

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

3 *****

4 BOGHT ROAD APARTMENTS

5 616A BOGHT ROAD

6 SKETCH PLAN REVIEW

7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 matter by NANCY STRANG-VANDEBOGART, a Shorthand
10 Reporter, commencing on October 9, 2012 at 7:12 p.m.
at The Public Operations Center, 347 Old Niskayuna
Road, Latham, New York

11 BOARD MEMBERS:

- 12 PETER STUTO, CHAIRMAN
- 13 TIMOTHY LANE
- 14 LOU MION
- 15 MICHAEL SULLIVAN
- 16 KATHY DALTON
- 17 KAREN GOMEZ
- 18 BRIAN AUSTIN

16

17 ALSO PRESENT:

18 Elena Vaida, Esq., Counsel to the Planning Board

19

20 Victor Caponera, Esq.

21 Chuck Voss, PE, Barton and Loguidice

22 Gary Hoffman

23 Russell Harding

24 Steve Iachetta.

25 Sang Kim, Sang Kim Surveyors, PC

1 CHAIRMAN STUTO: Next item on the agenda is
2 Boght Road Apartments, 616A Boght Road, sketch plan
3 review.

4 I understand that this needs a variance before it
5 can go forward. That puts us in a position of --
6 it's not really before us for consideration, until
7 the variance occurs.

8 MR. LACIVITA: Correct. It's really not a
9 project right now. Anything that this Planning
10 Board says or offers tonight can't be used in order
11 to persuade the Zoning Board, or that the Planning
12 Board agrees to whatever it might be. I think that
13 I would be cautious in how we move our comments
14 this evening.

15 CHAIRMAN STUTO: On that point, for myself,
16 I'm going to ask questions, but I'm not really
17 going to be heavy on the opinions. A separate
18 Board has to make a decision on this.

19 MR. LACIVITA: This location is in the NCOR
20 district which is Neighborhood Commercial Office
21 Residential. It was a former lumber yard, which is
22 currently abandoned. The developers are here this
23 evening to propose a 7,212 square foot 12 unit
24 apartment building. They were before the DCC on
25 September 12th and they are here for sketch plan

1 review just to offer what the site could
2 potentially be at this location.

3 I'll turn it over to Victor Caponera, who will
4 discuss this in brief.

5 CHAIRMAN STUTO: Victor, could you explain
6 what the variance is for? I think that I know. I
7 think that we know that this is a proposal for a
8 12-unit apartment building. Can you explain what
9 the variance is about?

10 MR. CAPONERA: Absolutely. Just as Joe had
11 indicated, this is in a Neighborhood Commercial
12 Office Residential zone. For those of you who
13 don't follow the intricacies of the Zoning Law,
14 that's one of the mixed use zones. The gentleman
15 to your right knows exactly what I'm talking about.
16 This is where in this zone, they allow 100 percent
17 commercial use, but not 100 percent residential
18 use. Therein lies the reason why we have to go in
19 front of the Zoning Board. Even though this is
20 considered a commercial use -- in other words, when
21 you get over three units, it goes from residential
22 to commercial. That's how the Building Department
23 looks at it. The Building Department has already
24 made a determination, in my discussions with Bob
25 Cordell, that it is a NCOR zone and that because

1 we're asking to use this for strictly apartments,
2 that it's therefore considered 100 percent
3 residential use, and therefore we have to get a
4 variance from the NCOR zoning district.

5 Does that make sense?

6 CHAIRMAN STUTO: Then a summary way of saying
7 it is that because there is no commercial -

8 MR. CAPONERA: It's as simple as that. That's
9 why we need a variance.

10 Before I go in front of the Zoning Board, I figured
11 I would come in front of this enlightened
12 jurisdictional Board and ask for your viewpoints on
13 this. This is why I consider this to be a sketch
14 plan review.

15 So, for everyone's knowledge behind me, it's a 1992
16 map that Mr. Kim prepared which shows the
17 pre-existing nine buildings that were on this
18 property when it was a lumbar yard. You really
19 can't see this, but there were a number of buildings
20 on this property. I said nine. The back of the
21 property was the actual -- that's where they saw the
22 wood.

23 Since my clients bought the property and they're
24 with us tonight -- Mr. Harding, can you stand up?
25 We have Mr. Tanski. They had taken down most of the

5

1 buildings and the largest one sits closest to the
2 road right now. That's Boght Road, which is right
3 here (Indicating). You can look at this property.
4 It's very odd shaped. It goes all over the place.

5 Long story short, what they're looking to do is to
6 take down this structure - this warehouse, and we
7 move all the other out buildings that are there - if
8 they haven't already been removed - and put one
9 single apartment building way in the back that would
10 be along the rear part of the property, as shown on
11 your site plan.

12 That's essentially what we're here for. We have an
13 elevation that we proposed. It's what potentially
14 this could look like in terms of the build-out.
15 That's pretty much it and that's what we're here for
16 - to present this for the Board to consider.

17 CHAIRMAN STUTO: Okay, we'll take questions.

18 Kathy?

19 MS. DALTON: Nothing.

20 CHAIRMAN STUTO: Lou?

21 MR. MION: Not at this time.

22 CHAIRMAN STUTO: Brian?

23 MR. AUSTIN: Nothing.

24 CHAIRMAN STUTO: Tim?

25 MR. LANE: Nothing.

6

1 CHAIRMAN STUTO: Mike?

2 MR. SULLIVAN: Nothing.

3 CHAIRMAN STUTO: Karen?

4 MS. GOMEZ: No.

5 CHAIRMAN STUTO: I do have one question.

6 Where is the first floor? In other words, does
7 that go underground - that first floor?

8 MR. CAPONERA: No. It's right here
9 (Indicating).

10 CHAIRMAN STUTO: Is there a basement
11 underneath there?

12 MR. CAPONERA: It's going to be on a slab.
13 So, the first floor is as you see it. There is no
14 basement.

15 CHAIRMAN STUTO: So, it's not like a split
16 level.

17 MR. CAPONERA: No, not at all.

18 CHAIRMAN STUTO: Chuck, have you looked at
19 this?

20 MR. VOSS: We've looked at it briefly, just at
21 the concept level. We attended the DCC meeting and
22 at this time we have no comment.

23 CHAIRMAN STUTO: Okay, we'll wait to see how
24 they do with the variance.

25 MR. CAPONERA: I just wanted to know what the

7

1 Board's feeling was in terms of this use. It is an
2 authorized use in an NCOR zone, just so that
3 everyone knows it. A multifamily is an allowable
4 use.

5 MS. DALTON: Victor, I'm looking at the site
6 plan here. A portion of the property goes out onto
7 Route 9? Where the site is, you have Route 9.

8 MR. CAPONERA: Route 9 is over here
9 (Indicating), and here is Boght Road.

10 MS. DALTON: So, does a portion of the
11 property front on Route 9?

12 MR. CAPONERA: No. The only frontage is on
13 Boght Road. Visualize coming off of Route 9 and
14 taking a left onto Boght. There is some
15 commercial development on that corner. One
16 property in is where this entrance is right here
17 (Indicating). So, there is no frontage on Route 9.
18 The building, as I said, is back here in the back
19 of the property.

20 MR. LANE: Will the building be visible facing
21 the road?

22 MR. CAPONERA: Not very much. That's my
23 opinion. I drove back there last week and it's
24 heavily wooded all around here (Indicating). We
25 have an elevation that was done.

8

1 Don't ask what this red demarcation is. That's the
2 first question I asked Sang and he said it doesn't
3 mean anything.

4 Anyway, the property is here and you can kind of
5 see the wooded area around.

6 Sang, the building would be in this location?

7 MR. KIM: Here (Indicating).

8 MR. CAPONERA: And you can see the warehouses
9 presently there.

10 Kathy, you can see Route 9 here and you can see
11 where the entrance is right here (Indicating), so
12 there is no frontage on Route 9.

13 MS. DALTON: We're wondering what the business
14 is on the corner.

15 MR. CAPONERA: I don't know.

16 MR. LACIVITA: That's a vacant parcel.

17 MR. CAPONERA: Do you know what the use is?

18 MR. IACHETTA: Steve Iachetta. The corner to
19 the northwest is the Freihofer Thrift Store, Boght
20 Firehouse, Cumberland Farms and this is the former
21 Murray Hotel and it's vacant. This is the subject
22 and former lumbar yard since 1940.

23 MR. CAPONERA: And where is your property, Mr.
24 Iachetta?

25

MR. IACHETTA: I own two sides; to the north

Legal Transcription
Ph 518-542-7699 Fax 518-831-1710
www.albanylegaltranscription.com

9

1 and to the west of the subject. I'm here to
2 support the project this evening. I submitted a
3 letter.

4 MR. MION: That would be my question. Have
5 you reached out to the neighbors?

6 MR. CAPONERA: We have.

7 MR. HARDING: Yes, and everyone has been in
8 favor of it.

9 CHAIRMAN STUTO: Chuck, as we go forward, can
10 you look at alternatives for parking structure?
11 This appears to be a rectangle with three doors.

12 MR. VOSS: Correct. In terms of the overall
13 design, layout -

14 CHAIRMAN STUTO: I do have a question. What
15 type of tenant do you expect to attract there?
16 What do you expect the rental to be, and the square
17 footage.

18 MR. HARDING: The rents are \$1,300 a month.

19 CHAIRMAN STUTO: How big are the apartments?

20 MR. HARDING: About 1,100 square feet.

21 CHAIRMAN STUTO: Is that three bedroom?

22 MR. HARDING: No, only two bedrooms; no three-
23 bedrooms.

24 CHAIRMAN STUTO: Have alternative designs been

25 submitted?

Legal Transcription
Ph 518-542-7699 Fax 518-831-1710
www.albanylegaltranscription.com

10

1 MR. CAPONERA: This is the first one.

2 CHAIRMAN STUTO: Have they been considered?

3 MR. CAPONERA: Of course.

4 CHAIRMAN STUTO: Some of the apartments that I
5 see -- I'm not an expert in this and that's why I
6 need Chuck's help, but that appears to be a very
7 simple construction in the sense that it's a long
8 rectangle. Some of the newer ones - the ones that
9 I see off of Wolf Road as I travel south on Albany
10 Shaker Road - I think that it's in the Village of
11 Colonie - it appears to have multiple entrances on
12 all sides and also the Paddocks - you see that as
13 you go up the Northway going north in the Saratoga
14 area. They have garages and so forth, I understand
15 that.

16 MR. CAPONERA: We're very open to that. This
17 was just a preliminary drawing. I've already
18 explained to my client the intricacies of the
19 design standards in the zone. So, we're mindful of
20 that. This was just the first look. I'm mindful
21 of what you said, Mr. Chairman, and certainly we're
22 going to undertake that. We'll work with Chuck.
23 Again, we still have to get through the Zoning

24 Board.

25 CHAIRMAN STUTO: Anybody else?

Legal Transcription
Ph 518-542-7699 Fax 518-831-1710
www.albanylegaltranscription.com

11

1 (There was no response.)

2 CHAIRMAN STUTO: I don't want to offer any
3 comment whether I'm in favor of it or not because
4 it's a matter that has to go in front of the Zoning
5 Board first.

6 MR. CAPONERA: I understand that and I
7 wouldn't take this to the Zoning Board and say,
8 this is what the Planning Board says. I wanted to
9 make sure that this Board had a look at this before
10 we went to the Zoning Board. They charge big money
11 in front of that Board, rather than coming here.

12 CHAIRMAN STUTO: We appreciate that and the
13 more times that we see it and the more familiar we
14 get with it, we can get some little issues out of
15 the way, if we can.

16 MR. CAPONERA: Okay, thank you very much for
17 your time.

18

19 (Whereas the proceedings were concluded at
20 7:24 p.m.)

21

22

23

24

25

Legal Transcription
Ph 518-542-7699 Fax 518-831-1710
www.albanylegaltranscription.com

12

1

CERTIFICATION

2

3

I, NANCY STRANG-VANDEBOGART, Shorthand Reporter and

4

Notary Public in and for the State of New York,

5

hereby CERTIFY that the record taken by me at the

6

time and place noted in the heading hereof is a true

7

and accurate transcript of same, to the best of my

8

ability and belief.

9

10

11

12

13

NANCY STRANG-VANDEBOGART

14

15

16

Dated October 15, 2012

17

18

19

20

21

22

23

24

25

Legal Transcription
Ph 518-542-7699 Fax 518-831-1710
www.albanylegaltranscription.com