comments because I think that they are
24 relatively minor.

25 I would just like to dovetail that last

1 comment in with comments which DOT has
2 provided which should be in everyone's
3 packets.

4 Just to clarify, when DOT issued their
5 comments on January 18th, they were actually
6 looking at this plan. So, they're
7 understanding that it's a right-in only
8 proposed on Route 9. I'll paraphrase out of
9 their letter. They said:

10 Our previous comments during the DCC
11 review included a recommendation to review the
12 proposed access directly to Route 9 from the
13 concept plan. As you know, good access and
14 arterial management calls for limiting the
15 number of concept points by controlling the
16 number and spacing of driveways and side road
17 intersections. DOT supports these traffic
18 engineering principals and incorporates into
19 our policy standards.

20 The reference to the policies and
21 standards specifically speaks to parcels with
22 frontage on both the state highway and another
23 public road. In this case, it's Homestead
24 Drive. It also refers to the benefits of
25 providing exclusive access to and from the

1 side road.

2 Sight distances of concern on Route 9 in
3 the northbound direction along the existing
4 horizontal curve and on an inherent and
5 unnecessary pedestrian conflict would be
6 created with the crossing of the envisioned
7 sidewalks on the side of Route 9. DOT does not
8 see that sufficient justification exists to
9 support and strongly recommends the site
10 design be revised to eliminate the proposed
11 direct access to Route 9.

12 CHAIRMAN STUTO: Can you explain the
13 sight distance from what they have? I'm not
14 sure that I understand.

15 MR. GRASSO: I believe that they are
16 concerned with northbound traffic not being
17 able to have a clear line of sight to and from
18 pedestrians, which could be crossing a
19 sidewalk on that side of Route 9, which would
20 thereby be crossing that right-in access
21 drive.

22 CHAIRMAN STUTO: So they're saying if a
23 pedestrian happen to be in the driveway and
24 someone was coming in and they wanted to whip
25 in right -

1 MR. GRASSO: Yes.

2 MR. CLEARY: There is a curb right here
3 and there is some trees -

4 MR. GRASSO: That's the landscaping that
5 we had just discussed.

6 MR. CLEARY: They're concerned that at
7 design speed, you wouldn't be able to see
8 someone coming in there.

9 MR. GRASSO: And I think that their
10 concern is dutiful. It's about the sight
11 distance, but also about limiting the number
12 of curb cuts on the roadway system.

13 MR. CLEARY: We ran into the same thing
14 when we did the Berkshire Bank at Glennon Road
15 where they stayed the same policy. We actually
16 have a driveway out onto Route 9 kind of
17 contingent to future development. In this
18 case, we're somewhat limited. We don't have to
19 go for additional access. It does provide us
20 with better on-site circulation, but we do
21 note their concern about the sight distance.

22 MR. ROSANO: Can you touch on the
23 evergreens that are there? Have they always
24 been there?

25 MR. CLEARY: They've very mature. They're

1 quite tall. It's quite filled in.

2 CHAIRMAN STUTO: Is that screening from
3 the residential neighbors?

4 MR. GRASSO: Yes, they are on the
5 adjacent residential property to the south.

6 Before we get off the topic of the curb
7 cut, there were comments in the packet from
8 the Town's Highway Safety Committee. They
9 comment on the access arrangement and say:

10 "The committee has a concern with the
11 curb cut from Loudon Road into the lot. It
12 appears to be a right-in only. On the plans
13 the Committee feels that this curb cut is not
14 necessary. There was a curb cut on Homestead
15 Avenue and the Committee feels that this is
16 sufficient."

17 CHAIRMAN STUTO: Paul, do you have any
18 questions or comments?

19 MR. ROSANO: Just a comment. It seems
20 like this always happens to us. Because we
21 don't have tenants, we don't really talk about
22 parking. If it's a general use, it's one; if
23 it's medical use, it's another. We're trying
24 to make a decision. You don't have a tenant
25 yet so it's hard to sit here and talk about

1 parking when it might not be needed. Or it
2 might possibly be something that we have to
3 see six months from now if the tenants end up
4 being different than what you're talking about
5 tonight.

6 MR. CLEARY: Well, that's correct. But
7 the other reason that we added additional
8 parking or we are requesting additional
9 parking is that is demonstrated by what
10 happens out in the street here, we want to
11 make sure that we have enough. Again, we're
12 within five of what the maximum is and we're
13 well below what the maximum would be for
14 medical office. So, if it were medical office,
15 we'd be in the same situation where we would
16 be less than what the maximum would be. So,
17 we're somewhere in the middle there. Depending
18 on how we end up with our calculations of
19 internal greenspace, and if we end up losing
20 this, there are some changes that are going to
21 be made that are going to affect the parking
22 on the negative side, as well. Those five
23 spaces right now are somewhat tenuous. If we
24 were able to make it work, we'd like to have
25 those additional spaces just for the

1 uncertainty of who might be our tenants in
2 that building and to make sure that we don't
3 exacerbate an existing problem.

4 CHAIRMAN STUTO: Tom?

5 MR. NARDACCI: So is there concern on the
6 parking that if you have less spaces that
7 people visiting these offices would end up
8 parking on Homestead? Is that a concern?

9 MR. CLEARY: That's what is happening
10 today. It came up during our meetings with the
11 neighbors. It came up during the DCC comments.
12 It's something that happens out there today.

13 MR. NARDACCI: You're going to have
14 entries on Homestead Avenue for people to
15 access?

16 MR. CLEARY: The main entrance is the
17 front entrance here and these are rear
18 entrances to the building (Indicating), but
19 they're going to look like front entrances
20 because they're facing the street.

21 MR. NARDACCI: Will the public be able to
22 enter those?

23 MR. CLEARY: No.

24 MR. NARDACCI: Joe mentioned a discussion
25 about the dumpsters. Did you have a reaction

1 to that comment?

2 MR. CLEARY: We can do what they
3 suggested. We have a space for a dumpster to
4 be moved in over here but again, depending on
5 what happen here (Indicating), if it's a
6 standard of office tenant - probably just
7 wheeling them out to the street would be fine.
8 But if you get into a situation where maybe
9 there is a medical use there, you may need to
10 have something secured for different kinds of
11 waste that need to be taken care of. We would
12 pay the accommodations for that, but we're
13 certainly fine with the suggestion.

14 MR. NARDACCI: What is your planning for
15 screening all the residences around you? What
16 are you leaving? What are you adding?

17 MR. CLEARY: This green area right here
18 is all staying.

19 MR. NARDACCI: That's all on your
20 property?

21 MR. CLEARY: This green area on here is
22 ours. Remember that this is mainly an open
23 field right now and we're adding the detention
24 in this area, but we will be adding landscaped
25 screening along this side to enhance it along

1 the top of the retention basin (Indicating).
2 We also added some screening in this area. It
3 may be a little bit of overkill, but we wanted
4 to make sure that the neighbors felt that we
5 were providing enough buffer. Again, we're
6 quite a ways away from the neighborhood, but
7 we did add some landscaping along these sides
8 to try to bolster that.

9 MR. NARDACCI: Moving forward, I would
10 like to see you provide us a landscaped plan.

11 MR. CLEARY: Yes.

12 MR. NARDACCI: You're talking about
13 landscaping and I'm assuming that you're
14 talking about some trees that will provide
15 some additional screening.

16 MR. CLEARY: We haven't put it through
17 the full plant selection yet but yes, it will
18 be something that will grow up over time.

19 MR. NARDACCI: Because it shouldn't just
20 be left on the neighbors. They have their
21 trees, but you should be adding your own trees
22 to provide additional screening.

23 MR. CLEARY: This is primarily us right
24 here (Indicating). This is almost
25 30-something feet of existing vegetation that

1 is going to stay.

2 MR. NARDACCI: And what is the vegetation
3 that's staying? What kind of vegetation?

4 MR. CLEARLY: There are trees along the
5 back. I didn't bring any photographs, but
6 there are trees along the backside and there
7 is kind of a wet lower area here.

8 MR. NARDACCI: My understanding is that I
9 don't recall the trees over there.

10 MR. CLEARLY: Basically, it's in its
11 natural state. We're not going to change it.

12 MR. NARDACCI: What I'm getting at is
13 that where trees don't exist - I'd like to see
14 in your landscaped plan where you would
15 provide trees so that they provide screening
16 to the residential neighborhood. You have one
17 home right there (Indicating). You really need
18 a buffer.

19 On the southside - the neighbor there
20 should really have additional trees and not
21 just low level landscaping.

22 MR. CLEARLY: Yes, and I described that
23 the trees would be some type of pines.

24 MR. NARDACCI: And we'll see that in the
25 landscaping plan in the next phase.

1 MR. GRASSO: Tom, it may be beneficial
2 for us to get some photos taken from the
3 interior of the site, looking through the
4 trees that are there - seeing that the site is
5 already cleared and they're not looking to
6 clear trees. We've got the benefit of the
7 season that if he can take some shots looking
8 towards the adjacent residences, then we can
9 see what kind of buffering might be warranted.

10 MR. CLEARY: We'll put that together for
11 the Board to see.

12 MR. NARDACCI: Where there are
13 gaps -- we're always very sensitive to
14 screening neighbors when a commercial property
15 abuts residential. This is a consistent
16 concern that this Board addresses. There is
17 nothing new here tonight.

18 The other question that I had was the
19 issue of sidewalk maintenance. I would like to
20 see a discussion with the Town in regards to
21 the sidewalk on Route 9. I think that the
22 sidewalk on Homestead - the remaining interior
23 makes sense. As far as Route 9 goes, I mean,
24 there has been a lot of discussion on a
25 comprehensive sidewalk plan. It's not adopted,

1 but one of the areas of discussion that took
2 place was about having connectivity sidewalks
3 from Siena through Newton, and especially now
4 with Fresh Market. So, that's something that
5 I'd like to get an answer from the Town
6 leaders and the Attorney's office.

7 The folks in DPW that don't want to take
8 on any sidewalks because of maintenance, but
9 there are areas of the Town where sidewalks
10 make sense and this is one of them.

11 MR. CLEARY: We ran into the same issue
12 with Berkshire Bank. If you remember, we ended
13 up putting money into escrow in that case.
14 We'll go either way in that respect. We've
15 showed them to see how it would look on the
16 plan, but we definitely understand the issue
17 and we'll try to negotiate that through the
18 PEDD and figure out what the best way to serve
19 that is.

20 MR. NARDACCI: I'd just like to get a
21 clear answer on that and how we're going to
22 handle that. If you're going to do sidewalks,
23 it does make sense to build them with the
24 project, but we need a determination if
25 they're going to be on the right-of-way or in

1 the private properties. I'm glad to see them
2 proposed, actually.

3 The last question that I had is in regard
4 to the architectural. A part of our preview is
5 architectural review. What you're proposing is
6 fairly plain. In just looking at it, the
7 materials that you're using - there isn't any
8 discussion of materials. What are we looking
9 at?

10 MR. CLEARY: It's basically a
11 clapboard-type siding. A lot of the design
12 came out of the direction of the DCC that they
13 wanted a residential flavor. As a transition
14 from a commercial to residential -- and
15 actually when we met with the neighbors, they
16 actually went into the design. It's also in
17 keeping with what Schuyler's original design
18 was.

19 CHAIRMAN STUTO: Joe, do you have any
20 comment on that?

21 MR. GRASSO: No.

22 CHAIRMAN STUTO: Do you agree with that?

23 MR. NARDACCI: One of the suggestions
24 that I have is could you do a stone veneer on
25 the bottom? Could you do something rather than

1 just the siding from top to bottom?

2 MR. CLEARY: We can take a look at that.

3 MR. NARDACCI: It won't add a lot to
4 costs.

5 MR. CLEARY: I can't answer that today
6 because the architect isn't here. I don't know
7 what the cost is.

8 MR. NARDACCI: When you come back with
9 these plans, I'd like to see the materials
10 pointed out. What are the materials that we'll
11 be looking at? It's one thing to see it on a
12 sketch with colors, but in actuality, what
13 materials are being used - we'd like to see
14 that.

15 MS. DALTON: One of the things that we
16 were thinking is blowing up the entrances that
17 you have on either side so that at least it
18 would be more consistent with your middle
19 entrance. It would give it a little bit more
20 presence, if you will. That's something that
21 you might consider. I think that it would make
22 it a little bit more architecturally
23 interesting.

24 I am troubled by the whole usage, slash,
25 parking consideration with regard to what Joe

1 was saying before about the amount of
2 greenspace that you have. If you do have a
3 large amount of medical use, then you're going
4 to have not enough parking. If you meet the
5 requirements and we don't give you a waiver
6 for the greenspace - if I'm understanding what
7 you're saying correctly - then we might wind
8 up with a similar situation where you have, in
9 fact, not too many but too few parking spaces.
10 So, I'm not sure what you would suggest in
11 regard to either changing the plan or limiting
12 the use or making the building a bit smaller,
13 but I think that all of the considerations
14 could collide and we could be having a
15 problem.

16 I just want to add one other thing. Paul
17 mentioned at the last meeting that if it were
18 to be a medical use, one of the things that we
19 would like to see is a frontage that has more
20 of an awning. That way you could pull up
21 front, drop people off who are handicapped and
22 not have them be in any kind of weather
23 situation. So, that would take even more
24 space.

25 MR. CLEARY: The problem is that it is

1 more than likely to be a mixed use. We bring
2 up the medical issue only because that's what
3 is across the street. We do meet the medical
4 requirement for parking - minimum requirement.
5 We don't get to the maximum, which I think
6 that Joe said was 58.

7 MR. GRASSO: Right.

8 MR. CLEARY: But if it was going to be
9 all medical office, we would need it to meet
10 the zoning for parking.

11 MR. NARDACCI: The minimum is 46.

12 MR. GRASSO: That's right.

13 MR. CLEARY: So, we're in that range.
14 That's why I was trying to tell the Chairman
15 earlier that we're kind of in between on this
16 one. It's likely that it will be some type of
17 mix. We may not have any medical tenants. We
18 just don't know at this point. It's a spec
19 office building. Until we start getting
20 tenants, it's hard for us to predict.

21 Again, we're looking at the other factor
22 which is what is happening in real time right
23 now off the street. You've got a medical
24 tenant across the street with not enough
25 parking, and people are parking on the street.

1 We've heard from the neighbors and other
2 people that this is just not something they're
3 comfortable with.

4 MS. DALTON: I don't know if there's a
5 solution with this building, but I just want
6 it to be on record as saying that given all
7 the other constraints, that apparently there
8 is already a lack of parking in the area.

9 CHAIRMAN STUTO: I'm going to hold my
10 comments to the end. We've already covered a
11 lot of ground.

12 Bill Luke, 22 Maxwell Road.

13 MR. LUKE: My name is Bill Luke and I
14 live on Maxwell Road.

15 First of all, I'm not against any
16 commercial or residential development. It
17 increases the tax revenue for the Town. I also
18 understand that it's an expensive effort to
19 get things done.

20 A few years back, my brother and I went
21 through a minor subdivision on Homestead
22 Drive, which was approved. At that time, one
23 of the Board Members addressed the issue of
24 parking on Homestead Drive. It was an issue
25 then, and it's still an issue today. With this

1 proposal, I can see nothing but a greater
2 parking problem on Homestead Drive.

3 As was mentioned before, most of this
4 on-street parking is generated from the
5 doctor's office at 583 Loudon Road, since they
6 obviously don't have adequate parking in their
7 off-street parking lot.

8 I do have some pictures. Would the Board
9 like to see them?

10 CHAIRMAN STUTO: Yes.

11 MR. LUKE: These are only from the last
12 few weeks. During the day, that's the way it
13 is every day. In my mind, it's creating a
14 hazard for pedestrians, school busses,
15 emergency traffic and also problems with
16 removing snow. People are parking on lawns, as
17 you can see in the pictures. They're blocking
18 mailboxes. This is on a regular basis.

19 The other thing is in talking about the
20 traffic direction, if you spent some time out
21 there, you would see traffic going from
22 Homestead going south. It's a traffic
23 violation. That creates unsafe conditions,
24 too. It backs up traffic in the late
25 afternoon.

1 CHAIRMAN STUTO: Can you tell me is this
2 a right only here in this picture?

3 MR. LUKE: It's supposed to be a right
4 only, but people drive there and take a left.
5 It's dangerous.

6 I can give you an example. Shaker High
7 School and some of the adjoining streets at
8 Shaker High School are posted no parking
9 during school hours. This is a 27-foot wide
10 street. Actually my job takes me from one side
11 of the Town to the other and I've never seen
12 commercial parking on a residential street
13 like I have here. With this proposed building,
14 it's going to create additional traffic and
15 parking issues since one of the entrances is
16 going to be on Homestead.

17 I guess my question is: What is the Town
18 proposal? What is the Town Engineer going to
19 do to address these problems?

20 CHAIRMAN STUTO: Thank you for your
21 comments. We'll talk more about how we're
22 going to do that parking.

23 Bob Ballard?

24 MR. BALLARD: My name is Robert Ballard,
25 3 Homestead Drive.

1 These pictures are all taken adjacent to
2 the front of my property.

3 I agree with Bill Luke about the traffic.
4 I want to address the right side of my
5 property.

6 CHAIRMAN STUTO: Is your driveway on
7 Homestead, or are you in the development
8 behind it?

9 MR. BALLARD: I'm right on Homestead
10 Drive. I'm on the east side of this property.

11 CHAIRMAN STUTO: Okay, I can see it on
12 the property.

13 MR. BALLARD: I'm just more concerned
14 about the drainage and stuff like that. I'm
15 worried about the drains getting filled up.

16 The doctor's office - he's just like the
17 other neighbors. He parks on the road and I
18 have seen him on both sides of the road
19 before. It's not every day that they're that
20 flooded, but it's like a couple of times a
21 week. And they do drive on my lawn.

22 CHAIRMAN STUTO: Does anybody know
23 whether that doctor's office has adequate
24 parking for medical use under current zoning?

25 Have you gotten complaints about the

1 parking there?

2 MR. LACIVITA: There has been.

3 MR. GRASSO: I would think that when we
4 come back for additional review by the
5 Planning Board, it would be good for us to
6 know if that is occurring approved site plan
7 use -- if we know how many parking spaces they
8 have.

9 MR. NARDACCI: It looks like on the
10 aerial - it looks like 28 spots.

11 MR. GRASSO: And what the size of the
12 building would be so we can use that as a
13 barometer to make sure that we're not
14 exacerbating the problem.

15 CHAIRMAN STUTO: That type of medical use
16 will generate a lot of cars, is that right?

17 MR. GRASSO: Yes.

18 MR. LACIVITA: We've also had
19 conversations with CDTA, Peter, because that
20 is also being used as a Park and Ride area.
21 They're parking on that street, from what I
22 understand as well. That's from Traffic
23 Safety.

24 CHAIRMAN STUTO: Is there a bus stop
25 right there?

1 MR. GRASSO: There is a bus stop right
2 there.

3 CHAIRMAN STUTO: On the land going north?

4 MR. GRASSO: I think that there are bus
5 stops on both sides. If I'm not mistaken, CDTA
6 in their comments, recommended that a pad be
7 places along Route 9 by the applicant after
8 which CDTA would then install a bus shelter
9 along the frontage of the site in order to
10 accommodate additional transit riders.

11 CHAIRMAN STUTO: What is your thinking on
12 that? That protects them from the weather, but
13 it sure doesn't help the parking.

14 MR. GRASSO: It's about whether or not
15 this project is creating sufficient demand to
16 warrant this applicant spending the money to
17 install the pad. I wouldn't think that an
18 office building of this size would create that
19 type of demand. Obviously, there is a demand
20 that might already be there.

21 CHAIRMAN STUTO: Well, the applicant
22 might be willing to donate it under the right
23 circumstances.

24 You think that's a good thing there?

25 MR. GRASSO: Yes. If there is a bus stop

1 there, they indicated that there is high
2 ridership. I tend to agree with them that if
3 there is higher ridership and there is a bus
4 stop there that is actively used, then there
5 might be reason to have that installed.

6 MS. DALTON: Would it be possible to make
7 that area two hour only parking during 8:00 to
8 6:00?

9 MR. BALLARD: You mean have two hour
10 parking in front of my house?

11 MS. DALTON: No, essentially it would be
12 posted parking. People would be allowed to
13 park there for two hours and if it's more than
14 two hours, they need to go some place else.

15 MR. BALLARD: Yes, but in front of my
16 house, they park on my lawn and then I can't
17 mow the lawn.

18 MS. DALTON: Are you suggesting putting
19 up a no parking sign?

20 MR. BALLARD: No, I'm not suggesting
21 that. I'm just saying that I wouldn't want
22 that two hour posted because when I have
23 company, I wouldn't want that to be an issue
24 if they're parking there. Do you know what I
25 mean? I have two dozen cars that go down that

1 road there and they're just sitting there and
2 then walking to the doctor's office. It's just
3 rude on their behalf.

4 MR. ROSANO: What time is the parking at
5 its worst?

6 MR. BALLARD: I don't know his hours, but
7 I'm working during the day and I just happened
8 to drive by. I made it a point to drive by
9 last week and I would have to say that I don't
10 know whether it was Tuesday or Thursday -

11 MR. ROSANO: What about time wise?

12 MR. BALLARD: The cars start parking
13 there at 7:30 in the morning or 7:00.

14 MR. NARDACCI: It makes a lot of sense to
15 address the current use and the size of the
16 building, as well as the current parking to
17 ensure that it's conforming. That's first.

18 MR. BALLARD: I've only seen two people
19 walk to the bus. One guy is a regular that
20 parks and walks to the bus. I don't know if
21 there are more. The rest go to the doctor's
22 office.

23 CHAIRMAN STUTO: So, your sense is that
24 it's not so much the bus takers, it's more the
25 doctor's office.

1 MR. BALLARD: Well, there still might be
2 an issue there, but from what I have seen, I
3 would say that the doctor is more.

4 MR. ROSANO: Do we know the doctor's
5 hours?

6 MS. VAIDA: I was just going to say that
7 I believe there are quite a few employees
8 there, because there are nurses and physicians
9 assistants. They're actually instructed to
10 park on the street to leave the lot open for
11 patients. That poses a real parking problem
12 there.

13 CHAIRMAN STUTO: This gentleman also
14 mentioned drainage, lights, and the business
15 hours. Can either of the PEs address that?

16 MR. CLEARY: As far as drainage goes, we
17 talked a little bit about that, as well. We're
18 obligated to design per the DCC standards.
19 There is not going to be any additional water
20 coming from our site. Actually it will be
21 slightly less.

22 CHAIRMAN STUTO: Which way does the water
23 flow?

24 MR. BALLARD: It actually flows past my
25 house.

1 CHAIRMAN STUTO: Can you show us on the
2 drawing.

3 MR. BALLARD: It's this channel right
4 here (Indicating).

5 CHAIRMAN STUTO: So it flows in a
6 southerly direction?

7 MR. BALLARD: No, it goes east on my lot.

8 MR. CLEARY: That's the way that it flows
9 today. What we will be doing is just managing
10 that and releasing that in the same direction
11 that it goes in today.

12 CHAIRMAN STUTO: Joe, do you want to
13 comment on that?

14 MR. GRASSO: I agree. They are bound by
15 the state's stormwater regulations. So, there
16 is going to be less water. We also look at the
17 volume and the rate and the water quality.
18 Those are the three things that we make sure
19 that they address. We can honestly say that
20 there will be less water leaving the site than
21 exists today.

22 CHAIRMAN STUTO: What do you think of
23 porous pavement? Mr. Hershberg is a big
24 advocate on that. I know that you need the
25 proper site and so forth.

1 MR. CLEARY: They don't typically use it.
2 Again, we've had different experiences with
3 it. Typically, we only use it if it's
4 absolutely necessary; particularly if there is
5 an underground detention or treatment or
6 things like that. A lot of our clients don't
7 like it because for maintenance reasons and
8 obviously because of cost. That's typically
9 the response that you'll get, especially in
10 this climate.

11 MR. GRASSO: There are some sites that
12 lend itself to porous pavement. I don't know
13 about the sort of characteristics - if they're
14 native soils or excessively drained. Those
15 things need to get looked at in order for us
16 to support the use of porous pavement. In
17 general, we are supportive when the conditions
18 are right and we'll work with them on it.

19 In terms of the lighting, I just want to
20 make reference to the design standards for the
21 NCOR district. For the height of the lights,
22 it says:

23 "Light fixtures shall be no higher from
24 the finished grade than 10 to 12 feet
25 pedestrian scaled lighting, and no higher than

1 the building height for aerial lighting.”

2 I think that the lights, in terms of
3 lighting up the parking lot would be aerial
4 lighting.

5 The height of the building - do you know
6 what it is, Dan?

7 MR. CLEARY: We'd probably be looking at
8 something like 24-foot fixtures.

9 MR. GRASSO: When you look at the design
10 standards of the other more commercial zones
11 in the Town, I think that the maximum height
12 is 18 feet and even if the building is going
13 to be 24 feet, we would recommend no higher
14 than 18 because of the residential setting
15 here.

16 MR. CLEARY: They would be set back
17 50 feet from the edge. The lights would be
18 positioned in this direction to come to the
19 parking lot.

20 MR. GRASSO: When we look at the lighting
21 design for this site, I'm less concerned with
22 spillage onto the adjacent properties because
23 of the requirements - and force them to use a
24 full cut-off type light. I'm more concerned
25 with a glare caused by the lighting fixtures

1 and being able to see it from the residential
2 properties from the road. Those are things
3 that we need to look at in terms of how low
4 can we go with the lights and whether or not
5 we need like a glow reducing shield along the
6 back sides.

7 CHAIRMAN STUTO: Can we take a close look
8 at that for the next phase?

9 MR. GRASSO: Yes.

10 MR. NARDACCI: Especially along that back
11 side where we have direct access to the
12 residents. You don't have those over matured
13 trees like you do on the southside.

14 CHAIRMAN STUTO: Business hours?

15 MR. CLEARY: Again, this is general
16 office. You're looking at 7:00 to 7:00 that
17 people would be there. There may be people
18 that are there somewhat later from time to
19 time, but generally during normal business
20 hours - 8:00 to 5:00 is when mostly people
21 will be there.

22 CHAIRMAN STUTO: Do we restrict
23 deliveries and trash collection in the Town
24 Code?

25 MR. LACIVITA: Yes, 7:00 to 7:00.

1 MR. CLEARY: The suggestion was made in
2 here to be 7:00 to 7:00.

3 CHAIRMAN STUTO: It sounds reasonable to
4 me.

5 MR. BALLARD: Across the street they do
6 it at 4:00 in the morning. Sometimes it's 5:00
7 or 4:00 that they're slamming that dumpster.

8 CHAIRMAN STUTO: Is that a Town
9 requirement?

10 MR. LACIVITA: We'll check Dr. Clark's
11 approvals and see what's on them and we'll be
12 back in touch.

13 MR. BALLARD: They're slamming that thing
14 so loud, you don't know what's happening.

15 CHAIRMAN STUTO: Do you have any more
16 comments, sir?

17 MR. BALLARD: Not at this point.

18 CHAIRMAN STUTO: We'll work with you on
19 the lighting and the dumpster issue and we're
20 going to look into the parking.

21 Patrick Carney?

22 MR. CARNEY: My name is Pat Carney. I
23 live at 10E 12 Willow Spring Drive. My
24 residence is on the greenspace side. If you
25 can see those evergreen trees right there,

1 it's taken me 15 years to get those to where
2 they are today (Indicating).

3 I do have a concern about Lot 12. That
4 lot is a building lot in the Town of Colonie.
5 It's an approved building lot.

6 CHAIRMAN STUTO: Is that closer to
7 Route 9 or closer to the other way?

8 MR. CARNEY: That's closer to Route 9.
9 The back has evergreen trees.

10 That area there is the proposed entrance,
11 correct?

12 CHAIRMAN STUTO: Right.

13 MR. CARNEY: A portion of that is my
14 property that goes down there.

15 The only concern that I do have is I do
16 have an approved building lot on 12. If you
17 walked the property, the elevations are
18 different. When I built my house, I built it
19 up a little bit.

20 CHAIRMAN STUTO: Did you bring in fill?

21 MR. CARNEY: Yes. I brought in a little
22 bit of fill to bring it up to grade. My
23 concern is, I would say, would be if I was to
24 build a house on 12, how is this going to
25 change? Are the setbacks going to change or

1 are they going to be the same? There is not a
2 house on that right now.

3 CHAIRMAN STUTO: I don't think that the
4 laws change on the setbacks. I'll let the
5 engineers address that.

6 MR. NARDACCI: Are the setbacks to the
7 property line?

8 MR. CLEARY: That's correct; 50 feet for
9 pavement and 100 feet to the building. That
10 doesn't change.

11 MR. NARDACCI: Not for structures, but
12 from the property lines?

13 MR. CLEARY: The pavement has to be
14 50 feet from the property line, which is here
15 (Indicating). It would be 50 feet from the
16 pavement and it will be over 100 feet from the
17 building.

18 There is a detention area here
19 (Indicating) and there will landscaping that
20 will be proposed; some kind of pine.

21 CHAIRMAN STUTO: And how many trees do
22 you think that you'll have in there?

23 MR. CLEARY: I'm not a landscaped
24 architect. I can't tell you that.

25 MR. GRASSO: He actually has about

1 40 shrubs shown there as proposed landscaped
2 screening - continuous.

3 MR. CLEARY: It's really just shown to
4 demonstrate that there will be landscaping. I
5 haven't picked out specific plants or anything
6 like that.

7 MR. GRASSO: Just to clarify this: The
8 plans call out correctly the single family
9 residential zone, but it says the use as a
10 detention pond/open space.

11 MR. CLEARY: That's in this area right
12 here (Indicating). It's a lower area.

13 MR. GRASSO: Is that a designated open
14 space? Do you know if it's deed restricted?

15 MR. CLEARY: We showed it as open space
16 because that's what it is right now. I don't
17 know that it has any official designation.

18 MR. CARNEY: That's a concern of mine. I
19 have three kids from the ages of nine to nine
20 months.

21 I have three daughters. My daughter goes
22 through my Lot 12 all the time with her
23 friends. If you go there now, you can see
24 through the trees right to my house right now.

25 CHAIRMAN STUTO: I think that they were

1 referring to your property as an open space -

2 MR. GRASSO: Yes, I think that it would
3 be good if we could clarify.

4 Are there any development restrictions on
5 your property because of a drainage easement
6 or stormwater management area?

7 MR. CARNEY: That's the reason that I
8 never developed that piece was because at the
9 time there was an easement near the Willow
10 Springs development. We have to share a
11 driveway in order to get to that lot. So, I
12 bought it just for a buffer for myself.

13 MR. GRASSO: But it's basically an
14 approved vacant residential lot.

15 MR. CARNEY: That's correct.

16 MR. GRASSO: So, Dan, if we could just
17 get that clarified.

18 MR. NARDACCI: What is that detention
19 basin going to look like? How full is it going
20 to get? Will it remain full? Will it drain?
21 What's the plan?

22 MR. CLEARY: It more than likely will
23 drain pretty well. We haven't designed it yet
24 so I can't tell you how full it's going to be
25 or even how big it's going to be. This is just

1 an estimate.

2 MR. NARDACCI: As you're designing it, it
3 might be something that you might have to look
4 at putting some fencing around.

5 MR. CLEARY: We get this at every meeting
6 and every time we propose a detention
7 pond -- and it varies from town to town as to
8 who wants a fence and who doesn't want a
9 fence. We'll work with you on that.

10 CHAIRMAN STUTO: Would a fence between
11 the two properties make sense?

12 MR. GRASSO: I would have to look at the
13 setting and think about what type of fence
14 they would be proposing on this.

15 MR. CLEARY: We proposed that to the
16 neighbors at the original meeting - if they
17 wanted a fence, we would put on in.

18 MR. NARDACCI: But you're not interested
19 in a fence, though?

20 MR. CARNEY: No, because I built it to go
21 to the back as a berm.

22 MR. NARDACCI: I think that we talked
23 about the more screening and not just low
24 level landscaping. We'll see that next time.

25 CHAIRMAN STUTO: Could we work to berm

1 that there?

2 MR. GRASSO: If the grade falls off, it
3 would probably be pretty problematic to build
4 a berm there.

5 MR. CLEARY: We also have a wetland area
6 here (Indicating). You're going to have an
7 area here where we're going to have to dig
8 this out. The whole hill falls off this way.
9 We're going to have to build this up in the
10 back here and dig it out in front.

11 MR. GRASSO: There will probably be a
12 berm along the back of the stormwater
13 management area in order to create an the
14 pond. There is probably going to be an
15 opportunity there to add some landscaping
16 along that to provide screening.

17 MR. CLEARY: Typically along the top of
18 the berm to the side.

19 CHAIRMAN STUTO: Have you communicated
20 with him yet? Can you communicate between now
21 and the next meeting and maybe we can have
22 some agreement and discussion over what you'd
23 like to have happen between your property and
24 their property? I think that's usually pretty
25 helpful, as long as both sides are being

1 reasonable.

2 MR. CLEARY: Sure. I agree.

3 MR. CARNEY: Thank you, very much.

4 CHAIRMAN STUTO: You're welcome.

5 Okay, Mark VanSluyters.

6 MR. VANSLUYTERS: I'm Mark VanSluyters
7 and I live at 2 Arthur Road. I wasn't at the
8 meeting.

9 By this project across the street, all
10 your problems are probably grandfathered. Ours
11 was created by a previous Planning Board and
12 I'm speaking of the Taj Mahal property. We had
13 probably a week ago 20 cars on Arthur Road. We
14 have two that are virtually permanent
15 employees that park in our lot and parked on
16 the street. We have a left turn only no
17 entrance into the property. This does not
18 work. It absolutely doesn't work. We have
19 right turn only out onto Route 9 from Arthur
20 Road, and that does not work. If you approve
21 an access with a right turn only, I would
22 suggest that you put a Colonie Policeman right
23 smack dab in the middle and balance the Town
24 budget on the fines of those people.

25 CHAIRMAN STUTO: Thank you.

1 MR. BALLARD: This is a letter from my
2 neighbor, Mr. Thompson.

3 MR. LACIVITA: Is this the Reverend?

4 MR. BALLARD: Yes.

5 MR. LACIVITA: We passed that out
6 already.

7 CHAIRMAN STUTO: Any other residents?

8 ***(There was no response.)***

9 CHAIRMAN STUTO: I'll make a couple of
10 comments, myself.

11 I'm in favor of the sidewalk construction
12 occurring now. I'm not sure if it should be on
13 the Route 9 section and an internal parking
14 lot be done. I guess you'd have to work with
15 the Town to see what they want to do with
16 that.

17 I think that we're suggesting that on
18 Homestead, that there be an internal sidewalk.

19 Is that how the current zoning is?

20 MR. GRASSO: Yes.

21 CHAIRMAN STUTO: Would pedestrians use
22 that or just people on the site?

23 MR. GRASSO: I think that pedestrians
24 would use this site. One of our comments was
25 that it should be continuously parallel to

1 Homestead Drive and that could go a little bit
2 closer to the road. I think that it would lend
3 itself to pedestrian use.

4 CHAIRMAN STUTO: Okay, so keep it on your
5 property and it will be your responsibility, I
6 guess.

7 In terms of the driveway on Route 9, the
8 right in only - I think that it puts us in a
9 little bit of difficult position in the sense
10 that the applicant obviously wants that.
11 Clough Harbour has no objection to it. DOT
12 says that they don't favor it and the Highway
13 Safety Committee doesn't favor it. I'm not
14 sure how we move forward with that unresolved,
15 unless we leave that as a variable and that's
16 undecided now. I don't know how much that
17 helps you. We obviously can't override DOT
18 because they own the road.

19 MS. DALTON: How many cutouts so far for
20 in and out? I think to answer that question
21 would be to ask what else is going on here? Is
22 that the first exception to their preference,
23 or is there a bunch of other exceptions that
24 would exist there and their just trying to
25 minimize it?

1 CHAIRMAN STUTO: I'm not sure I
2 understand what you mean by exceptions.

3 MS. DALTON: As I read this, it's not a
4 rule, it's a preference. They'd like to
5 minimize the number of cutouts.

6 CHAIRMAN STUTO: DOT?

7 MS. DALTON: Yes.

8 Am I correct about that?

9 MR. CLEARY: Yes. If you have access to
10 another road, they prefer not to add an
11 additional cut here -

12 MS. DALTON: My memory of that particular
13 parcel is that there is nothing else going on.
14 It's not like you have three or four driveways
15 in and out right in that area, right?

16 MR. CLEARY: That's right.

17 CHAIRMAN STUTO: There is also a sidewalk
18 issue.

19 MS. DALTON: Yes, that's more of a
20 problem.

21 MR. GRASSO: DOT strongly recommended
22 against it, and they have quoted their policy.
23 The site has alternative access on Homestead
24 Drive. I think that DOT holds the ultimate
25 Trump card and does not have to grant a curb

1 cut to create a new access. They have grounds
2 to do that. Whether or not they will - I mean,
3 they're providing their recommendations to the
4 Town.

5 MR. ROSANO: We're talking preferences
6 and recommendations. Can anybody just make a
7 decision anymore? Is it yes or no? Is Mark
8 Kennedy going to let us do a curb cut?

9 MR. GRASSO: This is preliminary review.
10 This is at concept. They're providing their
11 comments to the Town to take into
12 consideration. There may be other issues that
13 could effect the Planning Board's decision
14 about circulation on Homestead Drive or other
15 concerns that are raised during this process.

16 MS. DALTON: If you're talking about
17 everything that we've heard here about the
18 parking, then the issue of Homestead Drive is
19 not just the fact that it provides access, but
20 the fact that it's a narrow road and a lot of
21 people park on it. So, the access that you may
22 be assuming is there might actually be more
23 dangerous than doing a cut out. That's just my
24 thinking in regard to this.

25 That aside, when you're just talking

1 about getting into that parking lot, it might
2 be better to let people go in off of Route 9
3 then sending them down that little narrow
4 driveway with everybody parking on either
5 side.

6 MR. NARDACCI: I kind of felt the same
7 way. At the end of the day, DOT is going to
8 make a decision whether they're going to allow
9 a curb cut or not. Given the residential
10 concerns on Homestead, while all that traffic
11 has to circulate out on Homestead that comes
12 in on the parking lot, if there is a bit of a
13 lead so folks can take that right turn in, I'm
14 in favor of leaving it as is in this proposal.

15 MR. ROSANO: We're concerned about the
16 safety first, always as a Board. To me, the
17 less cars we can have on Homestead, the safer
18 it's going to be for everybody.

19 MR. NARDACCI: Is there some sort of
20 traffic analysis that may have to take place?
21 Would DOT require that?

22 MR. GRASSO: They definitely would. If
23 that curb cut is going to go in, they're going
24 to have an evaluation of the sight distance.

25 MR. CLEARY: From my perspective, if we

1 were to go out and measure it - and it's very
2 easy to measure sight distance -- if we were
3 to do that and it was acceptable, we would
4 strongly push for having that curb cut there.
5 DOT has made those exceptions. They did it
6 with Berkshire Bank. They always reserve the
7 right with their curb cut permits that they
8 can change their mind and take it away. It's
9 very rare.

10 MR. NARDACCI: Absent the sight distance
11 data, we're at concept.

12 MR. GRASSO: Understanding the concerns
13 raised by DOT and the Highway Safety
14 Committee, I would recommend that they
15 eliminate the curb cut from Route 9.

16 Dan, is there a reason why it's
17 instrumental to the project, from your
18 perspective, knowing that you don't have
19 defined tenants?

20 MR. CLEARY: Again, just the fact that it
21 circulates to the loading. Again, it's less
22 traffic on Homestead. It creates a dead end
23 situation with 90 degree parking which is not
24 good design. We have already sacrificed that
25 when we originally came in with a right-in and

1 right-out; we took the right of the equation,
2 based on the concern with DOT about sight
3 distance. This is less of a concern because
4 you're entering the property. We feel very
5 strongly that we'd like to have this. It's a
6 strong preference of ours.

7 CHAIRMAN STUTO: Can we ask for a sight
8 line study? Is this going to come back and
9 have an intermediate meeting before final so
10 that we can resolve some of these issues, do
11 you think?

12 MR. GRASSO: An intermediate meeting with
13 the Planning Board?

14 CHAIRMAN STUTO: Yes.

15 MR. GRASSO: Not necessarily.

16 MR. CLEARY: If the facts are there, we
17 can work it out prior to coming back with the
18 final design.

19 MR. GRASSO: There has been a lot of
20 dialogue and a lot of input provided by the
21 Planning Board. I think that we have a good
22 understanding of where you stand on the issue.
23 We'll work on it with the applicant and DOT
24 and see if it should stay or if it should go.
25 I want to just be clear that if the access is

1 eliminated by DOT and eliminated from the
2 project, are you still in support of the plan
3 moving forward?

4 CHAIRMAN STUTO: I am.

5 MR. GRASSO: Because if we're going to
6 put the applicant in a no-win situation, it's
7 important for us to understand that now.

8 CHAIRMAN STUTO: How much is it going to
9 change the look of the project? Is it just
10 going to be sealed off?

11 MR. CLEARY: We might have to have some
12 type of hammerhead -- we might lose a couple
13 of parking spaces.

14 CHAIRMAN STUTO: The configuration of the
15 parking lot is not going to be different when
16 it's all done, right?

17 MR. CLEARY: No, this is basically what
18 it will be.

19 CHAIRMAN STUTO: I can live with that.

20 Now, the parking waiver and the internal
21 islands in the parking lot - can you go over
22 that again? That seems to be an unresolved
23 issue.

24 MR. GRASSO: It's confusing how they have
25 to go through the calculation of what

1 qualifies as an interior island, it's got to
2 have a certain amount of -- I think 75 percent
3 of the perimeter of the island needs to be
4 next to a parking space or an isle. There is a
5 large island by the corner of the parking lot
6 and the corner of the building which you may
7 be counting as an interior island. It doesn't
8 appear to meet the definition. So, when you
9 look at the plan, there is very little
10 interior islands being shown. When you look at
11 the requirements of the Town design standards,
12 you're required to have about 1,000 square
13 feet. When we do the math, you're probably
14 going to end up losing half a dozen or so
15 spaces and creating islands within the parking
16 lot.

17 CHAIRMAN STUTO: Is that your
18 recommendation?

19 MR. GRASSO: That would be our
20 recommendation. We don't see the justification
21 for a waiver from that design requirement.

22 CHAIRMAN STUTO: Is that going to
23 restrain them or constrain them from whatever
24 type of tenant that they're going to have?

25 MR. GRASSO: They've got already four or

1 five to lose and still meet the minimum.

2 MR. NARDACCI: The minimum is 46 and they
3 have 50.

4 MR. GRASSO: So they have four to lose
5 right off the get go.

6 MR. DALTON: Well, maybe. We're talking
7 about an area that has significant parking
8 issues. I, personally, am not real comfortable
9 with going with the minimum.

10 MR. CLEARY: Mr. Chairman, I'll just
11 repeat what I said earlier. We understand.
12 We'll do our best to justify how we came up
13 with the requirement with the internal green
14 but we don't know what our tenant mix is going
15 to be. We do have an existing problem out
16 there and most of the site is green. We're
17 looking for some consideration in that
18 respect.

19 I understand by the letter of the zoning
20 that you might be correct, but at the end of
21 the day there are other considerations. If
22 you're looking at some other elements, whether
23 it's screening or something that loses
24 additional parking spaces -- because we have
25 to throw in a couple of landscaping islands

1 that really don't do anything for the site.

2 MR. NARDACCI: Just on that issue, I
3 would error on the side of having more spots.
4 I understand the design standards and
5 typically I would be in favor of ensuring that
6 there was green internally, but green around
7 the screening is more important to me than a
8 few islands. And given the parking problems on
9 Homestead, I'd rather have more spots
10 internally than potentially create a worse
11 situation.

12 CHAIRMAN STUTO: Can you go over the
13 reasoning for the islands?

14 MR. GRASSO: The rationale for the
15 islands is to reduce the expansiveness of
16 parking lots, basically, in all the zones;
17 particularly when you're in a residential
18 setting.

19 CHAIRMAN STUTO: Is it aesthetics in that
20 sense?

21 MR. GRASSO: Yes, but also the heating up
22 of the pavement, the run off
23 controls -- you've got more area for
24 landscaping, stormwater impacts - there are a
25 lot of reasons to support landscaping.

1 MR. NARDACCI: If you go to that Target
2 parking lot -

3 MR. GRASSO: Tom, I'm trying to respect
4 what's in the Town's design standards. When
5 there is a waiver, we need to understand the
6 justification for it. Every project is going
7 to come in and say, we don't support providing
8 this interior landscape island for a number of
9 reasons. We just need to talk through and see
10 if there is adequate justification.

11 What I see unique to the site is that
12 there is a current parking problem created by
13 adjacent business which is creating parking in
14 front of this project site. The overflow
15 parking of this site is taken away based on
16 the preexisting use. That's a hardship and we
17 have to take that into condition.

18 CHAIRMAN STUTO: We're not going to vote
19 on the waivers tonight because this is only
20 concept. This just gives us a sense on where
21 we are. I think that there is a sense that the
22 islands are an issue. I hate to give up the
23 islands, but I think that's where we are.

24 Any other comments?

25 MS. VAIDA: Are you going to take a vote

1 on the concept?

2 CHAIRMAN STUTO: Yes.

3 MS. VAIDA: So it's clear - because there
4 has been some confusion. I think that the
5 applicant understands that if we're going to
6 vote on the application for concept acceptance
7 and if it's accepted, that's not binding on
8 this Board in the future. It's not to be
9 construed as an approval of the project or any
10 of the requested waivers. It should not be
11 construed as a determination of the volume of
12 impact under SEQRA because obviously we
13 haven't gone over that at this point.

14 CHAIRMAN STUTO: Thank you.

15 We've all looked at the short form EAF
16 and I think that if we demand something more
17 than that, we do have to give a close
18 consideration and we'll do that before final.

19 MS. DALTON: Has there been an
20 archeological study done?

21 MR. CLEARY: I think that staff
22 recommended that we do an archeological.

23 MR. GRASSO: Phase 1A.

24 MR. CLEARY: If the site has been
25 undisturbed, any archeologist will go out and

1 do some test pits and file a letter saying
2 that -

3 MS. DALTON: Have you done that?

4 MR. CLEARY: We're going to take care of
5 that before the next meeting.

6 CHAIRMAN STUTO: Are you going to do a
7 sight line study, too?

8 MR. CLEARY: Yes, we'll be doing that,
9 too.

10 CHAIRMAN STUTO: Anybody ready to make a
11 motion for concept acceptance?

12 MR. ROSANO: I'll make a motion.

13 MR. MION: I'll second it.

14 CHAIRMAN STUTO: All those in favor?

15 ***(Ayes were recited.)***

16 CHAIRMAN STUTO: All those opposed?

17 ***(There were none opposed.)***

18 CHAIRMAN STUTO: Motion is passed.

19 MR. CLEARY: Thank you, Mr. Chairman.

20

21 ***(Whereas the proceeding was concluded***
22 ***at 8:3 p.m.)***

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CERTIFICATION

*I, NANCY STRANG-VANDEBOGART, New York
State Approved Transcriber and 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 March 7, 2011