

PLANNING BOARD  
TOWN OF COLONIE

COUNTY OF ALBANY

\*\*\*\*\*  
THE CONTINUED PUBLIC HEARING REGARDING FINE  
PROPERTIES RETAIL 1839 CENTRAL AVENUE REVIEW AND  
ACTION ON RENEWAL OF CONCEPT ACCEPTANCE AND  
FINAL PLANS  
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THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on August 11, 2009 at 7:32 p.m. at the  
Public Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

BOARD MEMBERS:

JEAN DONOVAN, CHAIRPERSON  
MICHAEL SULLIVAN  
ELENA VAIDA  
TIMOTHY LANE  
TOM NARDACCI  
PETER STUTO, Jr. Esq.,  
Attorney to the Planning Board

Also present:

Joe LaCivita, Director, Planning and Economic  
Development

Mike Lyons, Planning and Economic Development

Joseph Bianchine, ABD Engineers & Surveyors

Berry Fein, Fine Properties, Inc.

1                   CHAIRPERSON DONOVAN: The second item  
2                   on the agenda is Fine Properties Retail at  
3                   1839 Central Avenue. It was a 9,620 square  
4                   foot retail plaza. We had a hearing on this  
5                   and there were concerns by the board members  
6                   and the neighbors as far as the access from  
7                   the one-way on Consaul Road.

8                   Joe, I know that the traffic study that  
9                   had been prepared by the applicant had been  
10                  sent to Ken Pirro.

11                  Just for clarification, this is dated  
12                  July 23<sup>rd</sup> and it's to Bob Mitchell and it's  
13                  from Ken Pirro from the Highway Safety  
14                  Committee and the subject is the retail  
15                  plaza at 1839 Central Avenue. It says:

16                  The Highway Safety Committee reviewed  
17                  the concept plans for the retail plaza at  
18                  1839 Central Avenue on July 22, 2009 with  
19                  the following comments:

20                  The Committee has no comments or  
21                  concerns with the revised plans. The  
22                  Committee agrees that the access from  
23                  Consaul Road should be a right turn-in and  
24                  right turn-out only as depicted in the  
25                  plans. The Committee would like to see the

1 raised median between the lanes extended  
2 enough to discourage drivers from attempting  
3 a left turn.

4 This plan is to replace the 10,000  
5 square foot Dexter Shoe Store; is that  
6 correct, Joe?

7 MR. LACIVITA: Yes.

8 CHAIRPERSON DONOVAN: And this is a  
9 9,435 square foot multi-tenant retail  
10 building.

11 As with any site that is being  
12 redeveloped, we're dealing with a piece of  
13 property that has problems and conditions  
14 that had a negative effect on the neighbors  
15 in the past and unfortunately there is no  
16 perfect solution. What we're trying to do is  
17 have lesser impacts as we can for the  
18 neighbors.

19 One of the problems that I had with the  
20 old zoning ordinance and that I have with  
21 the new Land Use Law is that when you go  
22 down Central Avenue and you go down other  
23 areas in the town, there is not much bumper  
24 between residential properties and developed  
25 commercial properties. The Land Use Law when

1           it was written allowed uses in it that I'm  
2           not certain are completely compatible with  
3           areas bordering residential properties.

4           That being said, the Land Use Law is  
5           what it is and that's what we have to live  
6           with until such time that it can either be  
7           amended or addressed by the Town Board.

8           We have a situation where there was a  
9           10,000 square foot building on the site. I  
10          know that there were a lot of deliveries on  
11          the site. I remember the neighbors  
12          complaining about the tractor trailer  
13          deliveries. We're trying to eliminate that  
14          type of deliveries in the back of the  
15          building so that the impact on the  
16          residential area wouldn't be that great.  
17          We're trying to provide some buffering  
18          between the neighbors.

19          I know that there was some discussion  
20          that some neighbors wanted trees and some  
21          neighbors wanted fences.

22          MR. BIANCHINE: We've got both.

23          CHAIRPERSON DONOVAN: I think that  
24          there were some drainage problems in that  
25          area, if I recall. They were in that area

1           that the neighbors were concerned about.  
2           You've addressed that.

3                   MR. BIANCHINE: We added a couple of  
4           drywells in the back here so that none of  
5           our drainage from the rooftops or the  
6           pavement goes to this back area here  
7           (Indicating). It goes to the front.

8                   CHAIRPERSON DONOVAN: I know that there  
9           is an existing pizza parlor on the site and  
10          that has caused some problems with the  
11          neighbors with delivery trucks going in and  
12          out.

13                   A portion of the new proposal is for a  
14          restaurant in a small area. One of the  
15          provisions that I would like to see if this  
16          goes through is that there be no type of  
17          delivery restaurant. No deliveries from the  
18          site so that the traffic to Consaul road  
19          would hopefully be minimal.

20                   Go ahead, Joe. I'm sorry. I got  
21          longwinded.

22                   MR. BIANCHINE: The project is to build  
23          a new 9,400 square foot retail plaza that's  
24          here in the darker orange (Indicating)  
25          adjacent to the existing building retail

1 plaza that's there now. We've situated the  
2 building back so that there are no trucks or  
3 deliveries to the back of the building. All  
4 of the parking is in the front of the site.

5 We do still have the access out to  
6 Consaul Road. It is designated as a right  
7 turn in because Consaul Road is one way in  
8 this direction (Indicating). It's a right  
9 turn in and a right turn out.

10 The Highway Traffic Safety Committee  
11 recommended a raised island and to extend it  
12 back to prohibit people from making the left  
13 turn out of here. When we did our traffic  
14 study we found that many are making a left  
15 turn out and going the wrong way on a one  
16 way street up through there (Indicating) so  
17 this is to prohibit that. We've also added a  
18 sign here (Indicating) that says no left  
19 turn. We've also added a sign over here  
20 (Indicating) that say, no trucks.

21 From here (Indicating), if you go  
22 around the building, they can't go out  
23 Consaul Road. Obviously that's something  
24 that the police will have to enforce and  
25 we've talked about that with the Highway

1 Safety Committee.

2 We're considering a restaurant as one  
3 of the uses and we will prohibit deliveries.  
4 We've limited the seating to like 15 outdoor  
5 seats. It's not a full-service type  
6 restaurant. It's more like a sub shop or  
7 Chinese take out shop or something like  
8 that. Not a full service restaurant, or a  
9 bar, or nightclub, or anything like that.

10 As you mentioned, we're trying to help  
11 the neighbors with the drainage by adding  
12 some drywells in the back because all of  
13 their drainage from the back yard ends up on  
14 their property.

15 We do have a green area and I've  
16 indicated that there are no trucks or  
17 traffic to the back of the site. Everything  
18 will be from the front part of the site. All  
19 bar drainage will go to an underground  
20 storage area and infiltration into the  
21 ground in the front. Therefore there is a  
22 larger green area in the front.

23 We are asking for a waiver of the 35%  
24 green space. We're at 34.2%. We do have this  
25 large green area here (Indicating) and we

1           have a large green area in the back and over  
2           here adjacent to the residential properties.

3           We have a fence that we call a  
4           semisolid fence that's right here  
5           (Indicating) along the residential property  
6           line over here. It's a four foot solid fence  
7           that's about a foot and a half or two feet  
8           high with lattice work on the top. It's a  
9           decorative nice looking fence. We have also  
10          added trees on our side of the property.

11          Some of the neighbors were concerned  
12          for the trees that are on the property line  
13          now and taking those out as part of this.

14          CHAIRPERSON DONOVAN: Will you be  
15          replacing them, Joe, or just taking them  
16          out?

17          MR. BIANCHINE: We're taking them out  
18          and there are new trees going in along with  
19          the fence. So, by positioning the building  
20          back here (Indicating), we're also serving  
21          to block the noise from Central Avenue from  
22          the residential area.

23          By putting the fence in, we're also  
24          blocking the blowing papers and that sort of  
25          thing that does happen in this type of

1 facility.

2 Our dumpster will be located as far as  
3 we can over on this side of the property.  
4 There will be one dumpster for the whole  
5 site. They will have to walk back and forth  
6 but it's over here (Indicating), again, away  
7 from the residential. The hours are limited  
8 in terms of when they are supposed to use  
9 the dumpster.

10 There was a concern about the access on  
11 Central Avenue. We went back to DOT. They're  
12 insistent that this is the access here  
13 (Indicating) and will be a full service  
14 access. They have the right to review it if  
15 left turns in or out become a problem. It's  
16 as far back from 155 and Central Avenue as  
17 we could get it from the light here at  
18 Vly Road, so that there is sufficient  
19 stacking here.

20 Yes, during certain times of the day,  
21 noontime or at 6:00, you do experience times  
22 when left turns are going to be difficult.  
23 That's why we need the escape route off  
24 Consaul Road so that people can come out  
25 around to the light.

1 I think that covers pretty much  
2 everything.

3 MR. LYONS: The loss of one more  
4 parking space.

5 MR. BIANCHINE: We had previously asked  
6 for a waiver on the parking; seven spaces.  
7 We have decreased on space here because it  
8 was kind of tight in terms of getting in and  
9 out. That increased our greenspace by  
10 one-tenth. So we are asking for a waiver  
11 above eight parking spaces. We are asking  
12 for the waiver of greenspace of eight-tenths  
13 of a percent.

14 CHAIRPERSON DONOVAN: Joe, how many  
15 parking spots do you have?

16 MR. BIANCHINE: We have 120 parking  
17 spots on the site. We're asking for the  
18 waiver because this is a mixed use. And when  
19 you have a mixed use residential with a  
20 commercial property, the peaks for each of  
21 the businesses are at different times during  
22 the day. We feel that it's justified for  
23 that reason.

24 Also, this would be on the bus line and  
25 there are also sidewalks here and it's

1           within walking distance with the larger  
2           residential community walking or biking. We  
3           have a bike rack.

4                     Again, for those reasons, we're asking  
5           for that waiver.

6                     CHAIRPERSON DONOVAN: C.J. isn't here  
7           to hear that. He'll be disappointed.

8                     One of the things that is of concern is  
9           your parking limits the size of your  
10          restaurant. The restaurant is how many  
11          square feet?

12                    MR. BIANCHINE: We haven't gotten a  
13          tenant at this point but we're thinking that  
14          it's going to be less than 2,500.

15                    CHAIRPERSON DONOVAN: Michael, that  
16          will be enough parking?

17                    MR. LYONS: Yes.

18                    CHAIRPERSON DONOVAN: I'm not sure  
19          about the other board members, but I have  
20          concern about an outside patio. You said  
21          seating for 15?

22                    MR. BIANCHINE: Fifteen is what we had  
23          said.

24                    CHAIRPERSON DONOVAN: What I would not  
25          like to hear is music piped out there

1           loudly. I would like to see the restaurant  
2           or whatever is there closed by 11:00 at  
3           night because there are neighbors bordering  
4           that area. That would be something that I  
5           personally would like to see. I don't know  
6           what the other board members feel. This is  
7           one of these areas that it's difficult  
8           because it borders residential properties.  
9           At least not have the patio opened at 11:00  
10          at night.

11                 MR. NARDACCI: Jean, I would agree with  
12           you on that point. I think that you could do  
13           a real nice job here and really redevelop  
14           and attract a nice tenant. However, we don't  
15           want it to turn into a situation where you  
16           have like we have in other parts of the  
17           town. We have outdoor bars and that kind of  
18           thing where it's loud. I agree with that,  
19           Jean.

20                 CHAIRPERSON DONOVAN: And there would  
21           not be alcoholic beverages; is that what  
22           you're saying?

23                 MR. FEIN: We don't want to limit it  
24           but it's really not going to be a nightclub  
25           or a bar. It's going to be a restaurant and

1 we're okay with the 11:00. We're certainly  
2 not trying to be a nuisance.

3 CHAIRPERSON DONOVAN: It looks like you  
4 have nice plans and you're addressing some  
5 of the concerns of the neighbors as far as  
6 drains and things. Hopefully we're striking  
7 a balance that everyone can live with here.

8 Tom, do you have anything?

9 MR. NARDACCI: Just quickly. You're  
10 downsizing the building from the original?

11 MR. BIANCHINE: I think that it was  
12 9,600 and now we're at 9,400.

13 MR. NARDACCI: Some other board members  
14 had some comments about some of the egress  
15 issues, but I think that it's a  
16 redevelopment of an existing parcel.

17 I was just curious why they aren't  
18 covered under the new law that the Town  
19 Board adopted with regard to greenspace?

20 CHAIRPERSON DONOVAN: They are. He  
21 doesn't have to pay the fee.

22 MR. LYONS: The site had over 35%  
23 greenspace.

24 CHAIRPERSON DONOVAN: But he's  
25 combining them because the other site had

1           24% greenspace. He's combining both sites.  
2           You're merging the two properties and you're  
3           coming up with 34.8%

4           MR. BIANCHINE: This property had 24%  
5           or 25% and this one had like 24%. We're  
6           still short.

7           CHAIRPERSON DONOVAN: Just to let the  
8           neighbors know, in the Land Use Law there  
9           had been a provision that if someone was  
10          coming to redevelop a parcel where there is  
11          already a structure on it, perhaps on the  
12          existing parcel there was 24% greenspace.  
13          They were going to increase the greenspace  
14          but they couldn't reach the 35%. The town  
15          was charging them a fee which could run  
16          anywhere from - - I think in Mr. Fein's case  
17          it was \$10,000. It may have ranged to  
18          hundreds of thousands of dollars when we  
19          looked at the redevelopment of the Fresh  
20          Market on the corner of Route 9 and 155. We  
21          believe that we were losing some developers  
22          walking away from projects because not only  
23          did they have to pay for everything else  
24          that they had to do to redevelop a parcel,  
25          but they had to pay this greenspace fee

1           because they couldn't reach the 35%. So, we  
2           have been seeing an increasing number of  
3           vacant buildings and we felt that in order  
4           to provide an incentive for them, we'd just  
5           take away this fee that they'd have to pay  
6           for greenspace. I believe that the money  
7           went into a fund and then the town would  
8           later purchase property, a green area or  
9           parkland.

10                   The reality of our situation in Colonie  
11           now is that we see a lot of vacant  
12           buildings; especially on the Route 5  
13           corridor as people who live there know. We  
14           see people going up to Saratoga County to  
15           build which is fine, but the last thing that  
16           we want to do is to continue to see vacant  
17           buildings. We want to help revitalize  
18           neighborhoods and develop the neighborhoods  
19           and we thought that by eliminating that  
20           extra fee, that would help the developers  
21           which in your case it didn't, Mr. Fein. It's  
22           \$10,000 that you don't have to pay to do  
23           this.

24                   That's the full explanation that nobody  
25           probably wanted to hear, but I thought I'd

1 give it to you anyway.

2 MR. NARDACCI: Thank you for that  
3 clarification. I think that it's helpful and  
4 it helps us as we're moving forward  
5 understanding a project that takes a parcel  
6 that has never been developed. Hopefully  
7 over the long term it encourages developers  
8 to come in and seek out existing parcels to  
9 redevelop.

10 Joe, the main question that I have is  
11 with all those neighbors abutting with the  
12 fencing, what has the conversation been with  
13 the neighbors? I know we have the minutes  
14 from April. Has there been conversation  
15 about the type of fencing and the screening?

16 MR. BIANCHINE: I haven't handled that.  
17 Chris Meyers who is the surveyor has met  
18 with some of the neighbors regarding the  
19 fencing and the landscaping.

20 MR. NARDACCI: I think that from where  
21 you were, you've made some modifications and  
22 I appreciate that you listened to what we  
23 had to say and what the neighbors had to say  
24 last time.

25 CHAIRPERSON DONOVAN: Tim?

1           MR. LANE: I do note that last time we  
2 talked about the snow storage and it looks  
3 like that's been addressed.

4           I still I have somewhat of a concern  
5 with the width of the alley between the two  
6 buildings. It still seems to be a choking  
7 point. I think that at its narrowest, it was  
8 at 16 feet. It goes from 20 to 16.

9           MR. BIANCHINE: It's existing and it's  
10 really narrow now. We're widening it out so  
11 that you can get around the corner better.  
12 It's about 15 to 16 feet right through here  
13 (Indicating).

14          MR. LANE: So vehicles going either  
15 way, including trucks. I think that's a  
16 little concerning.

17          MR. BIANCHINE: Trucks aren't supposed  
18 to go that way.

19          MR. LANE: Well, then maybe a sign  
20 right at that point?

21          MR. BIANCHINE: Right there  
22 (Indicating). No trucks to Consaul Road. So,  
23 this is just for cars.

24          MR. LANE: That helps. Thank you.

25          CHAIRPERSON DONOVAN: And I would just



1           Colonie, the Highway Safety Committee and  
2           everybody.

3           MS. VAIDA:   So any approval that we  
4           give would be subject to either these things  
5           already having been done or going to be  
6           implemented?

7           MR. BIANCHINE:   That's correct.

8           MS. VAIDA:   One thing that I'm still a  
9           little bit concerned about is the restaurant  
10          use. Maybe Mike could be helpful on this.  
11          What troubles me a little is how big the  
12          restaurant is going to be and what the  
13          seating is. That will govern how many  
14          parking spaces are required; right?

15          MR. LYONS:   I believe in the initial  
16          narrative, the parking ratio was based on  
17          roughly one-quarter of the building used as  
18          a restaurant use. A fast food requirement  
19          has a parking demand of one space for every  
20          100 square feet, or one space for every two  
21          seats. A regular retail building has a  
22          demand of one space for every  
23          200 square feet or half of the demand. With  
24          the initial narrative devoting only  
25          one-quarter of the building to restarant

1 use, the waiver of the eight parking spaces  
2 basically meets that parking demand.

3 MS. VAIDA: Shouldn't we be a bit more  
4 clear in defining what kind of restaurant  
5 use it could be so that we don't have a  
6 problem with the parking?

7 MR. LACIVITA: I think even in the Land  
8 Use Law that Mike talks about, restaurant  
9 use actually has a different calculation;  
10 one space per three. I know that you  
11 mentioned fast food is one for two with the  
12 calculation change.

13 MR. LYONS: I think that at 2,500  
14 square feet, it's more of a fast food size.

15 MR. FEIN: More of a casual thing. It's  
16 not an Applebee's.

17 MR. BIANCHINE: It would be like a  
18 Moe's or something like that.

19 MS. VAIDA: It just seems like we  
20 should be more clear as to what the maximum  
21 seating can be for the restaurant.

22 I guess you're calling it a limited  
23 menu restaurant or take-out. You do limit  
24 the outdoor seats to 15. I guess what I'm  
25 suggesting is that maybe the indoor seats

1           also be defined somehow or limited somehow  
2           so you don't have a parking issue.

3           We should probably also add in a  
4           restriction that it not provide delivery  
5           service since the pizza place has been  
6           causing such a problem in the neighborhood.

7           CHAIRPERSON DONOVAN: The thing with  
8           the pizza place is that the guys were  
9           speeding through the neighborhood to deliver  
10          pizzas somewhere and were speeding back. We  
11          would like to avoid that situation with  
12          anything new that happens.

13          MS. VAIDA: Those are actually my only  
14          comments. Other than that, like I said, I  
15          though that you did a great job addressing  
16          all of our concerns.

17          CHAIRPERSON DONOVAN: So Michael, can  
18          you provide us any numbers for seating?

19          MR. LYONS: Actually, I'm just looking  
20          through some of the earlier material. I  
21          don't have a number off the top of my head.

22          CHAIRPERSON DONOVAN: But you say that  
23          the restaurant is 2,000 square feet?

24          MR. LYONS: It's roughly one-quarter of  
25          the total space.

1                   CHAIRPERSON DONOVAN: Can we say that  
2                   the restaurant cannot exceed 2,500 square  
3                   feet?

4                   Elena, does that satisfy you? I just  
5                   don't know because it would depend on the  
6                   type of restaurant and how many parking  
7                   spaces that it would require. That's what  
8                   you're looking for is a number.

9                   MS. VAIDA: Yes, or a definition to be  
10                  clear what kind of restaurant so that you  
11                  don't run into a problem with the parking.

12                  CHAIRPERSON DONOVAN: Michael, maybe  
13                  when the time comes we could just -

14                  MR. LYONS: Well, we do review each new  
15                  tenant.

16                  The other tenants that make up the  
17                  existing building - - you do have a  
18                  pizzeria/deli restaurant which is a portion  
19                  of this building. The majority of the older  
20                  building which used to be a video store at  
21                  one time is now Small Smiles of Albany  
22                  Dentistry. Pretty much they're out of there  
23                  by 5:00 pm. They have Saturday morning hours  
24                  as well.

25                  The other uses as you go down are: hair

1           salon and chiropractor. So, they are  
2           non-competing.

3                   CHAIRPERSON DONOVAN: From a planning  
4           perspective, tenants change. I think that I  
5           would feel more comfortable if we would say  
6           that if we allow this 2,500 square foot of  
7           restaurant use, there would be no further  
8           restaurant use on the site. I don't want to  
9           see Small Smiles going out and all of the  
10          sudden they're coming back with an  
11          application for a night club or something  
12          like that. So, I would prefer to see  
13          something like that.

14                   MR. LYONS: In that case, it wouldn't  
15          meet the parking demand and that would have  
16          to come back before the board.

17                   CHAIRPERSON DONOVAN: But I don't want  
18          to see it back in front of the board.

19                   MR. LYONS: I don't want to bring it  
20          back before the board.

21                   CHAIRPERSON DONOVAN: Elena, do you  
22          have anything else?

23                   MS. VAIDA: No.

24                   CHAIRPERSON DONOVAN: Michael?

25                   MR. SULLIVAN: Joe, it appears that

1           aside from the changes of the parking space  
2           near Central Avenue, the footprint of the  
3           plan is exactly the same.

4           MR. BIANCHINE: Right, it's exactly the  
5           same.

6           MR. SULLIVAN: My concerns are still  
7           with the egress for your escape route there.

8           We had recommended reducing the retail  
9           space such that you could shift everything  
10          to the east of it and have a better  
11          transition to that back alley because it is  
12          very narrow and then by doing that you could  
13          also have a strip of green space along the  
14          existing buildings. Reduce the retail space  
15          so you could shift it. My concern is that  
16          especially if it's a pick up and delivery  
17          type of restaurant, those angled spaces will  
18          have cars in them such that you will not be  
19          able to swing out into that space and go in  
20          the back of the building. Should we have  
21          problems with people trying to exit onto  
22          Central Avenue with a left turn, and if we  
23          need that escape route I'm very concerned  
24          that's going to be a choking point. With the  
25          current footprint and the geometry,

1           especially if you have people in those  
2           angled spaces, I think that it's going to be  
3           very tight to get out of there. I know that  
4           at the previous meeting when C.J. was here,  
5           I believe that he wanted to have only right  
6           turns out onto Central Avenue. He wanted to  
7           have left turns go out through the back. I  
8           don't know how many left turns you were  
9           planning on but you could have a significant  
10          amount of traffic trying to get out that  
11          back alley.

12                   CHAIRPERSON DONOVAN: What did DOT say  
13           about that? I know that you met with DOT.

14                   MR. BIANCHINE: DOT is allowing the  
15           full access here because we have a stacking  
16           lane for left turns on our site and by  
17           making a left, you could wait here  
18           (Indicating) and people making a right could  
19           go out. People coming in could still come  
20           in. They also restricted it with a note on  
21           our plans that they have the right to review  
22           this after the project has been in operation  
23           and if they feel that at some time in the  
24           future that this should be limited to just a  
25           right out, that's what they can do and we

1           have to comply with that.

2           MR. SULLIVAN: But if we're going to  
3           have a restaurant in there and if the  
4           problem is at lunchtime and dinnertime we  
5           could have the problem where many people are  
6           trying to use that back area -

7           MR. BIANCHINE: This is angled parking  
8           so it makes it easy to back out and turn. I  
9           haven't experienced any problems with that.  
10          In any case it's at an angle and it would be  
11          allowed. I think that this is like 20 feet  
12          here (Indicating).

13          MR. SULLIVAN: If those spaces are  
14          occupied and others are trying to exit, they  
15          cannot use that space. They are then up  
16          against the existing buildings trying to  
17          make a 90 degree left into that narrow  
18          alley.

19          MR. LYONS: Actually the width of that  
20          driveway around that building that's there  
21          now is getting doubled and then the parking  
22          occurs.

23          MR. SULLIVAN: It just seems very, very  
24          tight up there.

25          MR. BIANCHINE: Where it's light is

1           where the pavement is now. Where it's darker  
2           is where we're widening it.

3           MR. SULLIVAN: Right, but much of that  
4           darker space could be occupied by vehicles,  
5           couldn't it?

6           MR. BIANCHINE: You've got 20 feet to  
7           back out which is more than what you  
8           normally have with angled parking.

9           MR. SULLIVAN: My concern is making the  
10          turn into the back alley.

11          CHAIRPERSON DONOVAN: How much was it  
12          before and how much did you widen it?

13          MR. BIANCHINE: It's 12 feet now and  
14          we've widened this to 20 so it's eight feet  
15          here (Indicating) and back here it's more  
16          than that.

17          MR. LYONS: By the time you get to that  
18          16 foot behind the existing building, your  
19          car is already straight.

20          MR. BIANCHINE: You're making the turn  
21          out here and then you're straight back here  
22          (Indicating).

23          MR. SULLIVAN: Right but even the back  
24          alley seems tight. I just wanted to make  
25          sure that you're straight before you got to

1           that.

2                   MR. LYONS: We did hear that comment  
3           from C.J. That was one of those things that  
4           we did have to go over and look at. That one  
5           way circulating that goes around the  
6           building and that cars flow easily around  
7           the building.

8                   MR. BIANCHINE: Right and now the  
9           traffic pattern is this way (Indicating).

10                  MR. SULLIVAN: Right, I just wanted to  
11           make sure that people could get out that way  
12           because I have a feeling that we're going to  
13           need that if there is a problem with Central  
14           Avenue.

15                  MR. BIANCHINE: We made it wider there  
16           for that purpose.

17                  MR. SULLIVAN: That was my only one.

18                  CHAIRPERSON DONOVAN: Are you satisfied  
19           with that, Mike?

20                  MR. SULLIVAN: I'm satisfied with the  
21           explanation. I would like to see it in  
22           person, which I can't. That's the problem.  
23           My concern is once it's built and there is a  
24           problem, we're stuck.

25                  CHAIRPERSON DONOVAN: I would think

1           that it's not economically feasible to make  
2           the building any smaller. You're already  
3           reducing the size of the building. You can't  
4           move the building to the east because you  
5           would be affecting the neighbors along there  
6           (Indicating).

7                     Does anybody from the board have any  
8           further questions or comments?

9                     ***(There was no response from the board.)***

10                    CHAIRPERSON DONOVAN: Mike or Joe do  
11           you have anything that you'd like to add?

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

13                    CHAIRPERSON DONOVAN: How about the  
14           neighbors? Does anybody have anything that  
15           they'd like to say?

16                    MR. PETRAMALE: Matt Petramale,  
17           8 Consaul Road.

18                    What you're saying is that it's right  
19           in and right out?

20                    MR. BIANCHINE: That's correct. No  
21           trucks out.

22                    MR. PETRAMALE: But trucks can go in,  
23           though?

24                    MR. BIANCHINE: Trucks can go in.

25                    MR. PETRAMALE: And then which way are

1           they going around the building?

2           MR. BIANCHINE: They have to go this  
3 way around to the front.

4           MR. PETRAMALE: How do you think that a  
5 truck - - I know because I cut through there  
6 a lot. I have an extended cab pick up and  
7 there are times that it's hard for me. How  
8 in the hell would a truck be able to make it  
9 around that building without clipping the  
10 building? Are you widening that driveway in  
11 front?

12          MR. BIANCHINE: They can make it. We're  
13 going to be pulling tractor trailers in  
14 there.

15          MR. PETRAMALE: They're going to come  
16 in with a compactor. How are they going to  
17 enter?

18          MR. BIANCHINE: The compactor will pull  
19 in this way and pull up and back into that.

20          MR. PETRAMALE: And how do they leave?

21          MR. BIANCHINE: They leave out this  
22 way.

23          MR. PETRAMALE: Have you had a truck  
24 outside to do that? I'd like to see it.

25          MR. BIANCHINE: We have; yes.

1                   MR. PETRAMALE: And he doesn't drive up  
2 on the grass?

3                   MR. BIANCHINE: He can drive it without  
4 driving on the grass.

5                   MR. PETRAMALE: I drive truck for a  
6 living. I don't see how it's possible.

7                   There are pictures here of a Sysco  
8 truck.

9                   FROM THE FLOOR: Joe said that they  
10 won't be big trucks. They'll be like Matt's  
11 pick-up truck.

12                   These are copies for the board. There  
13 are two Sysco trucks parked on Consaul Road  
14 outside where it's supposed to be right in  
15 and right out.

16                   CHAIRPERSON DONOVAN: Where were they  
17 going? Were they going to this plaza?

18                   FROM THE FLOOR: Delivering to Pizza  
19 Mare. When we asked the Sysco driver not to  
20 park there, he said, I do what I'm told.  
21 There were two trucks parked back there. You  
22 can see one is a van trying to come through  
23 and if that was there when an ambulance or a  
24 fire truck was trying to come through, it  
25 would never have made it through.

1 MR. NARDACCI: Why is Sysco making  
2 deliveries with tractor trailers back there?

3 MR. BIANCHINE: It's one way out now.  
4 He's not supposed to come in that way, the  
5 way that it's signed.

6 FROM THE FLOOR: But he's supposed to  
7 deliver in the front.

8 MR. NARDACCI: So, he's not supposed to  
9 come in. What's the delivery plan right now?

10 MR. BIANCHINE: In the front, you make  
11 your deliveries from the front.

12 MR. NARDACCI: Why is Sysco not doing  
13 that?

14 MR. BIANCHINE: They're not doing that  
15 because this is a one way out now. He's not  
16 supposed to enter from the back.

17 MR. NARDACCI: He's parked on  
18 Consaul Road.

19 Let me give you a chance to explain  
20 what the traffic pattern is right now.

21 Where is Cisco supposed to deliver?

22 MR. BIANCHINE: They are supposed to  
23 deliver in the front.

24 MR. NARDACCI: Right now?

25 MR. BIANCHINE: Right now.

1           MR. NARDACCI: In these pictures, why  
2 are they delivering off of Consaul?

3           MR. BIANCHINE: Probably because it's  
4 easier for them to do it that way.

5           MR. NARDACCI: Whose responsibility is  
6 it to communicate with Sysco. This happens  
7 at different times when we have projects  
8 come forward. Sometimes this benefits the  
9 neighbors because now we have a chance to  
10 address an issue that perhaps is existing.

11           Whose responsibility is it to  
12 communicate to Sysco to deliver through the  
13 front? Is it your tenant or is it the  
14 property owner?

15           MR. BIANCHINE: It should be the  
16 tenant.

17           MR. NARDACCI: Have you ever talked to  
18 Cisco about this issue or is this the first  
19 time that you've heard of it?

20           MR. FEIN: We talked to Sysco and they  
21 were supposed to deliver with a shorter  
22 truck. We talked to Nick about it.

23           MR. LACIVITA: Tom, having a bakery and  
24 a wine store - - When Sysco first started  
25 delivering to our bakery, they started

1 delivering in the small pup trucks. Now  
2 based on consolidation and everything we  
3 started seeing larger trucks coming to even  
4 our place that are parked right on  
5 Remsen Street in Cohoes. We have no control  
6 unfortunately.

7 I don't think that the tenants have any  
8 control over going to Sysco saying to limit  
9 the size of their trucks. Sysco basically  
10 told us that you take it or leave it.  
11 Unfortunately we've been told so I don't  
12 know what the developer is going to be able  
13 to do asking for pup trucks to come.

14 MR. NARDACCI: Well, here's the issue.  
15 If this is an issue that cannot be solved,  
16 why are we going to put another restaurant  
17 on the site? That's what I'm trying to get  
18 to now. That's what I'm trying to give you a  
19 change to explain: What is the plan here?  
20 What is the plan for the future to make sure  
21 that this doesn't happen?

22 MR. BIANCHINE: The way that this will  
23 work is that traffic will get into the front  
24 and circle around back onto Central.

25 MR. FEIN: The way the parking lot is

1 right now, a truck can't get in and around  
2 that existing parking lot. That is the  
3 problem.

4 MR. NARDACCI: I've been there. I know  
5 exactly what you're talking about. How can a  
6 tractor trailer come and do that? They  
7 can't.

8 We live in 2009 and with the  
9 consolidation and Sysco - - we know that  
10 Sysco is not coming with small trucks. We  
11 know that because we have pictures that show  
12 us that they're not coming in with small  
13 trucks to deliver to Pizza Mare which is not  
14 Fridays. So you put another food  
15 establishment on the site, it's another  
16 delivery. Maybe it's Cisco or maybe it's  
17 another company. My question is: What does  
18 this plan do to live in the realities of  
19 this economy and these companies?

20 MR. BIANCHINE: Again, we have set this  
21 up so that they can come in the front and go  
22 around the front or they can come in this  
23 way (Indicating) and go around. It's tight,  
24 there is no question about it but they can  
25 make it. They can move around here

1 (Indicating) and go out this way. We've set  
2 it up so that they can. There are no trucks  
3 going out this way.

4 MR. NARDACCI: So if Sysco comes to  
5 make a delivery with a full tractor trailer,  
6 what is their delivery plan?

7 MR. BIANCHINE: If they come with a  
8 full tractor trailer, they're not going to  
9 make it in the site.

10 MR. NARDACCI: I don't live there but  
11 if I lived on Consaul Road - - I mean I had  
12 problems with my mailman pulling on my lawn.  
13 I have had a back and forth conversation  
14 with him. I like the mailman.

15 If I had a tractor trailer coming  
16 multiple times a week making deliveries and  
17 pulling on lawns, it's a serious concern. I  
18 think that we need to figure out how do you  
19 address that?

20 CHAIRPERSON DONOVAN: Can I ask the  
21 neighbors something? What do they do? They  
22 park on Consaul Road and walk down and  
23 deliver?

24 FROM THE FLOOR: They stay on Consaul  
25 Road. They came with a tractor trailer last

1 Wednesday and I'm telling you that they  
2 cannot go around the back way.

3 CHAIRPERSON DONOVAN: Okay.

4 MR. MORRISETTE: My name is Norm  
5 Morrisette and I live at 1 Consaul Road.

6 CHAIRPERSON DONOVAN: I got your letter  
7 also; thank you.

8 MR. MORRISETTE: I have been driving  
9 tractor trailer for 30 years. I delivered  
10 three weeks ago and I couldn't get into your  
11 driveway here. I went next door.

12 The thing about Sysco is that they are  
13 extremely abstainate. They would say, oh  
14 okay, we'll put in a shorter truck. That is  
15 just to patronize you. That's not going to  
16 last.

17 The dispatcher will say anything just  
18 to get them off the phone. When the  
19 dispatcher hangs up the phone they'll have  
20 some unsavory comments. The Sysco truck  
21 comes in the back and it's not going to be  
22 able to do it. He's going to try to back up  
23 onto what's called the blind. That's when  
24 you can see nothing in your mirrors. That  
25 could cause an accident.

1           Barry, I have nothing against you. I  
2           want to see it go. It's your land but there  
3           has to be a mechanism here for the  
4           deliveries to be front door. Put up signs or  
5           something. Sysco says we're going to put it  
6           on a 22 footer which is really the smallest  
7           box truck that they have. A 24-foot box is  
8           not going to be able to make that.

9           CHAIRPERSON DONOVAN: Explain the front  
10          door delivery to me.

11          MR. MORRISETTE: The front door  
12          delivery, which is basically what was  
13          adopted on September 11<sup>th</sup> in 07. You come  
14          into the parking lot. You make the delivery  
15          in the front door and then we go back out to  
16          Central Avenue.

17          Now Sysco doesn't like it.

18          MR. NARDACCI: In your letter you  
19          mentioned about Newton Plaza.

20          MR. MORRISETTE: Newton Plaza has two  
21          entrances and it works. I mentioned that and  
22          Barry said that's what he wanted all along.  
23          DOT is DOT. They have money but  
24          unfortunately it's our taxpaying money.

25          I deliver to Newton Plaza and I go in

1 by the M & T Bank and I park along the side.  
2 Once in a blue moon someone will say, how  
3 long you going to be? I have to get out. I  
4 say, ma'am I'll move the truck. I'll back up  
5 and I'll put forward. They leave and I move  
6 the truck back. I take the Computer  
7 Renaissance stuff off and I say, okay, see  
8 you next week and away I go. That concept  
9 would work well here. If we could convince  
10 DOT to do that, that would be great.

11 Why is DOT telling Barry that he has to  
12 take away two perfectly good curb cuts right  
13 now and build a new one? It's like they're  
14 telling you that you have to throw \$100,000  
15 away. This is absurd. Give him two curb cuts  
16 and deliveries are no longer a problem. I  
17 don't know why DOT is being so adamant here.

18 MR. LYONS: The director and I had a  
19 meeting with the Highway Traffic Safety  
20 Division of DOT and one of the things that  
21 they're looking to add actually between this  
22 driveway westbound on Central Avenue to New  
23 Karner Road is a right turn lane. That will  
24 help some of the congestion and traffic  
25 between Vly Road and the New Karner Road

1           portion westbound on Central Avenue. One of  
2           the things that they're looking to do is to  
3           start that right turn lane immediately after  
4           the driveway and by putting the driveway as  
5           far east on the property that you can, it  
6           allows the left turn lane to be as long as  
7           possible. Cars coming out of Barry's  
8           driveway still only have to cross two lanes  
9           of traffic to get to the median if they're  
10          taking a left turn. So, that's part of the  
11          safety concern that the DOT has.

12                        Unfortunately, there could be further  
13          restrictions along Central Avenue on left  
14          turns, not only for this project but for  
15          other projects along Central Avenue. What  
16          they're trying to do is make the best out of  
17          a very congested situation without  
18          restricting left turning movements from the  
19          businesses along that section of Central  
20          Avenue. That's basically why they're trying  
21          to minimize the number of access points  
22          along Central Avenue and place them  
23          accordingly.

24                        When Barry came in, his concept  
25          basically had two access points. It had the

1 existing one that comes out where the plaza  
2 is now. You were using both existing ones.  
3 So, this has gone through many reviews of  
4 the DOT as well as the Capital District  
5 Transportation Committee which is the local  
6 MPO for the four county region that reviews  
7 traffic issues, does traffic studies and  
8 makes recommendations along the major  
9 corridors of the capital region. There has  
10 been a lot of thought on where this driveway  
11 goes and how many driveways will be  
12 permitted onto Central Avenue by an agency  
13 that even if this board said go ahead and  
14 put three accesses along Central Avenue,  
15 ultimately it's the responsibility and the  
16 right of DOT to review and say, we're only  
17 going to allow one access and this is where  
18 you may come out onto our road.

19 CHAIRPERSON DONOVAN: And believe me,  
20 this is only one of several sites that DOT  
21 and this board have been trying to deal  
22 with.

23 MR. MORRISETTE: Getting back to Sysco.  
24 The drivers are told by dispatch what to do.  
25 They do just what they're told.

1 FROM THE FLOOR: That's our concern  
2 with another restaurant. The more  
3 deliveries, the more parking on our street.  
4 If it's going to be that way, can we get  
5 some signage that says, no delivery trucks?  
6 We just need some support here. I don't want  
7 my house burnt down this year.

8 Communication was concerned about  
9 getting to our houses. I have a sick family  
10 member at home and we've had an ambulance  
11 there three times. I don't know if Sysco is  
12 going to be blocking my house or some  
13 Chinese joint is going to contribute to  
14 these deliveries and then they really won't  
15 be able to get to my house and rescue  
16 somebody that has a potentially fatal  
17 disease.

18 CHAIRPERSON DONOVAN: Mike and Joe,  
19 have we talked about not allowing trucks on  
20 Consaul Road?

21 MR. LYONS: I think that we might have  
22 spoken one point about possibly making a  
23 recommendation to the Highway Safety  
24 Committee to install no parking signs on  
25 Consaul Road. The only thing about no

1 parking signs is that they apply to  
2 everybody.

3 I know that several of these driveways  
4 along Consaul Road are maybe one or two cars  
5 wide and only one or two cars deep. Some of  
6 the people park along Consaul Road.

7 CHAIRPERSON DONOVAN: Can we have a no  
8 truck parking sign?

9 MR. LYONS: I think that we can  
10 certainly ask Highway Safety.

11 Can I take these pictures?

12 FROM THE FLOOR: Absolutely.

13 CHAIRPERSON DONOVAN: This woman just  
14 had a suggestion about the weight of trucks  
15 allowed on Consaul Road. Is that something  
16 that we could look into?

17 MR. MORRISETTE: It's not weight  
18 restricted on Consaul. For Vly you have four  
19 ton weight limits. I'm not trying to be  
20 hypocritical because I'm a truck driver but  
21 I could never quite understand why Vly is  
22 weight restricted and that little stretch of  
23 Consaul with the blind curve is not.

24 CHAIRPERSON DONOVAN: Maybe we should  
25 approach it from that perspective.

1                   MR. MORRISETTE:  If anything why don't  
2                   we take the signs from Vly and move them  
3                   over to Consaul?

4                   MR. LANE:  I think that we can make  
5                   more signs instead of moving them off of  
6                   Vly.

7                   CHAIRPERSON DONOVAN:  Joe, let's work  
8                   with Highway Safety and let's work with the  
9                   Highway Department.

10                  Mike, and let's see if we can get a  
11                  weight restriction on the road and we'll  
12                  post it and call the Police Department  
13                  anytime that you see a truck. Hopefully that  
14                  solves the problem and then we'll find  
15                  Mr. Fein and make him try to stop the  
16                  problem.

17                  MR. BURGESS:  I own 17 Consaul Road,  
18                  right across from that entrance. That right  
19                  in and right out that he's talking about - I  
20                  think that you're going to have to double  
21                  with that. You'll have a barrier to get in  
22                  and get out. The trucks that do drive in  
23                  there drive on the lawn constantly. They  
24                  drive over the bushes and they drive over  
25                  the fences. It's been going on since that

1 plaza has been there.

2 CHAIRPERSON DONOVAN: Joe?

3 MR. BIANCHINE: We are making that  
4 wider.

5 MR. BURGESS: It's going to have to be  
6 wider. When the garbage truck comes, he's  
7 going to back out and drive down the road.  
8 He's not going to go around the front of  
9 that building.

10 MR. PETRAMALE: What happens when he  
11 backs out and hits my wife and my two kids?

12 There is no feasible way and you can  
13 look up at the ceiling all you want but  
14 there is no way that a BFI tri-axel truck  
15 with a giant compactor on the back can make  
16 that turn around the front on the back alley  
17 of the existing building now, to the left  
18 side of it. There is no way.

19 CHAIRPERSON DONOVAN: And Joe, you say  
20 that it is feasible.

21 MR. BIANCHINE: County Waste has done  
22 it.

23 MR. LACIVITA: If you look at the  
24 weight restriction, it might limit the use  
25 of having those trucks going out there

1           anyway.

2                   CHAIRPERSON DONOVAN: I think that may  
3           be the key if we can stipulate a weight  
4           restriction on the trucks that use the road.

5                   MR. FEIN: The way that it's designed  
6           now, if you prefer to have the trucks come  
7           off Central and stay in the front of the  
8           parking lot and never go in the  
9           back - that's why we opened the whole thing  
10          up and have so much pavement.

11                   I agree, maybe the truck is going to  
12          block - - maybe over in Newton maybe you'd  
13          block a car while you're doing a delivery  
14          and say okay, I'll be right out or I'll move  
15          the truck.

16                   MR. MORRISETTE: You know if you block  
17          a car and somebody comes out, no problem  
18          ma'am or sir, I'll move the truck. You know,  
19          five minute, no problem.

20                   MR. FEIN: There are a lot of  
21          properties and when you limit access behind  
22          a building and you're pushing everything to  
23          the front, that's just the way all the  
24          properties are going to be. Trucks and  
25          pedestrians and people's vehicles and

1 everything is in the front then everyone is  
2 going to have to figure out how to make it  
3 work. It's just the way of the future for  
4 development, if you're going to make  
5 everything stay in front.

6 CHAIRPERSON DONOVAN: Mike, what do you  
7 believe the solution would be?

8 MR. LYONS: I think to contact the  
9 Highway Safety Committee. If Vly Road has a  
10 four ton weight limit - Consaul Road you  
11 have to come out to Vly road. Obviously  
12 local deliveries like Fed Ex trucks and  
13 stuff like that to the neighbors would be  
14 exempt, but we could certainly work at the  
15 four ton weight limit along Consaul Road.

16 CHAIRPERSON DONOVAN: I just have to  
17 ask this gentleman a quick question.

18 A 38-foot tractor trailer?

19 MR. MORRISETTE: A 38-foot is pretty  
20 much what Sysco has.

21 CHAIRPERSON DONOVAN: And how many tons  
22 is that? I have no clue.

23 MR. MORRISETTE: You're looking at  
24 about 10 feet, that would be 14 to 15,000  
25 pounds.

1                   CHAIRPERSON DONOVAN: So you're talking  
2 about 7 tons.

3                   MR. MORRISETTE: That's empty. Once you  
4 load it up with Sysco, I would say that  
5 would be easily 10,000 pounds.

6                   CHAIRPERSON DONOVAN: So you're looking  
7 at a much smaller truck. You could obviously  
8 put the weight limit on four tons.

9                   MR. MORRISETTE: Even if you use a 24  
10 straight job that would be registered for  
11 about 26,000 gross with a load; so you're at  
12 13 tons there.

13                   A BFI garbage truck would have to be  
14 somewhere around 30,000 pounds.

15                   MR. LYONS: The dump trucks that the  
16 town uses for plowing - the single back  
17 wheeled dump trucks; that's about four tons.

18                   CHAIRPERSON DONOVAN: So in other  
19 words, if they wanted to deliver with a big  
20 truck, they couldn't exit onto Consaul Road.

21                   MR. LYONS: Plus there is also signage  
22 and restrictions.

23                   CHAIRPERSON DONOVAN: I want to make  
24 sure that there is something there other  
25 than a sign. If they are doing it, we have

1 something enforceable that tickets could be  
2 given or Sysco could be fined. I think that  
3 if we start handing out tickets, they'll  
4 stop doing it.

5 Yes, sir.

6 MR. PETRAMALE: The signs that say four  
7 ton weight limit except local  
8 delivery - that's a local delivery. How do  
9 you get it for Sysco or any company that had  
10 that? That's a local delivery. Do you  
11 understand what I'm saying? If you look at  
12 any road sign that says four ton weight  
13 limit, it says except local deliveries on  
14 it. That's a loop hole that they could have.

15 MR. NARDACCI: I think that if you ask  
16 Highway Safety the question, just tell them  
17 exactly what the problem is. You have the  
18 pictures and this is what we're trying to  
19 avoid and come up with the legal language -

20 MR. LYONS: Just east of this property,  
21 by the time that you get up to the first  
22 residence from the driveway to the property  
23 line, maybe that has to be posted no  
24 parking. Basically it would be a  
25 recommendation from the Highway Safety

1 Committee to the Town Board.

2 MR. NARDACCI: I'm seeing these  
3 pictures for the first time like everyone  
4 else and it immediately triggers that you  
5 know, there is a problem, we have a chance  
6 to make it better. It's a redevelopment.

7 Whenever commercial property meets  
8 residential, it's never perfect. It never  
9 has been perfect since I've been on this  
10 board. It seems to be that this is a good  
11 middle ground. I think that it becomes an  
12 enforcement issue, but if we can encourage a  
13 new law that has some enforcement that you  
14 can give fines, I think that's the best  
15 alternative. Right now as it stands, even if  
16 this project doesn't move forward you still  
17 have that problem. So, here we have at least  
18 a chance to make a correction.

19 CHAIRPERSON DONOVAN: Sysco will  
20 continue to deliver to Pizza Mare and to do  
21 what they're doing unless something is done  
22 up there.

23 MR. MORRISETTE: About two or three  
24 times a month I will stop home for lunch  
25 with the truck. What I do is I come down

1           155, make the hard right onto Consaul and  
2           immediately go into the bank parking lot.  
3           They have a large lot and I always park so  
4           that when I leave I go back out on 155. I  
5           walk from there home. Out of fairness to  
6           everyone, I'm not blocking and I'm not  
7           running the risk of causing accidents.

8           MR. LYONS: Your neighbors thank you.

9           MR. PETRAMALE: As one of the neighbors  
10          on the street, I'm opposed to putting a no  
11          parking sign on the whole street because I  
12          know that every one of my neighbors - we all  
13          have guests and we all have visitors like  
14          you had said about the driveways. They park  
15          on the edge of our lawns. I don't block the  
16          road but I don't want to see all of the  
17          sudden that there is no parking anywhere and  
18          everywhere and then my family members or my  
19          guests are getting tickets.

20          CHAIRPERSON DONOVAN: That's not the  
21          intention. The intension is to put no  
22          parking from that area west and then do a  
23          weight restriction on the whole street. The  
24          street is narrow. There is no question that  
25          it's narrow and that hopefully will address



1 no outdoor patio. We have noise, stereos and  
2 people outside at 11:00. I personally get up  
3 at 5:00 in the morning every day. We're just  
4 asking for no outdoor patio. We don't want  
5 to block the development.

6 CHAIRPERSON DONOVAN: Let's see what we  
7 can do with the traffic first.

8 Mike, that would be one of the  
9 requirements for approval of a second  
10 restaurant.

11 MR. MORRISETTE: Would the board have  
12 the authority to put a sign saying no  
13 restaurant deliveries from Consaul Road?

14 MR. LACIVITA: We'd have to see what  
15 the recommendation is.

16 MR. FEIN: You'd have a weight limit on  
17 Consaul Road.

18 MR. MORRISETTE: And like Matt said  
19 you'd have to waive the restrictions for  
20 local delivery.

21 MR. FEIN: I understand but that's why  
22 they didn't put a sign with the enforcement.

23 MR. PETRAMALE: There would be a DOT  
24 sign that would have a sticker on the back  
25 and when you call the PD, they say, okay,

1           there's one of our signs -

2                   MR. LYONS: And that's why the sign  
3 goes through the Highway Safety Committee  
4 and then it's a sign that gets adopted by  
5 the Town Board so it's a legal and  
6 enforceable sign, just like it's a stop sign  
7 or a yield sign or any other traffic sign.

8                   CHAIRPERSON DONOVAN: The rental of  
9 that parcel of 2,500 square feet or more as  
10 a restaurant would be contingent upon this  
11 going through with the restriction of the  
12 trucks on Consaul Road.

13                   MS. SENNA: I'm Chris Senna, 10 Consaul  
14 Road. How many parking spaces will there be  
15 in the back?

16                   MR. BIANCHINE: The existing parking  
17 spaces in the back will stay there.

18                   FROM THE FLOOR: Even on the side where  
19 the dumpster is?

20                   MR. BIANCHINE: There are a couple of  
21 parking spaces here too.

22                   MS. SENNA: How is the traffic going to  
23 move through there?

24                   FROM THE FLOOR: No tractor trailer is  
25 going to make it.

1           MR. LYONS: Tractor trailers are not  
2 designed to go through there.

3           MS. SENNA: What about the traffic?

4           MR. BIANCHINE: Traffic can get through  
5 there.

6           CHAIRPERSON DONOVAN: It's not for  
7 truck traffic.

8           MR. BIANCHINE: No, it's not for truck  
9 traffic.

10          MR. SULLIVAN: Joe, would the BFI truck  
11 go through there, though?

12          MR. BIANCHINE: Yes, and County Waste.

13          MR. SULLIVAN: Well, a compactor truck.  
14 You're saying that a compactor truck can  
15 make it through there.

16          MR. BIANCHINE: Yes, it can make it  
17 through.

18          MR. SULLIVAN: Isn't there a guide rail  
19 or something on the north side? I thought  
20 that there was one right along the fence  
21 there at the chocking point.

22          MR. BIANCHINE: This drops off. This is  
23 a stormwater area.

24          MR. SULLIVAN: No, right as you make  
25 the turn coming around the back corner

1 (Indicating).

2 MR. BIANCHINE: Right.

3 MR. SULLIVAN: I would think that's the  
4 choking point there.

5 MR. BIANCHINE: We're making that  
6 wider.

7 MR. SULLIVAN: If the widened road is  
8 20 feet wide from behind the parking spaces  
9 to the other end of the curb, it looks like  
10 it's less than half that width behind there;  
11 between the apron and the guide rail. If you  
12 were to scale it, it looks like it's about  
13 half the width of usable space between the  
14 apron and the guide rail. It looks like it  
15 would be about 10 feet. If the width of the  
16 improved road is 20 feet, it looks as though  
17 the usable space, even the back alley is  
18 about half of that - between the apron and  
19 the dashed line.

20 MR. BIANCHINE: It might just be the  
21 coloring here.

22 MR. SULLIVAN: It may be paved to  
23 15 feet but it seems like you're losing  
24 space to a guide rail into an apron. So, the  
25 usable space looks like it's much narrower.

1 MR. BIANCHINE: It could be. But there  
2 is 15 feet there.

3 CHAIRPERSON DONOVAN: Who uses those  
4 parking spots back there?

5 MR. BIANCHINE: It's for employees.

6 CHAIRPERSON DONOVAN: How many of them  
7 are there?

8 MR. BIANCHINE: There are eight through  
9 there and then there are three in through  
10 here (Indicating) so there's 11 all together  
11 in the back.

12 CHAIRPERSON DONOVAN: Would you  
13 consider eliminating any of those?

14 MR. BIANCHINE: If we eliminate those,  
15 then we need more of a waiver for the  
16 parking.

17 MR. SULLIVAN: You don't really  
18 increase the width of that.

19 MR. BIANCHINE: There is a retaining  
20 wall and there is a residence property.

21 MR. NARDACCI: And it's masonry too.

22 MR. LYONS: And the gates face toward  
23 Central Avenue and not towards the  
24 neighbors.

25 CHAIRPERSON DONOVAN: It's once a week

1 pick up?

2 MR. BIANCHINE: Probably twice a week.

3 MR. PETRAMALE: I heard you say that  
4 you were going to take all the pine trees  
5 down?

6 MR. BIANCHINE: No, I said over here  
7 (Indicating). We'll be taking down these  
8 trees.

9 MR. PETRAMALE: What you guys took down  
10 earlier this summer - that's it and no more?

11 MR. BIANCHINE: Those were dead.

12 MR. PETRAMALE: Right, but no more  
13 pines will be taken down.

14 MR. BIANCHINE: No.

15 MR. PETRAMALE: You're widening that  
16 but are you extending that retaining wall  
17 further over to support all of that earth  
18 that you're going to put in there?

19 MR. BIANCHINE: We're extending that  
20 retaining wall this way, right through there  
21 (Indicating).

22 MR. PETRAMALE: So on my neighbor's  
23 property, the wall comes out about eight  
24 foot or something. I don't know the exact  
25 dimensions. Will that wall go completely

1 across the whole back yard now and then a  
2 fence on top of that so that my neighbor and  
3 I don't have to look at headlights coming  
4 through? When I talked to Chris Meyer, he  
5 wasn't sure. Do you know how far that wall  
6 will be coming near my property?

7 MR. BIANCHINE: This is your property  
8 here (Indicating)?

9 MR. PETRAMALE: Yes.

10 MR. BIANCHINE: Then yes, it would come  
11 right to here.

12 MR. PETRAMALE: So is this a gap in  
13 this fence? What's going to be between  
14 there?

15 MR. BIANCHINE: Grass.

16 MR. PETRAMALE: And they're going to  
17 maintain it?

18 MR. BIANCHINE: Yes.

19 MR. PETRAMALE: That green space right  
20 there - all of those ratty old pine trees  
21 that are falling down and falling  
22 limbs - will any of that be taken down and  
23 cleaned up? There are four pine trees that  
24 are probably about 70 feet tall there.

25 CHAIRPERSON DONOVAN: Is that a

1 retention basin or detention basin there?

2 MR. BIANCHINE: This is a retention  
3 basin.

4 MR. FEIN: If they're bad trees, we're  
5 happy to take them down.

6 CHAIRPERSON DONOVAN: I have no problem  
7 giving you a parking waiver. I don't have a  
8 problem allowing a restaurant if we can come  
9 to an agreement with the Highway Safety  
10 Board to limit the truck tonnage on Consaul  
11 Road and we do want to look at putting a no  
12 parking on Consaul. It would be west of your  
13 property.

14 I know that some of the neighbors have  
15 concerns about a patio. You said that there  
16 would be seating for 15?

17 MR. BIANCHINE: No more than that.

18 CHAIRPERSON DONOVAN: And the patio  
19 that lights the restaurant - it would close  
20 at 11; is that correct?

21 MR. BIANCHINE: Correct.

22 CHAIRPERSON DONOVAN: We had talked  
23 about music being piped out. I know that the  
24 town has a new noise ordinance. I think that  
25 the levels may have been lowered.

1 Mike, have they?

2 MR. LYONS: Yes, they have.

3 MR. BIANCHINE: And it's at the front  
4 door and not in the back.

5 CHAIRPERSON DONOVAN: I know, but  
6 sounds do carry. I know that you're putting  
7 trees and fencing and you're trying to  
8 shield the neighbors from different things  
9 and we appreciate that. I don't have a  
10 problem with you putting a patio out there.  
11 I don't know how the board members feel  
12 about the music.

13 MR. NARDACCI: I actually read through  
14 the neighbor's letter and thought about it.  
15 I don't have a problem with the patio. I  
16 think that based on its location to how far  
17 you are from the residents, I do agree,  
18 Jean, that we don't want to have outdoor  
19 music piping. I like that you said you're  
20 not going to have anything past 11:00 and I  
21 think that's going to be really helpful. For  
22 15 seats, I just don't see that as being a  
23 big issue.

24 CHAIRPERSON DONOVAN: I've been to a  
25 couple of outdoor patios. They all don't

1 have music piped out there.

2 Did I see a hand waiving back there?

3 Yes, sir.

4 FROM THE FLOOR: If they put a weight  
5 restriction, how are the garbage trucks  
6 going to get in and get out.

7 MR. LYONS: For your own homes, you  
8 mean?

9 FROM THE FLOOR: Either or, it doesn't  
10 matter.

11 MR. LYONS: For your own homes, it  
12 would be exempt. For example, if you were  
13 moving and a Mayflower was coming in with  
14 moving vans, they are exempt because they  
15 are making a delivery.

16 FROM THE FLOOR: The garbage truck for  
17 the plaza - how would they get in?

18 MR. BIANCHINE: They would have to come  
19 in that way too.

20 CHAIRPERSON DONOVAN: Joe, explain  
21 again how the garbage works.

22 MR. BIANCHINE: They can come in this  
23 way and up back here. That would be the same  
24 garbage truck that is picking up everybody  
25 else.

1                   CHAIRPERSON DONOVAN: Garbage trucks  
2 would be exempt.

3                   MR. PETRAMALE: I'm sorry to keep  
4 asking but the other day I called over and I  
5 spoke to Tom Romano and I don't know what  
6 department he is in.

7                   CHAIRPERSON DONOVAN: Highway.

8                   MR. PETRAMALE: I asked him about the  
9 pavement markings on the road and he told me  
10 that they're in the process of working on  
11 the road, but it's all contingent on what's  
12 going on here. The way that he explained it  
13 to me is that they're not going to do a nice  
14 clean road and then have to dig it up for  
15 all the utilities for them to put whatever  
16 they need in. If that's the case and the  
17 board doesn't approve this until next year,  
18 does that mean that our road that is in  
19 disrepair sits idle until next year?

20                   CHAIRPERSON DONOVAN: I don't think  
21 that we're going to wait until next year. I  
22 think that we can move on it with those  
23 stipulations that we just talked about this  
24 evening.

25                   I don't know about the stormwater

1 hookup. We've gotten sign-offs from highway.

2 MR. BIANCHINE: We have one sewer  
3 hookup back here.

4 MR. PETRAMALE: You said that there was  
5 like one or two utilities that hadn't been  
6 hooked in.

7 MR. LYONS: Joe, did he contact you or  
8 maybe Berry? They are looking to do  
9 improvements to Consaul Road, kind of  
10 similar to what they did to the northern  
11 part of Sand Creek Road; mill it, resurface  
12 it and so forth.

13 MR. PINKANS: My name is John Pinkans  
14 and I live at 19 Consaul Road. If this is  
15 only a right turn out, people won't be able  
16 to turn here (Indicating)?

17 MR. BIANCHINE: It hasn't changed now  
18 but it will change in this plan.

19 CHAIRPERSON DONOVAN: It will change so  
20 that people can take a right turn in to the  
21 complex.

22 MR. PETRAMALE: Are you losing the  
23 parking right there, Joe?

24 MR. BIANCHINE: No, we're losing a tree  
25 there. We have to take that one tree down in

1 the corner.

2 CHAIRPERSON DONOVAN: And you're  
3 putting some type of a barrier up there too;  
4 is that correct?

5 MR. BIANCHINE: We're putting a median  
6 barrier in there so that they cannot take a  
7 left out of there.

8 FROM THE FLOOR: Will it be a fake one  
9 like they did the last time, or a concrete,  
10 or raised one?

11 MR. BIANCHINE: No, it will be raised  
12 and you will know if you go over it.

13 MR. LACIVITA: Before we put this to  
14 vote, Jean, should we just read in the three  
15 conditions that we talked about?

16 MR. LYONS: This is just renewal of  
17 concept as well as action.

18 CHAIRPERSON DONOVAN: Okay renewal of  
19 concept and action on acceptance of final  
20 plans.

21 Joe?

22 MR. LACIVITA: I just have down that  
23 one of the conditions would be that the  
24 patio in the back would close at 11:00 pm.

25 MR. LYONS: And the restaurant?

1 MR. LANE: No just the patio.

2 MR. LACIVITA: The patio for the  
3 restaurant. The restaurant is closing?

4 CHAIRPERSON DONOVAN: I would like to  
5 see the restaurant close at 11:00, myself.

6 MR. NARDACCI: So would I.

7 CHAIRPERSON DONOVAN: Yes, because  
8 after 11:00, it becomes more bar like.

9 MR. NARDACCI: If he had a Subway,  
10 they're probably going to close at 8:00 or  
11 9:00 anyway.

12 MR. LACIVITA: So the next one would be  
13 no parking signs west side of the entry way  
14 for in the back and we're going to weight  
15 limit the road.

16 MR. FEIN: West or east on the back?

17 MR. LACIVITA: West, from the property  
18 line.

19 MR. LYONS: And that's prior to a  
20 second restaurant going in.

21 CHAIRPERSON DONOVAN: That's right. If  
22 we can't do that, then the second restaurant  
23 can't be placed in there.

24 So, you were going to do some internal  
25 signage with the trucks.

1 MR. BIANCHINE: There are no truck  
2 signs here (Indicating).

3 MR. LYONS: They are on the plans.

4 CHAIRPERSON DONOVAN: Tom, you said  
5 something about limiting the piping of music  
6 out to the patio?

7 MR. NARDACCI: Yes.

8 MR. LACIVITA: Yes.

9 FROM THE FLOOR: And no restaurant  
10 delivery?

11 CHAIRPERSON DONOVAN: You're right. It  
12 can't be similar to a pizza parlor. There  
13 will be no deliveries.

14 I think that hopefully that's a balance  
15 that we can live with. We'll see. I don't  
16 live there but I've traveled there and I do  
17 know that Consaul - it's a problem that the  
18 road is so narrow and winding. Hopefully  
19 this will rectify the problem.

20 The square footage of the restaurant  
21 cannot exceed 2,500 square feet.

22 MR. PETRAMALE: Would the town ever do  
23 what the village has done down on Morella  
24 and Delafield?

25 CHAIRPERSON DONOVAN: Are you talking

1 about speed bumps?

2 MR. PETRAMALE: Yes.

3 CHAIRPERSON DONOVAN: I have never seen  
4 speed bumps in the town. I doubt that they  
5 would do that.

6 MR. LYONS: That's something that the  
7 Town Board would have to address.

8 CHAIRPERSON DONOVAN: Elena wanted to  
9 clarify that the there will not be a  
10 nightclub or a bar.

11 MR. LYONS: The restaurant can sell  
12 alcohol but it's not to be a bar or a  
13 nightclub.

14 CHAIRPERSON DONOVAN: So based on the  
15 conditions, we're looking for a renewal of  
16 concept and then acceptance of the final  
17 plans. Final plan acceptance is contingent  
18 upon requirements that the board has put  
19 through.

20 Do I have a motion on that?

21 MR. NARDACCI: Jean, I'll make the  
22 necessary motion with the stipulations.

23 CHAIRPERSON DONOVAN: Do I have a  
24 second?

25 MR. LANE: I'll second.

1 CHAIRPERSON DONOVAN: All those in  
2 favor?

3 MR. NARDACCI: Aye.

4 MS. VAIDA: Aye.

5 MR. LANE: Aye.

6 CHAIRPERSON DONOVAN: Opposed?

7 MR. SULLIVAN: Nay.

8 CHAIRPERSON DONOVAN: Okay we have four  
9 yes and one no.

10 MR. SULLIVAN: I'm still concerned  
11 about the geometry.

12 CHAIRPERSON DONOVAN: Thank you.

13

14 ***(Whereas the proceeding concerning the above***  
15 ***entitled matter was adjourned at 8:51 p.m.)***

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**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.*

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**NANCY STRANG-VANDEBOGART**

**Dated September 14, 2009**